

HARYANA VIDHAN SABHA

Bill No. 5— HLA OF 2023

THE HARYANA SCHOOL EDUCATION (AMENDMENT) BILL, 2023

A

BILL

further to amend the Haryana School Education Act, 1995.

Be it enacted by the Legislature of the State of Haryana in the Seventy-fourth Year of the Republic of India as follows:-

1. This Act may be called the Haryana School Education (Amendment) Act, 2023. Short title.
2. In section 2 of the Haryana School Education Act, 1995 (hereinafter called the principal Act),- Amendment of section 2 of Haryana Act 12 of 1999.
 - (i) clauses (b) and (c) shall be omitted; and
 - (ii) item (ii) of clause (d) shall be omitted.
3. Section 6 of the principal Act shall be omitted. Omission of section 6 of Haryana Act 12 of 1999.
4. Sub-sections (1) and (2) of section 7 of the principal Act shall be omitted. Amendment of section 7 of Haryana Act 12 of 1999.
5. Sections 8, 9, 10 and 11 of the principal Act shall be omitted. Omission of sections 8, 9, 10 and 11 of Haryana Act 12 of 1999.
6. Sub-sections (1) and (2) of section 16 of the principal Act shall be omitted. Amendment of section 16 of Haryana Act 12 of 1999.
7. For section 17 of the principal Act, the following section shall be substituted, namely:- Substitution of section 17 of Haryana Act 12 of 1999.

“17. School funds.— (1) In every recognized school, there shall be a fund, to be called the School Fund which shall include the following:-

 - (a) fee;
 - (b) any charges and payment which may be realised by the school for other specified purposes; and
 - (c) any other contributions, endowments, gifts and the like.

- (2) (a) Income derived by recognised school by way of fees shall be utilised only for such educational purposes, as may be prescribed; and
- (b) charges and payments realised and all other contributions, endowments and gifts received by the school shall be utilised only for the specific purpose for which they were realised or received. The unspecified gifts shall also be used for academic purpose.

(3) The Managing Committee of every recognised school shall file every year with the Director such duly audited financial and other returns as may be prescribed and every such return shall be audited by such authority, as may be prescribed.”.

Amendment of section 18 of Haryana Act 12 of 1999. **8.** In sub-section (1) of section 18 of the principal Act, the word “aided” shall be omitted.

Amendment of section 21 of Haryana Act 12 of 1999. **9.** Clause (a) of sub-section (4) of section 21 of the principal Act shall be omitted.

Amendment of section 24 of Haryana Act 12 of 1999. **10.** In sub-section (2) of section 24 of the principal Act,-

(i) clause (k) shall be omitted; and

(ii) in clause (p), for the words “by an aided school”, the words “by a school” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The majority of employees on the sanctioned posts of the aided schools have been appointed in government schools in 2017-18 as per the provisions of Haryana Voluntary State Education Service Rules, 2017. Only few employees of such aided schools have been left in these aided schools as they have not consented to join in govt. schools. As per the provisions in the Act department is giving aid to the tune of 75% of the salary for these employees. These schools also have employees on unsanctioned/unaided posts and they are claiming equal pay for equal work from the department. Many such cases are pending in the court which may create financial liability on State Exchequer if such cases succeed in the Court of Law.

Provisions for the aided schools were made in the Act of 1995 because there was shortage of govt. schools in the State as per requirement and providing education to the resident children is prime responsibility of the State. As on present condition all geographical locations in State as required by various legal provisions are covered by govt. schools. Hence, there is no need of aided schools in the State.

KANWAR PAL,
School Education Minister, Haryana.

CHANDIGARH:
The 16th March, 2023

R. K. NANDAL,
Secretary.

N. B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 16th March, 2023, under proviso to rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

ANNEXURE

EXTRACT FROM THE HARYANA SCHOOL EDUCATION ACT, 1995

2. (b) "aid" means any aid granted to a recognised school by the Government, a local authority or any other authority designated by the Government, Director or a local authority;

(c) "aided school" means a recognised private school which is receiving aid in the form of grant from the Government;

(d) (ii) in case of disbursement of grant of recognised private aided schools, the authority designated by the Director;

6. (1) The Government may pay to the schools prescribed authority, for disbursement of aid to recognised private schools such sums of money as the Government may consider necessary:

Provided that the schools already under grant-in-aid system, shall continue to receive such grant provided that they comply with the conditions as specified under sub-sections (1) to (5) of this section.

(2) The authority competent to grant the aid may stop, reduce or suspend aid for violation of any of the conditions prescribed in this behalf.

(3) The aid may cover such part of the expenditure of the school as may be prescribed.

(4) No payment, out of the aid given for salary, allowances and provident fund of employees of the school, shall be made for any other purpose.

(5) No un-recognised school shall be eligible to receive any aid or any benefit made available to private school by the Government or any other agency of the Government.

7. (1) The management of every aided school shall furnish to the appropriate authority annually, a statement containing a list of school property together with such particulars as may be prescribed.

(2) Notwithstanding anything contained in any other law for the time being in force, no transfer, mortgage or lease of any movable or immovable property of an aided school, not being the property specified in the rules, shall be made except with the previous permission of the appropriate authority:

Provided that where the appropriate authority omits or fails to dispose of the application for such permission within ninety days from the date of receipt of the application in this behalf, the permission shall, on the expiry of the said period of ninety days, be deemed to have been granted.

8. (1) The Government may make rules regulating:—

(a) uniform code of service rules for employees in the State relating to pay, allowances, dismissal, removal, suspension, leave, conduct

and discipline, provident fund, travelling allowance and other cognate matter;

- (b) essential qualifications for various classes of employees; and
- (c) uniform scales of pay for various classes of employees :

Provided that the Government may exempt any aided school or class of an aided school from operation of the provision of this section for such period as it may think fit on grounds of economic capacity thereof.

- (2) Subject to any rules that may be made in this behalf no employee of a recognised private aided schools shall be dismissed, removed or reduced in rank nor shall his services otherwise terminated except with the prior approval of the Director or his nominee:

Provided that this section shall not apply where an employee is dismissed, removed or reduced in rank on the ground of conduct which had led to his conviction on a criminal charge involving moral turpitude.

- (3) Any employee of a private aided school, who is dismissed, is removed or reduced in rank may, within three months from the date of communication to him of the order of such dismissal, removal or reduction in rank, appeal against such order to the Director who may after giving the parties an opportunity of being heard and after making such further enquiry, if any, as he may consider necessary, pass such order as he thinks fit, confirming, modifying or reversing the decision or order appealed against.
 - (4) Any employee of the aided school who has been suspended by the managing committee, the managing committee will hold an enquiry within three months of his suspension. In case the enquiry is not completed within three months, the managing committee will have to take permission from the District Education Officer for the extension of time.
9. Every employee of an aided school shall be governed by such code of conduct as may be prescribed and on the violation of any provision of such code of conduct, the employee shall be liable to such disciplinary action as may be prescribed.
10. (1) If the Director is satisfied that the managing committee or the manager has indulged in any financial irregularity or administrative mismanagement or neglected to perform any of his duties imposed on it by or under this Act or any rule made thereunder and that it is expedient in the interest of school education, to take over the management of such school, he may after giving the managing committee or the manager of such school, a reasonable opportunity of showing cause against the proposed action, take over the management of such school for a limited period not exceeding two years :
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Provided that where the management of a school has been taken over for a period of two years or less, the Director may, if he is of the opinion that in order to secure proper management of the school, it is expedient that such management should continue to be in force after the expiry of said limited period he may from time to time, issue directions for the continuance of such management for such period not exceeding one year at a time as he may think fit, so, however, that the total period for which such management is taken over shall not in any case exceed three years.

- (2) Whenever the management of any school is taken over under sub-section (1), every person incharge of management of such school immediately before its management is taken over, shall deliver possession of the school property to the Director or any officer authorised by him in this behalf.
- (3) After taking over the management of any school under this section the Government may arrange to manage the school through a person (hereinafter referred to as the "Administrator") authorised by the Director.
- (4) Where the management of any school has been taken over under sub-section (1), the managing committee or manager of such school may, within three months from the date of taking over, appeal to the Secretary, who may after considering the representation made by managing committee or manager, pass such orders, including an order for the restoration of the management or for the reduction of the period during which the management of such school shall remain vested in the Director, as he may deem fit.
- (5) Where the management of a school has been taken over under this section, the Government shall pay such rent as may be payable of the building of the school to the person entitled to receive it, as was being paid by the managing committee or the manager immediately before the management of such school was taken over.
- (6) During such period as any school remains under the management of an Administrator--
 - (a) the service conditions, as approved by the Director, of the employee of the school who were in employment immediately before the date on which the management was taken over, shall not be varied on to their disadvantage;
 - (b) all educational facilities which the school has been affording immediately before such management was taken over shall continue to be afforded;

- (c) the school fund, the pupil fund, and any other existing fund shall continue to be available to the Administrator for being spent for the purpose of the school; and
 - (d) no resolution passed at any meeting of the managing committee of such school shall be given effect to unless approved by the Director.
11. Nothing contained in section 10 shall apply to aided minority school.
16. (1) No aided school shall levy fee or collect any other charge or receive any other payment except those specified by the Director.
- (2) Every aided school having different rates of fees or other charges or different funds shall obtain prior approval of the prescribed authority before levying such fees or collecting such charges or creating such funds.
17. (1) In every aided school, there shall be a fund, to be called as the school fund which shall include the following :
- (a) any aid granted by the Government;
 - (b) income accruing to the school by way of fees, charges or other payments; and
 - (c) any other contribution, sale of property, rent from property, endowments and the like.
- (2) The school fund and all other funds including the pupils fund established with the approval of the Government, shall be accounted for and operated in accordance with the rules made under this Act.
- (3) In every recognised un-aided school, there shall be a fund, to be called the "Recognised Un-aided School Fund".
- It shall include the following :-
- (a) fees ;
 - (b) any charges and payment which may be realised by the school for other specified purposes; and
 - (c) any other contributions, endowments, gifts and the like.
- (4) (a) Income derived by un-aided schools by way of fees shall be utilised only for such educational purposes as may be prescribed ; and
- (b) charges and payments realised and all other contributions, endowments and gifts received by the school shall be utilised only for specific purpose for which they were realised or received. The unspecified gifts shall also be used for academic purpose.
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- (5) The Managing Committee of every recognised private school shall file every year with the Director such duly audited financial and other returns as may be prescribed and every such return shall be audited by such authority as may be prescribed.
18. (1) For the purpose of any public examination, any aided middle, high or senior secondary school shall be affiliated to the Board of School Education, Haryana.
21. (4) (a) stoppage of aid (in case of aided schools);
24. (k) the conditions under which aid may be granted to recognised school and on the violation of which aid may be stopped, reduced or suspended;
- (p) fees and other charges which may be collected by an aided school:
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