

Education Secretariat

NOTIFICATION

No. ED 122 PBS 2004, Bangalore, Dated: 14.06.2006

Whereas the draft of the Karnataka Grama Panchayat's (School Development and Monitoring Committees) (Model) Bye-Laws, 2006 was published as required by clause (a) of sub section (2) of section 3 of the Karnataka Civil Services Act, 1978, (Karnataka Act 14 of 1990) in Notification No. ED 122 PBS 2004, dated 17.3.2006 in Part IV-A of the Karnataka Gazette (Extra ordinary dated 17.3.2006) inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of publication in the Official Gazette.

And whereas the said Gazette was made available to public on 17.3.2006.

And whereas the objections and suggestions have been considered by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 316 of the Karnataka Panchayath Raj Act 1993 (Karnataka Act No 14 of 1993) read with sections 58(1-A) (v), 58(2), 60 and section 61(2)(b) of the said Act and in supercession of the earlier Government Orders in the matter, the Government of Karnataka hereby makes the following Model Bye laws, namely:-

Model Bye-Laws

CHAPTER I PRELIMINARY

1. Title and Commencement -

- a. These bye-laws may be called Karnataka Grama Panchayat's (School Development and Monitoring Committees) (Model) Bye-Laws, 2006.
- b. These bye-laws shall come into force from the date of its publication in the Official Gazette.

2. Definitions –

In these bye-laws, the following words and expressions are used in the following senses, unless the context otherwise requires-

- a. 'Academic year' means 'academic year' as defined in section 2(1) of the Karnataka Education Act, 1983, and as amended from time to time.
- b. 'Civic Amenities Committee or CAC' means 'Civic Amenities Committee' as constituted in accordance with section 61 of the Karnataka Panchayat Raj Act, 1993.

- c. 'Annual Work Plan' means the plan formulated on an annual basis, by the Head Teacher, in relation to the overall development of the school.
- d. 'Child' means a person in the age group of five to fourteen years who has not completed school education up to standard VIII.
- e. 'Grama Panchayat School Development and Monitoring Committee or 'SDMC' means a Committee under the CAC constituted in accordance with the procedure prescribed under these bye-laws;
- f. 'Member' means a member of the SDMC and includes persons who are co-opted or nominated to the SDMC in accordance with the procedure prescribed under these bye-laws;
- g. 'Panchayat Area' means 'Panchayat Area' as defined under section 2(28) of the Karnataka Panchayat Raj Act, 1993.
- h. 'Parent' means natural parent of a child studying in the school;
- i. 'Parents' Council' means the body of all the parents of the children enrolled and attending in the given school;
Explanation:
 - i. For the sake of clarity, it is hereby stipulated that both parents of the child shall be members of the Parents' Council.
 - ii. 'Parents' Council' as defined under these bye-laws shall be deemed to be "other similar bodies" under section 61(2)(b) of the Karnataka Panchayat Raj Act, 1993.
- j. 'President' means the President of the SDMC elected as such, by its Members in accordance with the procedure prescribed under these bye-laws;
- k. 'Member-Secretary' means the Member-Secretary of the SDMC;
- l. 'School' means and includes any Government or Government-aided lower primary school, upper primary school or middle school, Education Guarantee Scheme Centre, residential bridge-course center or any other institution/mechanism prescribed by the State from time to time, to provide elementary education;
Explanation: School includes any hostel/residential facility attached to the school.
- m. 'Elementary education' means primary and upper primary education in any school;
- n. 'School fund' means a fund for every school and includes funds released by the Central or State Governments or local bodies such as the Zilla Panchayat, Taluk Panchayat or the Grama Panchayat or public donations in cash or kind, for the benefit of the school, excluding salary grant released by the Government;
- o. 'Vice-President' means the Vice-President of the SDMC elected as such, by its Members in accordance with the procedure prescribed under these bye-laws.

CHAPTER II

FUNCTIONS AND POWERS OF THE CIVIC AMENITIES COMMITTEE

3. Constitution of SDMC-

- a. The Civic Amenities Committee shall constitute a Grama Panchayat School Development and Monitoring Committee (SDMC) for each elementary school within the Panchayat Area. It shall delegate the task of constituting such SDMCs to Head Teacher of the said school.
- b. The SDMC shall consist of the following persons in the manner prescribed hereunder-
 - i. The Head Teacher of the school, the health worker, and the Anganwadi teacher shall be *ex-officio* Members.
 - ii. The Parents' Council shall elect nine representatives from amongst itself to the SDMC. The nine representatives shall include a minimum of three women, one representative each of the SC and ST communities, and one representative of a minority community.¹
 - iii. Wherever possible, two students, one boy and one girl, from the senior-most class in the school, elected by the students of their respective classes, shall be the student-representatives in the SDMC.
 Explanation: Where the school is a boys' school, two boy-representatives and where the school is a girls' school, two girl representatives from the senior-most class will have to be elected.
- c. Persons appointed under clause (b) above shall nominate the following persons to the SDMC, wherever such persons are available -
 - i. One representative from the Yuvaka-Yuvathi Mandal or Self Help Group in the village;
 - ii. One representative who is either an educationist residing in the village or is from NGOs/NPOs that operate in the village;
 Explanation: For the purpose of this provision, an educationist means any person who has completed graduation, and includes former or retired teachers.
 - iii. One donor of land or a person who has provided assistance in cash or kind, having a value greater than or equal to Rs. 10,000/-, to the school;

4. Monitoring of SDMCs-

The CAC shall-

- a. In furtherance of functions specified in clause XIII of Schedule I of the Karnataka Panchayat Raj Act, 1993², review the measures undertaken by SDMCs in this regard.

¹ Religious or linguistic minority.

² Karnataka Panchayat Raj Act, 1993: Schedule I, Clause XIII: "Education, including primary and secondary schools: (1) Promotion of public awareness and participation in primary and secondary education (2) Ensuring full enrollment and attendance in primary schools."

- b. Periodically review the implementation of the Annual Work Plans of schools within the Panchayat Area and wherever possible provide necessary assistance for its implementation.
- c. Convene a joint meeting of office-bearers of SDMCs of all schools within the Panchayat Area, at least once every three months in the academic year, for the purpose of exchange of information and co-ordination.

5. Timely Allocation of Funds-

- a. The CAC shall transfer all funds received by it for education and infrastructure of schools to the account of the schools, within a week of receipt of the funds.
- b. The CAC may transfer additional funds to the accounts of the schools within the Panchayat area, depending upon their needs.

CHAPTER III

FUNCTIONS OF THE SDMC

6. Election of Office-bearers of the SDMC-

- a. The SDMC shall elect a President and a Vice-President, at least one being a woman, from amongst those Members who are representatives of the Parents' Council.
- b. The Head Teacher or in his/her absence the senior-most teacher of the school shall be appointed the *ex-officio* Member-Secretary of the SDMC.
- c. The President and Vice-President shall hold office for a term of three years or until he/she ceases to be a Member, whichever is shorter.

7. Functions of the President –

- a. The President shall perform the following functions
 - i. Preside over all meetings of the SDMC as its Chairperson;
 - ii. Sanction casual leave to the Head Teacher.
 - iii. Operate the Complaints Box at least on a weekly basis, in the presence of at least one teacher and student who is available at that time.
- b. The President shall also perform such other tasks as guided by the SDMC.

8. Functions of the Vice-President-

- a. In the absence of the President, the Vice-President shall perform the functions of the President, as specified in clause 7 of these bye-laws.

- b. The Vice-President shall also perform such other tasks as guided by the SDMC.

9. Functions of the Member-Secretary –

- a. The Member-Secretary shall perform the following functions:
 - i. Prepare the Annual Work Plan with the approval of SDMC, at least one month prior to the commencement of each academic year; and submit the same to the CAC, within one week of its preparation.
 - ii. Prepare the Agenda for the meeting of the SDMC.
Explanation: The Agenda for the meetings shall include issues related to monthly accounts of the school and SDMC, school development, administration, enrolment, attendance, retention and academic achievement of the children.
 - iii. Convene and facilitate the meeting of the SDMC in accordance with Chapter IV below and take the minutes of all meetings.
 - iv. Make a report of all matters that come under his/her cognizance for the information of the SDMC.
 - v. Maintain the accounts and records of the SDMC.
 - vi. Be responsible for the safe custody of all the documents and property belonging to the school in his/her charge.
 - vii. Prepare and present a Report of the activities and a Statement of Accounts of the SDMC to the Parents' Council and the CAC at least once every three months.
 - viii. Conduct the correspondence and issue all notices and advertisement.
- b. The Member-Secretary shall also perform such other tasks as guided by the SDMC.

10. Powers and Functions of the SDMC –

It shall be the duty of the SDMC to perform the following functions, namely-

- a. Guide the Member-Secretary in the preparation of the Annual Work Plan for the school, and approve it at least one month prior to the commencement of each academic year.
- b. Periodically monitor and verify regular and timely attendance of teachers, non-teaching staff and students. To this end, the SDMC may require the school to maintain attendance registers and any Member of the SDMC has the power to verify all attendance registers maintained by the school.
- c. Ensure enrollment of all non-school going children in the village irrespective of their religion, race, caste, sex, language, place of birth. To this end, the SDMC may conduct enrolment drives,

- bridge courses and special campaigns for girl children, disabled children and child labourers and their parents.
- d. Ensure non-discrimination against and provision of special facilities such as hearing aids, Braille etc to children in the village who are physically or mentally challenged, to enable them to attend school.
 - e. Periodically monitor drop-out rates and ensure attendance and retention of all children in the school. To this end, the SDMC shall ensure the provision and monitoring of the distribution of incentives such as free textbooks, mid-day meals, uniforms and scholarships.
 - f. Convene meetings of the Parents' Council, at least once in three months.
 - g. Periodically hold meetings of parents who fail to send their children to the school.
 - h. Ensure the overall hygiene, upkeep and maintenance of the school.
 - i. Help augment infrastructure facilities such as playground, compound walls, classrooms, toilet, furniture, provision for drinking water or other facilities needed by the school. To this end, the SDMC may undertake the construction, maintenance, alteration, improvement or development of any buildings or works.
 - j. Acquire, purchase or otherwise own or take on lease or hire temporarily or permanently immovable or movable property or any rights or privileges, as may be necessary or convenient for the furtherance of any/some or all of its functions under clause 10 of these bye-laws.
 - k. Hire the services of local persons as teachers or instructors, as the case may be, where there is a need, on a voluntary basis or on payment of fixed honorarium, meeting the cost from the schools funds. Provided that no regular post is filled on a permanent basis in this manner.
 - l. Ensure a minimum of two hundred and twenty instructional days in a year.
 - m. Periodically review the performance of teachers and facilitate compliance with the minimum quality standards as prescribed under the Sarva Shiksha Abhiyan or any other programme of the Central or State Government that is applicable from time to time.
 - n. Facilitate provision of need-based trainings to teachers, depending upon the demand of the teachers and the Head Teacher.
 - o. Periodically review the performance of students and facilitate compliance with the standards prescribed by NCERT and the State Government.
 - p. Periodically review and monitor the school health programmes and help conduct regular health camps for the children.
 - q. Supervise all properties, funds and finances of the school and the SDMC.
 - r. Issue appeals and applications for money and funds in furtherance of its functions under clause 10 of these bye-laws and to receive, collect, and accept any gifts or donations, either in cash, securities

- or of any property, either movable or immovable; and spend the same in fulfillment of all or any of its said functions. Nothing in this sub-clause shall be interpreted as authorizing collection of a mandatory donation from parents.
- s. Review the functioning of the SDMC and report to the Parents' Council and the Amenities Committee atleast once in three months.
 - t. Conduct parents' day celebrations periodically to involve all parents (including parents of non-school going children) in the activities of the school and to motivate them to send their children regularly to school.
 - u. Submit constructive suggestions, if any, for reform of the school-system to the CAC, Cluster Resource Person and Education Coordinator.
 - v. Decide not more than four local holidays in a year.
 - w. Ensure that all government-schemes like Mid-day Meal Scheme etc are implemented in the school.
 - x. Ensure that the school has the Child Helpline Number "1098" displayed and advertised, in such a manner that the children can understand its use and purpose.
 - y. Protect school premises against encroachment and nuisance.
 - z. Address grievances or complaints made by students, parents, teachers and non-teaching staff from the school, in accordance with Chapter V of these bye-laws;
 - aa. Do all such other lawful acts, deeds and things as are conducive and/or incidental to the attainment of any or all of its functions under clause 10 of these bye-laws.

CHAPTER IV

PROCEDURES TO BE FOLLOWED AT MEETINGS OF SDMC

11. **Convening meetings of the SDMC –**
 - a. The SDMC shall meet at least once in every thirty days, within the respective school premises or at such other place as may be convenient.
 - b. The meeting of the SDMC shall be held on such days and such hours as the Member-Secretary may fix, in consultation with the President of SDMC.
 - c. The Member-Secretary shall give at least 3 days notice of every meeting of the SDMC to the Members and shall forward with the notice a copy of the proposed Agenda.

Provided that the Chairperson may place before the meeting any urgent item of business not included in the Agenda.

Provided further that the Member-Secretary may convene an emergency meeting by providing notice of at least one day.

12. Quorum –

- a. The quorum for a meeting of the SDMC shall be as follows:
 - i. A minimum of five Members from the nine elected representatives of the Parents' Council, including the President or the Vice President.
 - ii. At least one Member each from the *ex-officio*, student and nominated categories.
- b. If a meeting of the SDMC could not be held for want of quorum, then, the meeting shall be adjourned to another day, not being more than four days from the said date, to be notified by the Member-Secretary.
- c. If the adjourned meeting does not have the requisite quorum, then the Members actually present shall constitute the quorum.

13. Procedure in the absence of President and Vice-President-

In the absence of the President and the Vice-President, a Member who is a representative of the Parents' Council shall be elected by the Members present at the meeting shall preside over that meeting, as its Chairperson.
 Explanation: For the purpose of this provision, 'absence' is merely temporary and does not refer to a casual vacancy.

14. Method of deciding questions-

- a. All matters before the SDMC shall ordinarily be decided by consensus amongst the Members present.
- b. In the absence of a consensus, the matter shall be decided by vote in the manner prescribed under clause 15 of these bye-laws.

15. Method of voting-

- a. All Members have an equal right to vote.
- b. The voting shall be by show of hands, but the SDMC may resolve that any matter or matters shall be decided by ballot.
- c. Where a matter is put to vote, it shall not be passed unless it is supported by a majority of the Members who are representatives of the Parents' Council.
- d. In case of equality of votes, the Chairperson of the meeting shall have and exercise a second or a casting vote.

16. Record of decisions-

- a. A record of the decisions of the SDMC shall be maintained and copies of the decisions shall be circulated to the Members by the Member-Secretary.
- b. The above-mentioned record shall be kept in the school for perusal by the Parents' Council.

CHAPTER V

DISCIPLINARY ACTION

17. Redressal Mechanism for Complaints-

- a. For the purpose of clause 17, teacher or teaching staff includes the Head Teacher.
- b. A Complaints Box should be made available in the school, which is freely accessible to all students, non-teaching staff, teachers and parents.
- c. A child studying in the school or parent of such child, a child who has dropped out of the school or parent of such a child, a child residing in the village and not attending school or parent of such a child, staff members (teaching and non-teaching) of the school may make an oral or written complaint to the CAC (either directly or through the Complaints Box) regarding the following:
 - i. Employing children as child labour;
 - ii. Physical or sexual abuse of children in school;
 - iii. Sexual harassment or abuse of children, staff (teaching or non-teaching) in school;
 - iv. Any form of indignity or discrimination caused to the child or any staff member.
 - v. Negligence of teachers, non-teaching staff or SDMC members.
 - vi. Dereliction of duty by teachers, non-teaching staff or SDMC members;
 - vii. Misdemeanor, misconduct or mis-behavior of any teacher, non-teaching staff or SDMC members;
 - viii. Mismanagement by any teacher, non-teaching staff or SDMC members;
 - ix. Misappropriation of funds or facilities etc. by any teacher, non-teaching staff or SDMC members;
 - x. Overall functioning of the SDMC.
- d. The President of the SDMC should necessarily look into the complaints received at least on a weekly basis and forward the same to the CAC.
- e. Where the complaint is regarding the misappropriation or mismanagement of funds, property, moveable or immovable or facilities of the school or the SDMC, by any teacher/staff or SDMC Member, in excess of Rs. 1000/-, the following procedure should be followed by the CAC:
 - i. The CAC shall constitute a two-member Enquiry Team.
 - ii. An Enquiry Team should be constituted within 7 days of receiving the complaint. In case no Enquiry Team is constituted, the complainant may directly approach the Gram Panchayat and the Block Education Officer.
 - iii. An Enquiry Team should consist of one member from the CAC and one member from the SDMC. Both the members

- from the Enquiry Team should not be involved/mentioned in the complaint in any manner, directly or indirectly.
- iv. The Enquiry Team should complete the enquiry within 15 days of its constitution, and forward its findings with recommendations to the CAC.
 - v. The CAC should take action based on the report and recommendations of the Enquiry Team.
- f. Where the complaint is regarding the misappropriation or mismanagement of funds, property, moveable or immovable or facilities of the school or the SDMC, by any teacher/staff or SDMC Member, which is less than Rs. 1000, or the complaint is regarding negligence, dereliction of duty, misdemeanor, misconduct or misbehavior by any teacher, non-teaching staff or SDMC member, the CAC shall discuss the same in a review meeting and take appropriate action against such person.
 - g. Where the complaint is regarding any form of abuse on children, physical or sexual, the CAC shall follow the following procedure:
 - i. The CAC shall immediately direct the Head Teacher of the concerned school to produce the child before the Child Welfare Committee for the said area, as constituted under the Juvenile Justice (Care and Protection) Act, 2000 and also forward the matter to the police for further action.
 - ii. The CAC shall immediately constitute a three Member Enquiry Team consisting of two women. One of the Enquiry Team members should be from an NGO, which is not working with the school.
 - iii. The said Enquiry Team should look into the complaint and submit a report within 15 days of its constitution to the CAC.
 - iv. The CAC should take action based on the report and recommendations of the Enquiry Team.
 - h. Where the complaint is regarding any form of sexual harassment, the CAC shall follow the following procedure:
 - i. The CAC shall immediately constitute a three Member Enquiry Team consisting of two women. One of the Enquiry Team members should be from an NGO, which is not working with the school.
 - ii. The said Enquiry Team should look into the complaint and submit a report within 15 days of its constitution.
 - iii. The CAC should take action based on the report and recommendations of the Enquiry Team.
 - i. Where the complaint is regarding the overall functioning of the SDMC and not against individual SDMC members, the following procedure should be followed by the CAC:
 - i. A two-member-CAC team should be constituted within 10 days of the complaint.
 - ii. The said team should look into the complaint and submit a report suggesting methods of rectifying the irregularities. The report should be submitted to the CAC by the two-member-CAC team within 10 days of its constitution.

- iii. A show-cause notice should be sent to the SDMC, along with copies of the complaint (where the complainant's name is not mentioned) and report of the said CAC team; and a period of 10 days (from the date of notice) should be given to the SDMC to set right the irregularities.
- iv. A compliance report should be submitted by the SDMC to the CAC within 15 days (from date of show-cause notice).
- v. Upon receipt of the compliance report, the CAC may independently verify whether the SDMC has actually set right the irregularities.
- vi. Where the CAC has reason to believe that the SDMC has not set right the irregularities despite submission of compliance report or where the SDMC has refused to act upon the show-cause notice, the CAC will issue a second show-cause seeking reasons why the SDMC should not be dissolved within a period of 10 days.
- vii. Where no satisfactory measures are taken by the SDMC to set right the irregularities within the second 10-day period, the CAC shall dissolve the SDMC.
- viii. Where the SDMC stands dissolved, the CAC shall ensure that the school authorities re-constitute the SDMC within 1 month of its dissolution.
- ix. The CAC will discharge the functions of the SDMC until the SDMC is constituted.

18. **Ceasing of Account-**

When any complaint received under clause 17 above pertains to fraudulent operation of the account of the SDMC constituted in accordance with clause 21 of these bye-laws, the CAC may direct that the President and Member Secretary will cease to operate the account. The Head Teacher and the senior-most teacher of the school will operate such account with the approval of the CAC, within 7 days of receiving such complaint.

CHAPTER VI

MISCELLANEOUS

19. **Termination of Membership-**

- a. The maximum term of office for Members other than *ex-officio* Members is three years or is co-terminus with the term of the concerned Gram Panchayat, whichever is earlier.
- b. The Membership of Members other than those mentioned in clause (a) above is co-terminus with that of the concerned Gram Panchayat.
Provided that the membership shall cease on the occurrence of any of the following events:

- i. If he/she absents himself/herself from three consecutive meetings of the SDMC.
- ii. If he/she indulges in any corrupt practice while dealing with anything that comes within the purview of the SDMC;
- iii. If, due to any reason, the child of the Member-parent is no longer a student of the school.
- iv. If he/she is indicted by any Court of Law.
- v. If he/she is not a parent of any child studying in the school.
- vi. If terminated under clause 17 of the bye-laws.

20. Filling of Casual Vacancies –

- i. If the office of any Member is vacated before his/her term of office will expire in the normal course, the resulting casual vacancy may be filled by the SDMC in accordance with the bye-laws.

Provided that where the entire SDMC is dissolved under clause 17 of these bye-laws, the procedure stipulated under clause 17 shall be followed.

- ii. The term of the Member appointed under clause (i) above will be for the remaining term of the SDMC or until he/she ceases to be a Member as per clause 19 (b), whichever is earlier.

21. Finances –

- a. All school funds shall be deposited in an account of a nationalized bank or Scheduled Bank or a co-operative bank recognized by the Reserve Bank of India or a post office. Such account will be opened in the name of the school.
- b. The above-mentioned accounts shall be operated jointly by the President and Member-Secretary.
- c. All income and expenses of the school and the SDMC shall be discussed at every meeting of the SDMC.
- d. Any withdrawal in excess of Rs. 1,000/- shall require the prior authorization of the SDMC.

Provided that any withdrawal may be made to meet emergency expenses and shall be discussed at the next meeting of the SDMC.

22. Prohibition on profit-

No portion of the income and property of the school shall be paid, applied or transferred, directly or indirectly, by way of stipend or otherwise howsoever by way of profit to any Member or any person claiming through any of the Members.

Provided that nothing in this clause shall prevent the payment of reimbursement to any Member, for any expenditure incurred in good faith on behalf of the school.

Provided further that nothing in this clause shall prevent the payment in good faith to Members, of any amount allocated towards training of such Members.

23. Official communications and contracts -

- a. The Member-Secretary shall enter into written agreements on behalf of the school or SDMC for the discharge of any functions specified in clause 10 of the bye-laws with the prior approval of the SDMC.
- b. All official communications of the SDMC shall be signed by the Member-Secretary.

By order and in the name of the
Governor of Karnataka

(B.H. PADASALAGI)
Under Secretary to Government,
Education Department

To,
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