

## **Role of Local Political Bodies in Managing Schools of Bihar & Kerala**

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### **Abstract**

*It is widely believed that empowerment of local political bodies will create institutions that are more accountable to local citizens and more appropriate to local needs and preferences. The 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendments were historic attempts to empower local self governments by giving them constitutional status and identifying 29 areas including elementary education over which they can legitimately have jurisdiction. In pursuant to the 73<sup>rd</sup> constitutional amendment, Indian states passed their own Panchayati Raj Acts. Bihar and Kerala are two Indian states that differ greatly on human development indices including school education. According to a recent statistics it is 0.92 for Kerala and 0.41 for Bihar. Kerala is among those few states which transferred power and responsibilities to the Panchayati Raj Institutions in many of the 29 subjects identified by the Panchayati Raj Act 1993 and Bihar is among the states which has partially transferred power and responsibilities to PRIs only in a few of the 29 subjects.*

*It was expected that involvement of panchayats having constitutional status will help in achieving our long cherished goal of free quality elementary education to all our children without any exception. Whereas mechanism for management of schools was developed at panchayat level in Kerala but no concrete mechanism is available at Panchayat level in Bihar for implementation of the roles of Panchayats identified in the Act. Institutions of Pre-primary schools, government primary schools not attached to high schools were fully transferred to Gram Panchayats in Kerala. The institutions of Deputy Director of education, District Education Officer, Assistant Education Officer etc, and their staff, High schools of the respective areas and Primary Schools attached to them were transferred to District Panchayat in Kerala. It appears that in Kerala the subject of school education has been fully transferred under the jurisdiction of local self government.*

*In case of Bihar no mechanism could have been developed for implementation of panchayat roles in the area of primary and elementary education. In absence of well laid mechanism for panchayats having constitutional status and broader role in school management, enrollment of students, mass awareness etc., they are unable to play any effective role. In fact local bureaucracy has greater control over school management through VSS. The noble notion behind decentralization did not appear to be working in Bihar.*

*The author has tried to analyze efforts of ensuring effective community involvement in school management in Kerala and Bihar since 1990s and finally argue for holistic transfer of elementary education to PRIs as one of the 29 subjects to be transferred to PRIs after 73 constitutional amendments which gave them a constitutional status.*

## **Key words**

Decentralization, Participation, Empowerment, School Management, Village Education Committee (VEC), Vidyalaya Siksha Samiti (VSS), Local-self Government, Panchayati Raj Institution (PRI), Panchayat Education Committee (PEC), People's Planning Campaign (PPC)

## **Background**

Assertions in favor of democratic decentralization are often founded upon the notion that the democratization and empowerment of local political bodies will create institutions that are more accountable to local citizens and more appropriate to local needs and preferences. Because of its size and its relatively ambitious efforts to decentralize government, India provides an important context for understanding the ways in which decentralization can improve the performance and accountability of local government institutions.

Universal elementary education has become one of the constitutional commitments of independent India. After independence, primary and middle schools were taken out of the control of local bodies and were transferred to governmental regulation. Thus centralization of education started which alienated it from the community. Centralization though born out of an intention to improve the quality of education, failed to effect such a change.

The B.G. Kher Committee (1953) emphasized the need for decentralization of management to attract community involvement at the grassroots level. It recommended involvement of all types of local bodies to promote and manage education in the interest of mass education. Subsequently the Balwant Rai Mehta Committee (1957) recommended that power and responsibilities of the state should be decentralized at the local level of level of governance through Panchayati Raj Institutions (PRIs) or equivalent urban institutions. National Development Council accepted the report of Balwant Rai Mehta Committee in 1959. The state policy was decided in accordance with the report of Mehta Committee and all state governments were permitted to form PRIs. The Mehta Committee report suggested that subjects like agriculture, animal husbandry, minor

irrigation, handicrafts, primary education and other similar subjects should be transferred to Panchayat Samiti and state government would stop functioning in these areas. The Committee also identified sources of income for Panchayat Samiti so that funds could be made available for discharging its function properly. For primary education, imposition of primary education cess was suggested. It was also suggested that for smooth functioning of PRIs, employees should be appointed and paid by PRIs. The Primary education should become the responsibility of the Panchayats while the matter of standards was suggested to remain with the Department of Education. It was suggested to transfer financial and administrative aspects of management to Panchayati Raj Bodies (Report 1957 & Report 1961)

Community participation was suggested by Kothari Education Commission (1964-66) as an important factor for fulfillment of constitutional directive of article 45 for providing free and compulsory elementary schooling to all the children between 6-14 years. Further, the Bongirwar Committee (1971) viewed education as an instrument of social change and stated that education cannot function in isolation from social forces.

Community participation has been acknowledged as one of the effective strategies of achieving the goal of UEE as has been reflected in the recommendation of various commissions/committees on educating. The need for decentralized planning of school education especially of primary education has been strongly stressed in NPE 1986 (as revised in 1992) which recommended not only promoting participation of the community in elementary education but also a movement towards empowering the local community to take major management decisions in this regard.

Community participation was visualized as one of the basic components of all major UEE projects which were initiated in pursuance of NPE 1986 recommendations like Bihar Education Project, U.P. Basic Education Project, DPEP, Lok Jumbish (Rajsthan) etc. In DPEP, decentralization and community participation are being put into practice on a very large scale. Sarva Shiksha Abhiyan (SSA) which is an elaborate nation-wide programme formulated by the GOI to universalize elementary education and also lays emphasis on community ownership of the school system.

The 73rd and 74th constitutional amendments gave further momentum to this move towards decentralization and community empowerment in the management of education. Taking cognizance of the 73rd and 74th amendments, C.A.B.E., set up a special committee under the then Chief Minister of Karnataka, Veerappa Moily in 1993 to formulate a framework for decentralized management of education under the Panchayat Raj Institutional framework. The committee recommended the setting up of Village Education Committees (VECs) and Panchayat Samiti on Education at the block level.

The 73<sup>rd</sup> amendments provided constitutional status to the PRIs and handed over 29 subjects including agriculture, animal husbandry, minor irrigation, local health, elementary education etc.

to panchayats. Except few states like Kerala and Himachal Pradesh, most of the states are yet to transfer elementary education to panchayats.

With the implementation of RTE Act 2009, efforts were made to ensure wider participation of parents of the children studying in schools by making new VSS act as per guidelines available in RTE Act. In Bihar Common School System Commission also recommended two draft bills for enactment in order to ensure better community participation in school management

It is generally believed that effective school management is only possible through wider involvement and participation of the community. When people are entrusted with some power or given the opportunity to show their capabilities, participation becomes the means of empowerment leading to effective management of a system entrusted with them. Panchayats and other local bodies appear to be the best instruments in the hands of the local people for managing elementary education system involving participation of wider community. The issue of community based school management has been discussed with reference to Bihar.

## **Decentralization of School Management In Bihar**

### **School Management at Village Level**

Bihar Education Project (BEP) has reinforced the role of community participation in education. The huge task of universalisation of elementary education cannot be achieved without active involvement of community. That is why Bihar Education Project (BEP) has included community participation and environment building in its strategy. The BEP was launched in 1991. It made a concerted efforts towards the reorganization of Village Education Committees (VECs) and training of VEC functionaries. The VEC formed according to the earlier notification of 1988 by the state government suffered from the basic problems like nomination of the members by the Block Education Officer (BEO) and Mukhiya being the president. During 1991 to 1992, BEP restructured the character of VECs. The Gram Sabha was empowered to elect the president hence the Mukhiya was not necessarily the president. Instead of village-level committee, school-wise VEC was constituted and Rs. 2000 was provided to the VECs, with 5 day training to the members. Hence the village community was involved in the management of their village schools. Later on the people of school feeding area were involved in the management by making school wise VEC.

### **Switching over to Vidyalaya Shiksha Samiti (VSS) from VEC in 2000**

To overcome the drawbacks of VEC, to provide for ensuring the participation of people in the management, for decentralized planning and management of elementary education and implementation of SSA at panchayat and village levels; the Bihar Vidyalaya Shiksha Samities instead of VECs were formed under Bihar PRI Act, 1993. This PRI Act came into force as a

result of 73 constitutional amendments 1993 which provided PRIs statutory status. This act was called ‘ The Bihar Vidyalaya Shiksha Samiti Act 2000’. The VSS was broad based, larger representative of village and school community. It was constituted through a democratic process and provided adequate representation to women and weaker sections of the community. The Panchayat election as per provision of 1993 Act was conducted in Bihar in 2001. The last panchayat election before 2001 was conducted in 1978 (Kumar & Kumari, 2008).

A VSS will be separately constituted for primary, middle and Basic Schools consisting of following members:

- a) Nine Guardian members elected by the Aam Sabha
- b) Three Non-guardian members elected by the Aam Sabha
- c) Two Nominated members by the Mukhya of the village panchayat/chairman of the notified area committee/municipality/corporation
- d) Headmaster/ head teacher to the school, ex-officio member

### **VSS after Implementation of RTE in 2010**

After implementation of RTE Act in 2010, Bihar Prarambhik Vidyalaya Siksha Samiti (Bihar Elementary Education Committee ) Act 2011 was brought under provisions of ‘The Right of Children to Free and Compulsory Education Act 2009’ for ensuring people's participation in the management, control and supervision of the elementary schools of the state. New Vidyalaya Shiksha Samiti will be consisted of 14 members- 2 ex officio and 12 parents. The head of the school and member of the gram panchayat or Nagar Nikay ward in which school is located are ex officio members. Seats will be reserved for SC/ST, extremely backward classes, backward classes and women.

A VSS was constituted in each primary and middle schools as per the new act which had better representation of parents from different socially deprived groups and they were elected by the parents of all children studying in the school under the supervision of state election authority. The local self government was also represented by the elected ward member of the Panchayat/Nagar Nikay ward in which the school was situated.

### **Overall Changes in School Management and shortcomings since 1990s**

Since the early 1990s School Based Management (SBM) has gained increasing popularity as a strategy for improving responsiveness and accountability in the delivery of education services. As a form of decentralization, the School Based Management (SBM) approach involves the transfer of decision making authority over school operations.

The involvement of community members in school functioning has been institutionalized under the Right to Education (RTE) Act 2009. Under the RTE, School Management Committee (SMC) is required to be constituted in every government owned/run elementary school in the

country. Consisting primarily of teachers, parents/guardians and members of the community, SMCs are empowered with the responsibility of monitoring school functioning and managing its finances.

The decentralization envisaged by the two precursors of the Right to Education Act owed much to the 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendment acts. Enacted in 1992, the two pieces of legislation created a key paradigm shift in governance models by invoking decentralization, paving the way for the participation of local communities and institutions in the planning, implementation, and monitoring of government programs including those in education. The amendments established the three-tier Panchayati Raj system in the country, with elected bodies at the gram, taluk, and zila levels to enable the community to actively participate in developmental programs and ensure more effective implementation. Amongst the 29 subjects identified by the 73<sup>rd</sup> Amendment Act for transfer to the panchayats was education -primary and secondary, adult and non-formal, vocational and technical.

The institutionalized statutory space provided by the 73<sup>rd</sup> and the 74<sup>th</sup> amendment acts make mechanisms like Community Based Monitoring (CBM) key factors in facilitating movement from “top-down” methods to participatory processes for local engagement in effective governance.

A large number of non-governmental elementary and secondary schools were running in Bihar before 1970s. These schools were managed by their own management committees. In 1976 these primary schools were taken over by the government (retrospectively from 1971) and in 1981 these secondary schools were taken over by the government. After the take-over, they came under the management of the government. The Acts by which these schools were taken over also contained provisions for their management. Subsequently, various changes were made in these Acts, through notifications. A major development so far as the primary schools are concerned was the enactment in 2000 of a legislation setting up Vidyalayas Shiksha Samitis for the management of these schools.

In Vidyalayas Shiksha Samiti Act, 2000 mentioned above, the relation between Samiti and panchayat is not explicit. The relationship has been explained in a single sentence mentioning that Vidyalayas Shiksha Samiti will function in the general directions of *sukh-suvidha-samiti* constituted under section 25 (1) (iii) of Bihar Panchayat Raj Act, 1993. This Panchayat Raj Act came into force as a result of 73 constitutional amendment 1993 which provided Panchayati Raj Institutions (PRIs) statutory status. The function of *sukh-suvidha-samiti* regarding primary education is not at all mentioned in the act. The panchayat election as per provisions of 1993 Act was conducted in 2001. The last panchayat election before 2001 was held in 1978.

The Bihar Common School Commission 2006-07 is of the view that the existing laws governing the composition, functions etc., of the management committees of both primary and middle schools as well as secondary schools, need to be restructured. The Commission has

recommended two bills for management of schools for consideration by the Bihar Legislature. The first bill, Bihar Primary and Middle School Education Committee Bill, 2007 is meant for constituting school education committee in the primary and middle schools of Bihar state and the second bill, Bihar Secondary Education Committee Bill, 2007 for constituting school education committee in the secondary schools of Bihar state one for elementary schools and the other for secondary schools. The preamble of the education committee bills says that these bills are meant for fulfilling the fundamental right to elementary education and universalization of secondary and also to provide for ensuring the participation of people in the management, improvement, administration, supervision and control of all schools by constituting a Vidyalaya Shiksha Samiti.

The school education committee bills recommended by the CSSC are the modified version of School Education Committee Act 2000. This act, which is still in force, is only meant for primary and elementary level schools. This act could hardly ensure the participation of the community in school management, administration, supervision and control. Most of the committees constituted under this act did not follow the wide democratic process and members were elected in a small meeting of few people of the feeder area of the school in connivance with local education officer and school headmaster. In fact in many cases some of the members of the committee were quite ignorant of their being the member of the committee and a large number of members never attended any meeting of the committee and obviously not knowing their role.

Following 73<sup>rd</sup> constitutional amendment new Bihar Panchayat Raj Act was passed in 1993 but the first election after passing this act was held in 2001. In the Bihar Panchayat Raj Act 1993 (later amended in 2006) 29 subjects including primary and elementary education was transferred to PRIs. PRI being the statutory and most important democratic body at local level, the role of the constitution of school education committee and supervision of their activities should be primarily entrusted with PRI. The linkage between Vidyalaya Siksha Samiti and PRI is not well defined in the recommended Vidyalaya Siksha Samiti bills in spite of the CSSC's suggested consideration regarding well-defined linkages between the management committee and PRI for restructuring management committees of primary, middle and secondary schools.

In the recommended Bihar primary and Middle School Education Committee Bill, 2007 and Bihar Secondary School Education Committee Bill, 2007, there is the provision to nominate one member by Mukhiya (panchayat head) and one member by Pramukh (panchayat samiti head) on the primary and middle school education committee and one member by pramukh and one member by chairman of Zila Parishad (district board) on the secondary school education committee. Section 13 of the primary and middle school committee bill recommended by the CSSC describes the provisions regarding coordination of the committee with PRI as follows:

‘(1) The Vidyalaya Shiksha Samiti will submit the report of its activities to PRI twice in the year. The report will be submitted to the Gram Panchayat in the case of primary school, to the

panchayat samiti in the case of middle school and to the respective urban units in the case of primary and middle Schools situated in the urban area.

(2) The PRI will deliberate on the report.

(3) The PRI can ask for report regarding complaint against school/ Vidyalaya Shiksha Samiti.

(4) The PRI can enquire at their own level or can request to the competent authority for enquiry.’

In the same way section 13 of the secondary school education committee bill recommended by the CSSC describes the provisions regarding coordination of the committee with PRI as follows:

‘(1) The Madhyamik Vidyalaya Shiksha Samiti of rural areas will submit the report of its activities to Zila Parishad twice in the year, while Secondary schools of urban area will submit their report to chairman / Mayor of respective urban unit.

(2) The Zila Parishad / Urban Bodies will deliberate on the report.

(3) The Zila Parishad / Urban Bodies can ask for report regarding complaint against school/ Vidyalaya Shiksha Samiti.

(4) The Zila Parishad / Urban Bodies can enquire at their own level or can request to the competent authority for enquiry.’

PRI has been given the role to deliberate upon the report of the activities of Vidyalaya Shiksha Samiti and to ask report regarding complaints and make enquiries. It appears that PRI has some sort of control over Samiti in the proposed bill. But the bill also gives power to Education Officers to make enquiry of all allegations made against the office bearers or members of the Samiti. Section 9 (b) of the Bihar Primary and Middle School Education Committee Bill, 2007 says ‘The enquiry of allegations made against the office bearers/ members can be done, adopting prescribed procedure by the Block Education Officer or the officer senior to him and in case allegations are proved the Vidyalaya Shiksha Samiti may take action of removal of the office bearer/ member from the Vidyalaya Shiksha samiti by a simple majority vote.’

## **School Management in Kerala**

Kerala's decentralization of school management can be seen against the backdrop of its prolonged history of movements in the state which led to the better awareness among the people towards their own responsibility and participation in various organizations and public institutions . In spite of the state's low economic growth, stagnant agriculture and industry, high rate of unemployment ‘ migration from the state which are similar to Bihar, Kerala has made achievement as far as human development indicators are concerned. It is best on the indicators like education, public health, general welfare etc. Social movements of the 19<sup>th</sup> and the 20<sup>th</sup>

centuries like Sree Narayana Guru Movement, Library Movement, Teacher Movement, New Social Movements like KSSP played significant roles in promoting people's initiative in solving social issues. People's Kerala Sastra Sahitya Parishad (KSSP) worked in close coordination with the government and provided workforce to educate illiterate adults to achieve universal literacy in the state. Land Reform Act was passed in Kerala way back in 1969 which helped in reforming the oppressive peasantry system of the state. This reform was the result of peasant struggles which continued for over hundred years. This movement has made significant impact on reducing economic disparity in Kerala.

Today Kerala is supposed to be a progressive state of India. It commands high respect within the Indian territory and abroad. A series of movements helped in reforming Kerala's society to the extent none of the Indian states could achieve. Some of these important movements have been described below. (Kumar, 2010)

### **Panchayati Raj Institution Fulcrum of Decentralization**

It was not until the late eighties that The focus on decentralization began to gain ground in Kerala in late 1980s. As a result of the 73 rd Constitutional Amendment, Kerala Panchayat Raj Act came into being in March 1994. By October 1995, all the three tiers of Panchayati Raj Institutions came into being as a result of first election. A significant development occurred in 1996 when the Government decided to provide as much as 35% to 40% of the state plan budget to the three-tier Panchayat System to enable a decentralized planning and development process. Further, elaborate mechanisms were put in place to ensure people's participation in the planning process.

Most of the functions related to education are vested in the Village and District Panchayats. The Village Panchayat is expected to run the Primary and upper primary (elementary) schools and also look at pre-primary education ; the Block Panchayat is provided the responsibility of 'Management of Government Industrial Training Institutions' at the block level; and the District Panchayat manages from the high school level onwards, including technical schools, vocational education centers and so on. Further, it is expected to manage nodal education institutions like the DIET and co-ordinate centrally and state sponsored schemes (such as the ongoing Sarva Shiksha Abhiyan).

### **Strong linkage between School and Grampanchayat**

The Headmaster of the school is an ex-officio member of the Panchayat and as such is required to attend Gram Panchayat meetings to report on the progress of his/her school, and also share any issues, concerns etc. that may need to be addressed by the Panchayat. In many cases, the Headmaster is also designated as the Implementing Officer for a particular educational plan taken up by the Panchayat. Hence the school Headmaster is a link between the school and Gram panchayat and also appears to be accountable to it.

Under the Kerala Panchayat Act Amendment 1999, devolution and decentralisation process was initiated with adequate freedom to act. In this, Panchayat Education Committees and Ward members became members of Panchayat Education Committee (PEC). All schools are to be monitored and resources are to be utilized by PEC. The school budget is approved by the SSA and the school plan is developed by the PEC. All the funds allocated for schools are routed through the Panchayat and some of the Panchayats also collect their own resources and use them for their school.

At each level of PRI, there is a statutory body called the 'Standing Committee' consisting of elected members. These committees are responsible for the approval of plans made for the different developmental area defined in the Panchayat raj Act. At the Village and Block Panchayat levels, the designated Standing Committee responsible for education of children, along with ICDS and public health, is called the Welfare Committee. At the District level, however, the responsibility of higher school education lies with the Education and Health Committee.

Parents Teachers Associations (PTAs) are also very active in Kerala. In the form of PTA there is functional linkage between the school and community. This linkage helps in making viable plans for academic and infrastructural support by the community and their execution in addition to the role played by Panchayats and PECs. For example, PEC in association with PTA conducts remedial camps during vacations, organizes educational fairs and melas, cultural fairs and mobilizes resources for school development. Special drives are organized to enrol all children with special focus on gender equity and promotion of education of the girl child. PTAs make efforts to enroll all migrant children—most of them from Orissa and Bihar. At many places local people have taken initiative to form School Support Group (SSG) which play supportive roles in the development of schools.

The state has prepared a school level academic assessment manual (for continuous comprehensive evaluation) and a booklet is maintained for every child. Every school Headmaster has to appear before the PEC and present the status report. All Headmasters under that Panchayat are present in these monthly or bimonthly meetings. The Sarpanch chairs this meeting

### **Mass Mobilization for People's Empowerment**

As mentioned earlier Kerala has experienced a series of people's movements leading to higher level of awareness among the masses towards social and educational issues impinging upon their life. Their high level of awareness gradually prepared ground for coexistence of voluntary and governmental initiatives in tackling developmental issues of the state. Once such initiative is 'People's Planning Campaign (PPC)' started in 1996. Kerala is one of the few states where more than one third (nearly 30 to 40%) of the state plan budget for various programs meant to be drawn up by the local bodies. Hence, it becomes imperative that the common people are mobilized to participate in developmental processes managed through local self government. Under PPC, mass mobilization of people is done through 'jathas' (processions) in which various art forms like dance, drama, music are used. Sometimes jathas are used to assemble people at a place and then a team of activists and experts communicate with the people either by delivering lectures or discussion or question answer sessions. Theme based jathas automatically deliver message to the masses. They are popularly known as 'Kala Jathas'. PPC highlights the theme of 'power to all,' and urge people to come out into the Gram Sabhas and participate in the planning process. Elaborate guidelines for discussions in Gram Sabhas are developed. Development plan is prepared on the basis of the ideas and opinions received from Gram Sabhas. These plans are examined by Technical Advisory Group (TAG), consisting of retired technical experts, professionals and others who were interested in participating in the PPC, at the block, district and state levels in order to ensure their quality. Pre primary and school education, like the other development sectors, has been integral to the PPC process. Intervention in Early Childhood for the children in the age group of birth-six years is a predominant activity in all the Panchayats; however, even here, infrastructure creation and augmentation along with material supply appears to be the main activity. In fact, it is claimed by the Panchayats that most of the expansion (both in terms of numbers and infrastructure) of the ICDS program in the past few years has been due to their direct interventions.

Panchayat interventions in schools are also almost on the lines of infrastructure, maintenance and material supply. These are all in government schools, as Panchayats do not support any infrastructure creation in government aided or unaided schools. In some cases, there is a supply of library books.

Direct support to children is mostly in the form of tuition classes (termed as 'remedial teaching' which is undertaken by the schoolteachers themselves. All Panchayats support this activity by providing refreshments to children during the said hour. In most cases, tuition classes appeared to be focused on those children who are appearing for their standard ten examinations - this is an attempt to help these children secure good marks/grades in this public examination. According to some Panchayat members, this activity becomes crucial to send out a signal to those parents who may otherwise tend to remove their children attending government schools for a private school admission. In some Panchayats, there have been exercises to ascertain children's learning levels to identify the 'weaker' students. Tuition classes are then arranged with Panchayat support, based on the results of these tests.

Another activity that is now common across many Panchayats is the idea of the Children's Parliament (Bala Sabha/Panchayat). Another feature that stands out when we study budget allocations across five years is the lack of consistency and continuity of activities. Some activities appear for a year or two and are then discontinued for reasons that are not clear. A number of such budget items can be identified.

### **Poor Linkage between SSA and Gram Panchayat**

In spite of highly decentralized mechanism of school management in Kerala, it appears that Panchayats in Kerala have little or no control over the spending of their contribution to SSA. This goes against the spirit of decentralized planning in the SSA and decentralized planning in general. Another striking feature of the budget data is that the Gram Panchayat contribution to the SSA has not been continuous. Contention of Gram Panchayats is that they are ignorant with the fact about utilization of their contribution made to SSA. Hence, they are not in favour of giving contribution to SSA rather they are in favour of making rules to spend this amount according to their local needs. Panchayats are forced by higher authorities to make contribution to SSA on the pretext that their budgets will not be approved if they do not contribute to SSA.

### **Conclusion**

It has been observed that even after two decades of Panchayati Raj getting constitutional status and provision of 29 subjects identified in the Eleventh Schedule to be placed within PRIs, Elementary Education could not be transferred to the local self government in Bihar. Kerala has transferred elementary education to Panchayats along with staff and moveable and immovable property. About 40,590 staff, moveable and immovable properties have also been transferred to the Panchayats. The State Government however continues to pay the staff salaries which ultimately have to go to the panchayats.

Contrary to Bihar, management of elementary school is highly decentralized in Kerala. There is well defined linkage between the school Headmaster, PEC, PTA in order to monitor management and developmental processes of schools. School Headmaster is an ex-officio member of panchayat and is required to attend panchayat meetings leading to two way flow of information between a school and concerned local body. PEC is a powerful body which monitors schools, develop school plans and utilize school resources. Kerala is also unique in active people's initiatives in creating awareness among masses towards issues of public concern like health, education, environment, consumer protection etc. and ensuring their higher participation in taking welfare decisions. PPC has contributed immensely in empowering power for making school management truly decentralized.

Instead of transferring elementary education to local self governments, the Bihar government is making half hearted experiments in devising alternative ways to decentralize school management

and ensure effective community participation. After implementation of RTE 2009, Bihar Prarambhik Shiksha Samiti (Bihar Elementary School Education Committee) Act 2011 was brought to decentralize school management and community participation. As discussed above the new VSS act gave relatively broader representation to parents from various social groups in comparison to VSS Act 2000. Proposed draft bills on VSS recommended by BCSSC gave feeble representation to Panchayats whereas local-self governments have got constitutional mandate to manage the elementary education holistically. Instead of making separate VSS acts, it is imperative to transfer elementary education to Panchayat Raj Institutions (PRIs) as one of the 29 subjects required to be transferred to PRIs under the provision of new Panchayati Raj Act. Even the RTE Act 2009 did not contain the provision of transferring the elementary education to local self governments. It also failed to understand that the basic purpose of local-self government is to empower local community in governance. The question of suggesting separate acts for school management only arise when the subject of elementary education is not fully transferred to local self government.

In light of the above discussion it is important to look into the provision of Bihar Panchayati Raj Act 2006 (amended up to 2011) regarding power and functions of Panchayats in education. The power and functions of Panchayat described in section 22 of the Act are as follows:

“(xiii) Education, including primary and secondary school education — (1) Promotion of public awareness and participation in primary and secondary education; (2) Ensuring full enrollment and attendance in primary schools and their management. (xiv) Adult and non-formal education — Promotion of mass literacy. (xv) Libraries — Village libraries and reading rooms. (xvi) Cultural and Sports Activities — Promotion of social, cultural and sports activities. (xvii) Markets and Fairs. — Regulation and management of fairs (including cattle fairs) and festivals.”

Power and functions of Panchayat Samiti (second tier of PRI) in Bihar Panchayati Raj Act 2006 is described in section 47 of the Act which are as follows:

“(14) Education, including Primary and Secondary Schools- (i) Promotion of Primary and secondary Education; (ii) Construction, repair and maintenance of primary school buildings. (15) Technical Training and Vocational Education- Promotion of rural artisan and technical and vocational training. (16) Adult and Non-formal education-Implementation of mass literacy. (17) Cultural Activities- Promotion of social, cultural and sports activities.”

Power and functions of Zila Parishad (third tier of PRI) in Bihar Panchayati Raj Act is described in section 73 of the Act which are follows:

“ 17. Education- (i) Promotion of educational activities including the establishment and maintenance of primary and secondary schools; (ii) Organisation of programmes for mass education and library facilities; (iii) Extension work for propagation of science and technology to rural areas; (iv) Survey and evaluation of educational activities; (v) Establishment and maintenance of general hostels, ashrams, schools and orphanages.”

It is worth looking into the provisions into Kerala Panchayat Raj Act 1994 (amended up to 2012) regarding power and functions of PRI. Kerala Panchayat Raj Act 1994 (amended up to 2012) describes the functions of Panchayat in Section X of the Third Schedule which are as follows:

- “1. Management of Government Pre-Primary Schools and Primary Schools
2. Implementation of Literacy Campaigns
3. Management and promotion of reading rooms and libraries”

Function of Block Panchayat in Kerala Panchayat Act 1994 is described in Section VIII of the Fourth Schedule which is quoted below.

“Management of Government Industrial Training Institutions.”

Power and functions of District Panchayat in Kerala Panchayat Raj Act is as follows:

- “1. Management of Government high schools (including Lower and Upper Primary Schools attached to high schools). 2. Management of Government Higher Secondary schools. 3. Management of Government Technical Schools. 4. Management of Government Vocational Training Centres and Polytechnics. 5. Management of government Vocational Higher Secondary Schools. 6. Management of District Institute for Education and Training. 7. Co-ordination of centrally and state sponsored programmes related to education”

Thus we see that PRIs have been entrusted with various roles regarding formal and non formal education in both the states. But no concrete step has been taken to empower PRIs to exercise their power and functions in Bihar. People’s initiative is also very poor. Most of the Vidyalaya Siksha Samities are not functional. Most of the parents from weaker sections are in fact nominated by local bureaucrats in connivance with school heads, panchayat representatives and few influential villagers. Most of the VSSes hardly perform any significant role in school management. Although the responsibility of elementary schools in Bihar like Kerala and all other Indian states has been transferred to Panchayats but rules were never framed for panchayats to exercise their power and functions. Instead of framing rules for panchayats to manage schools, rules were framed for functioning of VSS in which panchayat has no or scanty role. Panchayats in Bihar were generally in conflict with VSS. Bihar Panchayats play no active role in developing school plan and utilization of funds. Some funds are routed through panchayats but they have no power except to make payment as per instructions issued by the state government. In spite of implementation of Panchayati Raj Act based on the 73<sup>rd</sup> constitutional amendment and VSS Act 2011 as per provisions of RTE act 2009, the management of elementary schools in Bihar is centralized in the hands of local bureaucracy.

Mere transferring of school education to PRIs will not help much in decentralization of school management. Panchayats in Bihar have no power to generate adequate resources for development in areas falling within their jurisdiction. Hence provisions must be made for PRIs’ budget and expenditure and requisite staff and secretariat for independent functioning of PRIs. The existing staff and moveable and immovable properties under the control of the state government may be transferred to PRIs/other local bodies as may be the case. The PRIs should

devise their mechanism to manage schools in their jurisdiction and involve communities in their functioning.

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