

Bihar School Examination Board (Senior Secondary)

**AFFILIATION BYE-LAWS**

**CHAPTER-I**

**1. Short Title.**

- (i) These Bye-laws shall be called Bihar School Examination Board Affiliation Bye-laws.
- (ii) These Bye-laws shall come into force from 01/07/2011

**2. Definitions :** In these Bye-laws, unless the context otherwise requires :

- (i) "Affiliation" means formal enrolment of a school among the list of approved schools of the Board following prescribed/ approved courses of studies up to class XII as well as those preparing students according to prescribed courses for the Board's examinations.
- (ii) "Affiliation Committee" means Affiliation Committee of the Board.
- (iii) "Board" means the Bihar School Examination Board.
- (iv) "Chairman" means the Chairman of the Bihar School Examination Board.
- (v) Director (Academic), means the Director (Academic) of Bihar School Examination Board.
- (vi) "Secretary" means the Secretary of the Bihar School Examination Board.
- (vii) "Examination" means examination conducted by the Board.
- (viii) "Extension" means extension of affiliation granted to the school by the Board.
- (ix) "Affiliation Fee" means charges payable by the schools to the Board in connection with affiliation.
- (x) "School Management Committee" means the committee for managing the school.

- xi) "Government Aided School" means school receiving grant-in-aid from the Union Government/ State Government.
- xii) "Government School"/ Nationalised school (Rajkiyakrit Vidyalaya) means a school controlled by the Department of Education of the State Government.
- xiii) "Grant-in-aid" means aid in the form of maintenance from the Central Government or State Government or Local Authority as the case may be.
- xiv) "Head of Institution" means the Principal/ Headmaster of a Senior Secondary or Secondary School affiliated by the Board.
- xv) "Institution" means an educational institution affiliated by the Board.
- xvi) "Kendriya Vidyalaya" means a school run by Kendriya Vidyalaya Sangathan, an autonomous organisation under the Ministry of Human Resource Development of the Government of India.
- xvii) "Jawahar Navodaya Vidyalaya" means a school run by the Navodaya Vidyalaya Samiti of the Government of India.
- xviii) "Parents-Teachers Association" means an association of the parents and teachers of a particular school.
- xix) "Private Unaided School" means a school run by a Non Government Organisation.
- xx) An autonomous Secondary and Senior Secondary Schools means such schools recognised by State Government and is run under the approved rule / guideline formulated by State Government.
- xxi) "Reserve Fund" means fund created by the school authority as per requirement of the Board having its account in a Post Office/ Nationalised Bank in the joint names of the Secretary, Bihar School Examination Board/ the Manager of the school concerned.
- xxii) "Senior Secondary School" means school preparing students for both the Secondary (Class-x) and Senior Secondary School Certificate (Class-XII) Examination of the Board or for Senior School Certificate (Class-XII) Examination only.
- xxiii) "Secondary School" means school preparing students for the Secondary School (Class-X) Examination of the Board.

- xxiv) "School run by Public Undertaking" means a school run by the Public Sector Undertaking wholly financed by that undertaking.
- xxv) "Composite Affiliation" means affiliation from Class IX to XII.
- xxvi) "Session" means the period of twelve months duration, i.e. normally from the month of April of the current year to the month of March of the following year.
- xxvii) "Teacher" means a person in the employment of an institution affiliated with the Board for teaching purposes.
- xxviii) "Up gradation" means up gradation of secondary school to senior secondary stage i.e., Classes X to XI and XII.
2. Words importing the singular number will also include the plural number and vice versa.
  3. Words importing the masculine gender will also include the feminine gender.

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## CHAPTER-II

### 3. Conditions for Affiliation

1. The Board may consider for affiliation of the following categories of schools within the State of Bihar.
  - i) Government or Government aided schools;
  - ii) Schools directly governed/managed by Government Departments.
  - iii) Schools directly managed by Public Sector Undertakings or by reputed societies for Public Sector Undertakings under the financial control of such Public Sector Undertakings or by Societies formed by such Undertakings.
  - iv) Private, unaided schools established by a Non government Organisation under the Societies Registration Act, 1860 of the Government of India or under Acts of the State Governments as educational, charitable or religious societies having non-proprietary character or by Trusts.
  
2. Applications for affiliation may be considered under the following four categories :
  - i) Affiliation of a secondary school.
  - ii) Up-gradation/ Affiliation of a school for senior secondary stage.
  - iii) Composite Affiliation.

NOTE : The Board may grant Affiliation to schools in vocational courses subject to fulfillment of conditions provided in clause 11(7) of these Bye-Laws.
  
3. Any educational institution in Bihar which fulfils the following minimum essential conditions can apply to the Board for affiliation:
  - i) The school seeking Affiliation with the Board shall have to apply in a prescribed Performa and shall contain the following information for the consideration of the Board.
  - ii) a) The School owns and possesses at least 1158 sq. mtr. (029 acers) of land for physical infrastructure and has the minimum play ground area of 1 acre.

For school in Urban area a play ground may be shared between two or three schools.

- b) The complete details of the Members/ Secretary/ Chairman of the Society/ Management/ Trust which is managing the school.
- c) The school must have qualified teaching staff as per the norms of the Board.
- d) In cities the land should not be less than one acre with adequate building & arrangement with other institution/ organization for imparting Physical & Health Education and for conducting games, to the satisfaction of Affiliation Committee. In case of lease, it will be accepted if it is for at least 30 years. Provided further that in case of any portion which is leased out below 30 years, such case may be considered provided that land has been allotted by the Govt. or Govt. Agencies and it is as per the Law of the land. In all such cases school should have at least one acre of land by ownership or by lease for 30 years and in all case the total land area should not be less than about 2 acres.

e) Physical Infrastructure

The total floor space area of a Secondary/ Senior Secondary School should be 1110 sq. mtrs (0.27 acres), broadly distributed as follows :

Classroom for secondary classes (6 nos., each of 40 sq. mtrs.)	240 sq. mtrs.
Classroom for senior secondary classes (6 nos., each of 35 sq. mtrs.)	210 sq. mtrs.
Headmaster's room (1 no.)	30 sq. mtrs.
Staff room for 20 teachers (1 no.)	50 sq. mtrs.
Laboratory (3 nos., each of 50 sq. mtrs.)	150 sq. mtrs.
Computer room (1 no.)	50 sq. mtrs.
Mathematics room (1 no.)	50 sq. mtrs.
Library room (1 no.)	50 sq. mtrs.
Multipurpose rooms (2 nos. each of 25 sq. mtrs)	50 sq. mtrs.

Games equipment room (1 no.)	30 sq. mtrs.
Storeroom	40 sq. mtrs.
Medical room (1 no.)	20 sq. mtrs.
Administration room (1 no.)	20 sq. mtrs.
Veranda	150 sq. mtrs.
Toilet for students (4 nos. each of 2.5 sq. Mtrs.)	10 sq. mtrs.
Toilet for staff members (2 nos. each of 2.5 sq. Mtrs.)	5 sq. mtrs.
Cemented space for tube well	5 sq. mtrs.
Staff quarters for guard	30 sq. mtrs.
<b>Total</b>	<b>1110 sq. mtrs.</b>

- f) The school must have the needed furniture, equipment and facilities (at least the minimum prescribed by the Board) for Sciences, Home Science, Technical subjects, Vocational subjects and various activities under Work Experience and Art Education.
- g) A part from the building specification which have been mentioned about each secondary/ Senior Secondary School should have at-least 25 Computer with Internet Connectivity.
- h) All Secondary/ Senior Secondary Schools should have : Boundary walls (pucca); Ramps to provide access to disabled children; Tube wells with overhead tanks (2 nos.) Sewerage and Sanitation Facilities; Electrification; and Fire Safety Measures.
- i) The school should scrupulously observe prescription from the Municipal Authority regarding drinking water and fire safety precaution in the school. A certification from the Municipal/ Fire Authorities regarding sanitary conditions and water/fire safety should be submitted along with the application. A fresh certificate regarding fulfillment of these requirements should be obtained and submitted to the Board every five years.
- j) The School should have adequate facilities for providing recreation activities and physical education as well as for conduct of various activities and programmes for developmental education and for the social, cultural and moral development of the students and for safeguarding their health.

Provided that the aforesaid condition may be relaxed by the Board in case of non-availability of school in particular area or place. The

affiliation committee shall have powers to relax the condition of affiliation in case of women's institutions.

#### **4. Access**

- a) Senior Secondary Schools should be provided within five kilometers of every habitation.
- b) All secondary level classes, i.e. from Class IX to XII will be combined in a single school, called the Senior Secondary School. In both the secondary education classes, i.e. IX and X, there will be three sections each. Each section will accommodate 40 students.
- c) In both the senior secondary education classes, i.e. Classes XI and XII, there will again be three sections each, to cater to the three streams of education - humanities, science and commerce. If there is demand for some stream, the stream may have more than one section, depending on the demand.

#### **4. Last Date for Submission of Applications**

1. Application in the form prescribed for (a) affiliation of a secondary school, (b) up-gradation of the school for senior secondary stage as the case may be, along with the prescribed fee should reach the Board's office latest by 30th June of the year preceeding the session from which approval of syllabus / affiliation / up-gradation is sought.
2. The Chairman of the Board may in appropriate cases entertain an application even after the last date of submission of application.

#### **5. Society/ Trust running the School**

1. In case of schools belonging to category 3(1)(b) there should be a properly constituted Registered Society/ Trust. It should be of a non-proprietary character and its constitution be such that it does not vest control in a single individual or members of a family. The aims of the society/trust should be as laid down under clause 16 of these Bye-Laws.
2. Formation of the Society/ Trust should also conform to the rules prescribed in this regard by the State Government.

#### **6. School Management Committee**

There shall be managing committee constituted for every school recognized for Secondary/ Senior Secondary school except school managed or maintained by the State Government which will have separate managing committee as notified by State Government.

## **7. Financial Resources**

1. The school must have sufficient financial resources to guarantee its continued existence.
2. No part of income from the institution shall be diverted to any individual in the Trust/ Society/ School Management Committee or to any other person. The savings, if any, after meeting the recurring and non-recurring expenditure and contributions to development, depreciation and contingency funds may be further utilized for promoting the school. The accounts should be audited and certified by a Chartered Accountant and proper accounts statements should be prepared as per rules. A copy each of the Statement of Accounts should be sent to the Board every year.
3. The channeling of funds by the management to person (s) or enterprise other than for furthering education in the school will contravene the rules governing affiliation and call for appropriate action by the Board.

## **8. Library**

1. The Library should be well equipped and should have at least five books (other than textbooks) per student in its stock subject to a minimum of 1500 at the beginning. In the selection of books, newspaper and magazines norms of guidelines provided by the Board should be followed and purchases should be made in consultation with the subject teachers.
2. The Library shall not contain any book or other forms of literature that espouse or propagate communal disharmony or casteism or discrimination based on religion, regions or language etc. The school should not stock in the library any book disapproved by the Government/ Board.

## **09. Fees**

1. Fees charges should be commensurate with the facilities provided by the institution. Fees should normally be charged under the head prescribed by the Department of Education of the State for schools of different categories. No capitation fee or voluntary donations for purpose of seeking admission in the school or for any other purpose will be charged/ collected in the name of the school. In case of such malpractices, the Board may take appropriate action leading to disaffiliation of the school.
2. In case a student leaves the school for such compulsion as transfer of parents or for health reason or in case of death of the student before completion of the session, pro-rata return of quarterly/ term/ annual fees should be made.
3. The unaided schools should consult parents through parents representative before revising the fees. The fees should not be revised during the mid session.

## **10. Admission of Students**

Admission in the school affiliated to the Board shall be made without any distinction of religion, caste and creed admission of SC/ST/OBC students shall be governed by the prevailing Reservation laws of the State Government for the time being in force.

## **11. Miscellaneous**

1. The school seeking Board's affiliation/already affiliated to it shall be open to inspection by the Inspection Committee deputed by the Board, the Education Department and the Health Department Authorities.
2. The school shall supply information and returns called for by the Board/ State Government within the prescribed time given for its furnishing to the authority concerned.
3. The building and furniture of affiliated Institutions shall be placed at the disposal of the Board for conducting any examination and spot evaluation free of charge. The Management and the Principal shall cooperate with the Board in the conduct of examinations and evaluation of scripts. If asked by the Board, the School shall provide atleast one examiner in each subject offered by the school and more than one, if

more than 200 students have been sent for the examination. In case they fail to do so, the Board shall have the right to take appropriate action including initiating action for disaffiliation of the school. However, the size of the school will be taken into account before such a condition is imposed in order to avoid disruption of academic work in the school.

4. The school shall maintain records of attendance of all students in Secondary/ Senior Secondary classes for purposes of admission to the Board's examinations. The entries in these registers shall be properly checked at the end of each session and signed. The attendance registers shall be open to inspection by the officers of the Board/ Inspection Committee.
5. The school shall arrange the medical check-up of the students at least once a year and keep a proper record of the same.
6. The school shall take steps to ensure that valued education with particular emphasis on National Integration is imparted to students through teaching various subjects and activities in the school curriculum.
7. In the interest of promoting Vocational Courses, schools/ colleges may be permitted to have limited affiliation of the Board for Vocational Courses only, subject to the condition that they would fulfill the other conditions of the Affiliation Bye-Laws including the curriculum prescribed by the Board.

Provided further that the school/colleges will impart education on Vocational Courses in collaboration with such organizations/ industries which are directly concerned with the particular Vocational Courses of study and are available at reasonable distance.

8. The Board and the State Government may conduct an audit of the funds of the school as and when it thinks necessary.
9. Board's Examination :
  - i) It is mandatory for a school affiliated to Board to follow the Examination Bye-laws of the Board in Toto.

## **12. One Time Affiliation Fee**

An institution seeking approval of affiliation etc. must pay the prescribed fee as given below along with the application in a Bank draft in favour of the Secretary, Bihar School Examination Board, Budh Marg, Patna

<i>Enrolment of students from Ist and onwards</i>	<i>Amount of Reserve Fund</i>
Upto 500	Rs. 75,000/-
from 501 to 750	Rs. 1,00,000/-
Above 751	Rs. 1,50,000/-

Provided that this condition shall not be applicable to an institution established and run by the State Government.

### **13. TRANSFER/ SALE OF SCHOOL**

The Board would not allow any transfer/ sale of school or school property by one Society/ Management/ Trust to another Society/ Management/ Trust through agreement sale deed. In case such transaction is effected explicitly or implicitly, the Board shall withdraw its affiliation with immediate effect.

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## CHAPTER-III

### 14. Submission of Applications for Affiliation and Follow-up Action

1. The school fulfilling the norms of Affiliation given in Chapter-II may apply to the Board for approval of Affiliation/ Up-gradation and Composite Affiliation of Senior Secondary Classes on the prescribed form along with prescribed fee given in Appendix II before 30 June of the year, preceding the year in which Class IX/ XI as the case may be in proposed to be started.
2. Before applying, the school should ensure that it fulfils the essential requirements will be considered in case the essential requirements of affiliation as given in clause 3 of Chapter II. No application will be considered in case the essential requirements are not fulfilled by the School.
3. On receipt of applications, the Board will examine the documents on various conditions and in case it observes that the school fulfils the essential conditions an inspection committee will be appointed in order to assess the suitability of the school for affiliation of the school with Board for classes applied for.
4. In case on scrutiny of application, it is found that the school does not fulfill the minimum conditions, it will be informed accordingly and no further action will be taken by the Board till the essential conditions are fulfilled to the satisfaction of the Board.
5. **Committee of Affiliation**

A committee of affiliation shall be constituted by the Board for granting and withdrawing affiliation of Secondary and Senior Secondary School established by Non-government Organisations. The committee of affiliation shall consist of following :

- i) Chairman of the Board.
- ii) Secretary, Bihar School Examination Board or his nominee.
- iii) A person to be nominated by Board.

The Chairman of the Board shall function as the Chairman of the committee and the Secretary of the Board shall function as Secretary of the Affiliation Committee.

When the Board is superseded under section 10 A of the Bihar School Examination Board Act, 1952; the Administrator appointed by notification for carrying out the functions of the board shall function as Chairman of the Committee.

6. If any dispute arises out of the functioning of the committee or any person dissatisfied with the decision of the board may within 30 days of the communication of such decision prefer appeal before the authority as mentioned in sub section (4) of section-10 (b) of Bihar School Examination Board Act- 1952 as amended from time to time and its decision shall be final and binding upon the parties.
7. The Affiliated institutions shall not claim any grant from the Government. The Government shall not take over such institutions.
8. The inspection report along with observations of the office will be placed before The Affiliation Committee of the Board at its next meeting to decide whether the school be granted affiliation, as the case may be. The decision about grant of affiliation etc. will be communicated to the school immediately after the approval of Affiliation Committee. Provided that in appropriate cases the said conditions can be relaxed by the Chairman of the Board. Subject to the conditions that the school will make fresh applications for affiliation for the Secondary classes or Senior Secondary Classes on the prescribed form in accordance with the Bye-laws and conditions for Affiliation/ Up-gradation even when session has been started.
9. The school should not start classes of IX/ XI without written approval of the Board. The Board shall not be responsible for any consequence in case class IX/ XI is started without written approval of the Board.
10. Those schools which satisfy all the conditions of the affiliation Bye-Laws including that of the land will be given affiliation for a period of three years and renewable thereafter subject to compliance of the conditions of such affiliations and provisions of the Act and Bye-Laws.
11. Notwithstanding anything contained hereinabove, any Branch (es) or Units (s) of a School/ Group of School (s) affiliated/ seeking affiliation to the Board shall not be deemed to be affiliated to the Board even if such main school seeking Affiliation stands affiliated to the Board unless such Branches/ Units apply afresh and are granted affiliation by the Board as provided heretofore.
12. Request for extension of Affiliation for Secondary/ Senior Secondary classes shall be made by the School Authority by 30 June of the preceding year in which the affiliation expires.

## CHAPTER-IV

### 15. Withdrawal of Affiliation

#### Affiliated School

1. Affiliation may be withdrawn by the Board either in a particular subject or in all subjects. Institution imparting secondary education may be disaffiliated if the Board is satisfied that such institutions are not fit to enjoy continuing affiliation to the Board.
2.
  - i) The non Government recognized secondary schools were taken over on 02-10-1980 vide Bihar non Government Secondary School (taking over of management and control) Act 1981. Such schools shall be deemed to have seen affiliated to the Board for the purposes of secondary examination
  - ii) The proposed secondary schools which were recognized and taken over after 02-10-1980 shall be deemed to have been affiliated to the Board for the purposes of secondary examinations.
  - iii) The proposed schools which were recognized under section 18 and 19 of Bihar non Government Secondary School (taking over of management and control) Act, 1981 as proprietary schools shall also be deemed to have been affiliated to the Board for the purposes of secondary examinations.
  - iv) The non Government recognized secondary schools which were recognized prior to 02-10-1980 or after 02-10-1980 and later on declared minority aided secondary school, shall be deemed to have been affiliated to the Board for the purposes of secondary examinations.
  - v) All the Boys and Girls Government Secondary Schools shall be deemed to have been affiliated to the Board for the purposes of secondary examinations.
3. Proceedings for withdrawal of affiliation may be initiated by the Board after reasonable notice to the school Management Committee of non observance of the following conditions by the schools:
  - i) Financial irregularities including diverting of funds for purpose other than those provided for in these Bye-laws.

- ii) Engagement in activities prejudicial to the interest of the State, inculcating or promoting feelings of disloyalty or dis-affection against the Government established by law.
  - iii) Encouraging or tolerating disharmony/ hatred between different sections of the Society.
  - iv) Non-fulfillment of conditions laid down regarding deficiencies to be removed even after due notice.
  - v) Disregard of rules and conditions of affiliation even after receiving warning letters.
  - vi) Hindrance in the smooth functioning of the school on account of dispute between rivalries within the school management.
  - vii) Poor academic performance of the school for three consecutive years in not being able to kept at least 50 percent of passes of the general pass percentage.
  - viii) Non-availability of proper equipment/ space/ staff for teaching a particular subject.
  - ix) Any other misconduct in connection with the admissions/ examinations/ any other area which in the opinion of the Board warrants immediate disaffiliation of the school.
  - x) In case of transfer of property/ sale of school by one Society/ Management/ Trust to another Society/ Management/ Trust through agreement/ Sale deed.
  - xi) Any violation of the norms that have been prescribed by the Hon'ble Supreme Court of India in the writ petition (Criminal) nos. 666-70 of 1992 Vishaka and others V/s State of Rajasthan and others delivered on 13-08-1997 for protection of women from sexual harassment at the work place if established would attract strict action against the institution which may even lead to disaffiliation.
  - xii) Violation of the provisions of sub-clause 3 of chapter II.
4. The Board shall provide adequate time and opportunity to the Management of the school served with a "Show Cause Notice" upto a maximum of one year for adequate compliance/removal of defects failing which the Board may declare the institution disaffiliated. Such

decision by the Board shall be final and binding. The maximum period of reply to "Show Cause Notice" may not exceed one month.

5. Mere submission of application form for affiliation or its pendency with the Board shall not entitle any school a right "to be affiliated to the Board" nor will it resort to do anything in any manner which may create any wrong impression in the public mind to this effect.
6. Within the general framework of Clause 15 of Chapter-IV, the Board reserves the right to withdraw affiliation in the event of a school failing to observe affiliation norms and rules and/or the pass percentage in most of the subjects goes lower than the pass percentage of each subject at the examinations of the Board, continuously for three years. the Board will ask such a school to rectify the deficiencies in the given adequate time (6 months to one year). If the school fails to show improvement, it will lose the status of an affiliation school and will revert to a disaffiliated school status.
7. In the event of a school failing to maintain the prescribed norms for affiliated schools and/or rules of the Board and/or the school deteriorates in standards of performance, the Board will ask such a school to rectify the deficiencies and come upto standard prescribed for maintaining affiliation within a period not exceeding one year. If the school fails to meet the requirement it may lose the status of an affiliated school and may be dis-affiliated, if considered necessary by the Board.
8. In case a school is subjected to disaffiliation and if files application for revival of the affiliation within five years of such disaffiliation, its case shall be considered on merits by the Affiliation Committee without charging fresh fee for affiliation. However, repeated violation of the Bye-laws will lead to permanent disaffiliation of the school.

## CHAPTER-V

### SOCIETY/ TRUST RUNNING THE SCHOOL

#### 16. Role/ Aims of Society/ Trust

1. The Society/ Trust running the school has a critical and key role to play in providing a good and healthy climate to the school to fulfill its aims and objects to enable the staff provide quality education and to be a center for educational excellence. To achieve this aim, the role and responsibilities of the Society/ Trust are defined as under :
  - i) It should ensure that the school gets proper land, building equipment, furniture and qualified staff at least as per norms of the Board.
  - ii) It shall ensure that the school is run as a community service and not as a business and that commercialization does not take place in the school in any shape whatsoever.
  - iii) It shall ensure that the funds accruing from the school are spent for the benefit of the school and for its expansion.
  - iv) It shall safeguard the autonomy of the Principal and provide him total support except when the Principal goes against the established and clear directive laid down by the management.
  - v) It shall have control over the school management committee and shall approve the budget/ tuition fees and annual charges etc., for the school.
  - vi) It shall have control over any capital expenditure i.e., on land and the construction of building, its expansion and procurement of major equipments for the school.
  - vii) It shall generate funds for the needs of the school whether it is recurring or non-recurring.
  - viii) It shall ensure that the school has the basic essential facilities such as Laboratory equipment, equipment for games and sports and other co-curricular activities, Library books etc.

- ix) It shall have the power to constitute Selection Committee/ Departmental Promotion Committee for various categories of staffs.
  - x) It shall have powers to lay down conditions of service as per norms of Board/ Government and to approve promotion/ appointment/ termination of the employees as well as to grant special increments or rewards to the staff.
2. The Society/ Trust will ensure that the school is running as per the provisions of the Education Act/ Affiliation norms and shall be committed to provide quality education to the children and for this shall take necessary steps as per its needs.

### **17. School Managing Committee, Its Constitution, Power and Functions**

1. Schools other than Government schools affiliated with the Board shall have a school Managing Committee.
2. The School Managing Committee should consist of the following as per Board's norms :-
  - a) the managing committee of a recognized aided school shall consist of not more than fifteen members; and the managing committee of a private unaided school shall consist of not more than twenty one members;
  - b) subject to the total number of members specified in clause (a), every managing committee shall include the following namely :-
    - i) the Head of the school He will be a Member Secretary of the School Managing Committee.
    - ii) two parents of students in the school;
    - iii) two teachers of the schools;
    - iv) two other persons (of whom one shall be women); who are, or have been, teachers of any other school or of any college, to be nominated by the Trust/ Society/ Board.
    - v) two members, from out of a panel recommended by the Trust/ Society to be nominated by the Board. If the Panel is not accepted

fresh panel may be asked. The names recommended should not be below the rank of a Principal of a Sr. Sec. School;

- vi) the remaining members to be nominated or elected as the case may be, in accordance with the rules and regulations of the Society or trust by which the school is run.
- vii) \*No Head Master/ Principal shall be appointed in the school who is related to any member of the School Managing Committee.

For the purpose of this rule, the relation includes the following -

Brothers, Sisters, Husband, Wife, Son, Daughter, Son in-law/daughter in-law.

Provided further that the above provisions shall be implemented with immediate effect and those affiliated earlier and not complying with above provisions shall be required to take remedial measures with suitable qualified substitutes within a year positively.

Provided further that any violation of rules will lead to the disaffiliation of the school.

- 3. The term of the members of the Managing Committee shall be three years. A member can be re-nominated for another term but a member cannot remain in office for more than two consecutive terms except ex-officio members and the members of the Trust/ Society of the School. The duties, power and responsibilities of the School Managing Committee shall be as follows and it shall function subject to the control and in accordance with the policy of the Society/ Trust.

## **18. Powers and Functions of the School Management Committee**

Subject to overall control of the Society/ Trust, the School Managing Committee shall have the following powers/ functions :

- i) It shall have the power to supervise the activities of the school for its smooth functioning.
- ii) It will work according to the specific directions given by the Society regarding admission policy. However, admissions will be made as per

- merit without discretion on the basis of caste/ creed/ religion and region.
- iii) It shall look into the welfare of the teachers and employees of the school.
  - iv) It shall evolve both short-term and long-term programmes for the improvement of the school.
  - v) It shall have the powers for making appointment of teachers and non-teaching staff.
  - vi) It shall exercise financial powers beyond those delegated to the Principal within the budgetary provision of the school.
  - vii) It shall have the power to take stock of academic programmes and progress of the school without jeopardizing the academic freedom of Principal.
  - viii) It shall guide the Principal to maintain tone and discipline in the school.
  - ix) It shall ensure that the norms given in the Act of the State and by the Board regarding terms and conditions of service and other rules governing recognition/ affiliation of the school are strictly adhered to.
  - x) It should ensure that the school gets Furniture, Science equipment, Library books and other teaching aids and the requisite sports material in adequate quantity and on time.
  - xi) It shall exercise powers to take disciplinary action against staff.
  - xii) It shall have powers to sanction leave to the Head of the Institution including casual leave.
  - xiii) It shall ensure that no financial irregularity is committed or any irregular procedure with regard to admission/ examination is adopted.
  - xiv) It shall have the power to propose to the Society rates of tuition fees and other annual charges and also review the budget of the school presented by the Principal for forwarding the same to Society for approval.
  - xv) The Managing Committee will meet at least twice in an academic session.

**19. Manager/ Correspondent of the school- duties, Powers and Responsibilities**

- i) The Manager/ Correspondent will be an important and necessary link between the Trust/ Society and the school.
- ii) He should ensure that the directions from the Society are conveyed to the School Managing Committee and to the Head of the Institution properly.
- iii) He will exercise general supervision over the school, subject to the control of the Managing Committee.
- iv) He shall exercise such financial powers as are prescribed in the Scheme of Management and delegated to him.
- v) He shall sign on the appointment letters, letters for disciplinary action against the staff and termination, and suspension letters etc. on behalf of the Managing Committee.
- vi) He shall not interfere with the Head of the school in discharge of his responsibilities and duties.
- vii) All letters concerning affiliation/ recognition shall be countersigned by him.

**20. Head of the School - Duties, Power and Responsibilities**

- i) Head of the School/ Principal will be the ex-officio. Hony. Secretary of the School Managing Committee.
- ii) Will function as, the Head of the office of the school under his charge and carry out all administrative duties required of a head of office.
- iii) Will be the drawing and disbursing officer for the employees of the school except that in the case of an unaided school, he may perform only such function, as drawing and disbursing officer as may be specified in the instructions issued by the Society.
- iv) Be responsible for the proper maintenance of accounts of the school, school records, service books of teachers, and such other registers, returns and statistics as may be specified by the Society/ Board.

- v) Handle Official correspondence relating to the school and furnish, within the specified dates, the returns and information required by the State Government/ Board.
- vi) Make all payments (including salaries and allowances of teachers and other non-teaching staff) in time and according to the instructions governing such payment.
- vii) Ensure that the tuition fees, as levied, are realised and appropriately accounted for and duly appropriated for the purpose for which they were levied.
- viii) Make purchases for stores and other materials required for the school in accordance with the rules governing such purchases and enter all such stores in stock register and shall scrutinize the bills and make payments.
- ix) Conduct physical verification of school property and stock at least once a year and ensure the maintenance of stock registers neatly and accurately.
- x) Be responsible for proper utilization of the Pupils Fund.
- xi) Make satisfactory arrangements for the supply of good drinking water and provide other facilities for the pupils and ensure that the school building, its fixtures and furniture, office equipment, lavatories, play grounds, school garden and other properties are properly and carefully maintained.
- xii) Supervise, guide and control the work of the teaching and non-teaching staff of the school.
- xiii) Be in-charge of admission in the school, preparation of school timetable, allocation of duties and teaching load to the teachers, and shall provide necessary facilities to the teachers in the discharge of their duties and conduct of school examination in accordance with the instructions issued by the Government/ Board from time to time; and he shall discharge these duties in consultation with his colleagues.
- xiv) Plan the year's academic work in advance in consultation with his colleagues and hold staff meeting at least once a month, review the work done during the month and assess the progress of the pupils.
- xv) Help and guide the teachers to promote their professional growth and actively encourage their participation in courses designed for in service education.

- xvi) Promote the initiative of the teachers for self-improvement and encourage them to undertake experiments which are educationally sound.
- xvii) Supervise class room teaching and secure co-operation and co-ordination amongst teachers of the same subject areas as well as inter subject coordination.
- xviii) Arrange for special remedial teaching of the children belonging to the weaker sections of the community also of other children who need such remedial teaching.
- xix) Arrange for informal and non-class room teaching.
- xx) Plan and specify a regular time-table for the scrutiny of pupils written work and home assignment and ensure that the assessment and corrections are carried out timely and effectively.
- xxi) Make necessary arrangement for organising special instructions for the pupils according to their needs.
- xxii) Organise and coordinate various co-curricular activities through the house system or in such other effective ways as he may think fit.
- xxiii) Develop and organise the library resources and reading facilities in the school and ensure that the pupils and teachers have access to and use of books and journals of established value and usefulness.
- xxiv) Send regularly the progress reports of the students to their parents or guardians.
- xxv) Promote the physical well being of the pupil, ensure high standard of cleanliness and health habits, and arrange periodical medical examinations of the students and send medical reports to parents or guardians.
- xxvi) Devote at least twelve periods in a week to teaching of the pupils.

## CHAPTER-VI

### **21. Exemption from Minimum Qualifications**

The Board has laid down minimum qualifications in respect of Heads and teachers for teaching subject/classes. Generally no exemption from minimum qualifications is considered by the Board.

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## CHAPTER-VII

### 22. Teachers and Supporting Staff Requirements

Each Secondary and Senior Secondary School should have 20 teachers. Out of them apart from Headmaster: Eight will be TGTs for Secondary-Language (two teachers), mathematics (one teachers) natural science (two teachers), social science (one teacher), physical education (one teacher) and arts (one teacher); and 11 PGTs for Senior Secondary - language (two teachers), mathematics (one teacher), natural science (three teachers), social science (two teachers), commerce subjects (two teachers) and computer (one teacher). Five non-teaching staff (technical) will include laboratory technician (three), computer assistant (one) and librarian (one). For administrative work, each school will have six non-teaching (others) staff members (office assistant (two), caretaker (one), office attendant (two) and guard (one)).

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## CHAPTER-VIII

### INTERPRETATION REPEAL AND SAVING

#### 23. Interpretation

On any question as to the interpretation of any provision of these Bye-laws, the decision of Chairman shall be final.

#### 24. Repeal and Saving

1. The existing provisions regarding affiliation regulations and any notification or orders issued there-under are hereby repealed by these bye-laws, provided that :

- i) Such repeal shall not affect the previous operation of the said regulations or any notifications or orders made, or anything done, or action taken, there-under.
- ii) Any proceeding under the same Regulations pending at the commencement of these Bye-laws shall be continued and disposed of, as far as may be, in accordance with the provisions of these Bye-laws, as if such proceedings under these Bye-laws.
- iii) Nothing in these Bye-laws shall be construed as depriving any person to whom these Bye-laws apply, or any right of appeal which had accrued to him under the regulations, notifications or orders in force before the commencement of these Bye-laws.
- iv) An appeal pending at the commencement of these Bye-laws against an order made before such commencement shall be considered and orders thereon shall be made in accordance with these Bye-laws as if such orders were made and the appeals were preferred under these Bye-laws.

2. As from the commencement of these Bye-laws any appeal or application for review against any orders made before such commencement shall be preferred to or made under these Bye-laws as if such orders were made under these bye-laws.

#### 25. Jurisdiction to file suits

Any dispute arising out of the provision of these By-laws will be subject to Patna Court only.

**GUIDELINES TO SCHOOLS AND INSPECTION****COMMITTEES FOR INSPECTION FOR AFFILIATION ETC.**

1. The schools awaiting inspection for approval of affiliation/up gradation should make available the following information/ records / documents duly completed for Inspection Committee They will mention about these aspects in their Inspection Report.
2. The Constitution of the Society / Trust running the school , copy of the certificate of registration ; names of the members of the Society / Trust with occupation and address (affidavit regarding relationship among the members).
3. Composition of the School Managing Committee, names of the members of the School Managing Committee with occupations and addresses and its formation should be as per guidelines given in chapter VI. Affidavits etc. with regard to relation of the members of the School Managing Committee with each other be obtained and verified.
4. Statement of income and expenditure of the school, and the balance sheet; (copy of the audited accounts of the past three years,)sources of income (regular or otherwise) for development or expansion of existing facilities, library laboratories, play fields etc.
5. An up-to date statement showing the names and qualifications, date of birth of the principal and teachers and allotment of teaching work in the Secondary Senior Secondary Classes. In the case of unaided privately managed schools, the degrees, diplomas or certificates, in original of the members of the staff must be shown to the Inspection Committee. The Inspection Committee should certify of having seen the original certificates / degrees etc. carefully for each member of the staff.
6. Proof in respect of subjects offered for graduation in respect of trained graduate teachers teaching classes IX-X and post graduate teachers teaching classes XI-XII with preferably original mark sheet from the universities from which they got their degrees. A statement should be obtained in the prescribed Performa.
7. Service agreement with employees: salaries paid to the staff : scale of pay and allowances which should at least be at par with corresponding categories of teachers employed in Government institutions ; disbursement of salaries to be made by cheques at the beginning of the

month , but not later than 10<sup>th</sup> of each month ; provision of the provident Fund and other benefits to the employees be verified.

The service agreement should be as per Board's norms/ State or U.T. Government norms :

8. Reserve Fund : whether this has been maintained and its details or whether the school has funds to maintain the same, if affiliation is granted.
9. Building and class rooms : Proof regarding possessing 2 acres of land , general suitability of the land and building for school purposes; adequacy of class-rooms: availability of spare rooms for co-curricular activities as per norms prescribed.
10. Library facilities : dimensions of the stack room and of the reading room : number of books with details regarding the cost of books, indicating also the different categories of books; annual budgets for the library; number of the magazines subscribed to etc. as per norms prescribed in these Bye-laws.
11. Laboratories : dimensions and number of laboratories for the different science subjects; equipment; apparatus and chemicals as prescribed by the Board; annual budget for expansion of facilities in the laboratories.
12. Physical and Health Education : details of play grounds available ; other recreational facilities ; provision for medical check-up ; availability of a school doctor.
13. Statement of number of pupils: class and section-wise enrolment separately of boys and girls and total enrolment with pupil teacher ratio.
14. Record of internal assessment : record of third language results in Class-IX/X, record of work Experience, Art Education, Physical and Health Education activities etc.
15. Health and sanitary conditions : health and sanitary conditions certificate from the municipal authorities, fire safety and safe drinking water certificates.
16. Prospective plans : in case school is expanding from class IX to become a Secondary School or from Secondary to senior Secondary ; plans detailed information on sources of finance and availability of additional land etc.

17. Fulfillment of conditions laid down by the Board earlier, evidence to be provided to the Inspection Committee (applicable in the case of subsequent inspections only)

Note: The information regarding the above items should be prepared and certified by the Manager /Correspondent and the Principal for handing over to the Inspection Committee (two folders) which will forward a copy of the same along with its report in duplicate to the Board.

**EDUCARE INDIA ADVISORY**

## MINORITY INSTITUTIONS

### **1. Determination of Minority Character of an Educational Institution**

The benefits of Article 30(1) of Indian Constitution can be claimed by the community only on proving that it is a religious or linguistic minority and the institution was established by it. The question of proof in a Court of Law is regulated by the provisions of the Indian Evidence Act. This act requires that when there is written document, other evidence is to be excluded but if there is no written document, other evidence is admissible.

### **2. Object of Establishment of Minority Educational Institutions**

It is not always necessary that the objects for which a minority may establish an educational institution must include the conservation of its language, script or culture. Article 30(1) only emphasizes that the body establishing and administering an educational institution belongs to a minority based on religion or language. It says nothing about the character of education to be imparted by them. Hence an institution will be a minority institution, even if it imparts secular education. Once it is proved to be a minority institution, the character of education to be imparted and of administration will be at the choice of those who can administer it. In these matters, the choice cannot be of any one also.

### **3. Fulfillment of Statutory Requirements for seeking Recognition**

An Institution seeking recognition must fulfill the statutory requirements concerning the academic standards, the qualifications of teachers, and of the students seeking admission. It must have the financial resources and the capability to run on a sustained basis. When the applications seeking recognition are not considered favorably, grounds of rejection must be communicated to the educational institutions filling such applications so as to enable them to overcome obstacle to their early recognition.

### **4. Medium of instruction in Minority Educational Institutions**

The State Government or the University is not empowered to prescribe the medium of instruction to be followed by minority educational institutions. However, in case of institutions receiving grants-in-aid, there are certain standards or proficiency to be observed. No decision, within our knowledge lays down that teaching of a State language compulsorily is within such conditions for grant of aid. But if such a condition is laid down, the institution receiving the aid will be well advised to observe it.

## **5. Constitution of Governing Bodies in Minority Educational Institutions**

The Minority educational institution must be free to induct competent and reputed individuals from other communities in the Managing Committees / Governing Bodies. The minority character of an institutions is not impaired so long as the constitution of the Managing Committee / Governing Body provides for an effective majority to the members of the minority community.

The State should not have any power, directly or through the University, to direct the constitution of the governing bodies in a manner so as to deprive a majority of the effective administration of its educational institutions. However, the State or the University may lay down general guidelines to ensure that only qualified persons find a place in the Governing Bodies.

## **6. Disciplinary Control over Staff in Minority Educational Institutions**

While the management should exercise the disciplinary control over staff, it must be ensured that they hold an inquiry and follow a fair procedure before punishment is given. With a view to preventing the possible misuse of power by the management of the Minority Educational Institutions, the State has the regulatory power to safeguard the interests of their employees and their service conditions including procedure for punishments to be imposed.

## **7. Admission of Students in Minority Educational Institutions**

The minority educational institutions must have the freedom to give special consideration to the students of their own community in matters of admission. Government should not insist on admission in these institutions being thrown open to all strictly in order of merit. The Government cannot enforce the rules if reservation in favour of Scheduled Caste, Scheduled Tribes and other backward communities of admission of students in these institutions.

In granting admission to the children belonging to the minority community itself, rules of natural justice and fair play must be applied and donations or other extraneous factors should not be allowed so as to discriminate against the less advantaged children from the same minority community.

## **8. Appointment of Teachers in Minority Educational Institutions**

The Government cannot enforce the rules of reservation in favour of Scheduled Castes, Scheduled Tribes and other Backward classes for the posts of teachers and other staff in minority educational institutions.

## GUIDELINES FOR GRANT OF AUTONOMY

### 1. A School may be granted autonomy :

- i) to design its own curriculum :
- ii) to plan its own examinations : or
- iii) both

### 2. The design of the curriculum and evaluation by the school shall be subject to the following conditions :

- i) The curriculum or syllabi of subjects should, by and large be within the Board's Scheme of Studies especially in the matter of number of subjects to be taught, as for example, there will be no deviation from the three language formula.
- ii) The curriculum shall be in consonance with the general National Policy as adopted by the Board from time to time.
- iii) The school shall promote the spirit of secularism and National Integration.
- iv) Wherever National Policy requires amendment in the curriculum it will be done by the school.
- v) The standard of curriculum shall, in no way, be less than obtaining in the Board's syllabi.
- vi) The school will have the freedom to experiment with new subjects which may be taken as additional subjects.
- vii) The Board shall issue the certificate on the basis of school assessment duly monitored by the Board.

### 3 Purpose of School Autonomy :

Following are the major purposes of granting autonomy to selected schools:

- i) To allow the schools to do better and achieve greater heights.
- ii) To allow a greater scope for experimentation in school education.
- iii) To cater to the diversity of local/social needs in a vast country like India; and
- iv) To provide for decentralization of educational planning and administration.