



## Decentralization of School Management in India: Analysis of Role of Panchayati Raj Institutions in Bihar

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### **Abstract:**

*Assertions in favour of democratic decentralization are often founded upon the notion that the 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> amendments of the Indian Constitution 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 is an eastern Indian state with a population of 100 million is poor on most of the development indices including school education. The section 22 of the Bihar Panchayati Raj Act 2006 identifies some important roles of Panchayats in the area of elementary education. 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. But no concrete mechanism was developed for implementation of roles by Panchayats. Under the provision of Vidyalaya Siksha Samiti (VSS) Act, there exists a VSS in each elementary school which has a well laid mechanism to function. It has also few members nominated by Panchayats. 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.*

*After 73<sup>rd</sup> amendment which provided constitutional status to PRIs, adoption in 2002, of the 86<sup>nd</sup> amendment to the Constitution, which inserted a new Article 21 A in Chapter 3 making provision of compulsory and free education to the children within the age group 6-14, a fundamental right was another mile stone in achieving universalization of elementary education in India. In order to ensure this fundamental right the government of Bihar constituted a Common School Commission in 2006 which submitted its report in June 2007. Bihar Common School System Commission (BSSC) in its recommendations framed two bills for effective decentralization of school management. Proposed bills could not be enacted. These bills were also appearing to be failing in realizing the greater role of community and local self governments. The author has tried to analyze efforts of ensuring effective community involvement in school management 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)

## **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 (Rajasthan) 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, CABE, 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.

## **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 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.

### **NUEPA Study of Role and Functions of VEC**

A study conducted by NIEPA (now NUEPA) as a part of the second all-India survey of educational administration, titled 'Educational Administration in Bihar' studied the role and functions of VECs. The study noted that despite the restructuring, problems existed. Village level dynamics played its role, influential persons sent their own representatives and as the number of members was limited to 15 hence every caste could not be represented. But the impact of the VECs was found to be perceptible. The report mentioned that tremendous increase in enrolment, especially after restructuring in 1993.

The report drew the following conclusions:

1. Influential persons in the village secure a place for themselves or their favorites.

2. Where there are experienced, retired persons and elders involved, the performance is better. V ECs are not reconstituted according to the provision after two years.
3. The lack of response from either the government officials or those in the BEP leads to frustration and ebbs their voluntary spirit.
4. While meetings should be held once a month, the frequency of the meetings gradually decline after initial period.
5. Meetings of the VECs should be held in different tolas so that the entire village can participate. The advantage of this arrangement was noticed in Jonha block.
6. The training is quite effective. In a particular VEC none of the members could recall what they had learnt in training, and they felt that training was not relevant in conducting VEC activities in local situations. Members of Anganwadis and Primary health centres are not aware as to why they have been given representation.
7. The main difficulties are financial and administrative. As nothing can be changed in areas where half of the population is below poverty line, the prospect of mobilization of donations is very weak.
8. There are administrative lapses. Even on the request of the VEC, irregular teachers are not transferred (this is because of the association that teachers have with BEOs), while good teachers are transferred without consulting them.

### **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 Mukhiya of the village panchayat/chairman of the notified area committee/municipality/corporation
- d) Headmaster/ head teacher to the school, ex-officio member

## **NCF 2005 on Community Participation**

The National Curriculum Framework, 2005 also emphasized community participation as a means of enhancing quality and accountability in education. The document emphasized:

- Decentralization in planning, implementation and monitoring of education programs.
- Strengthening of PRIs as a major step towards making the system “less bureaucratic, teachers more accountable, and the schools more autonomous and responsive to the needs of children.”
- Genuine planning from below by enlisting the support of VECs, state SSA bodies, and other statutory bodies for

- micro-planning including such tasks as the village-level mapping of school participation (non-enrolments, attendance patterns, special needs, etc.) as well as identification of human resources
- Enabling learning through participation in the life of the community as an indispensable component of all disciplines
  - Curricular choices with “legitimate stakeholders” (read local community members/parents) to help them see the educational value of curricular decisions as including a critical understanding of local realities of gender, caste, class and religion that are “oppressive and reaffirm social inequalities and hierarchies” (NCF 2005).
  - Engage with local community to answer questions about the inclusion or exclusion of particular knowledge and experiences in the school curriculum, as well as using the local community as a valuable resource for teaching oral history and traditional knowledge.
  - Wide-ranging cooperation and partnerships between the local community and other stakeholders including the state and civil society groups.

### **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.

### **Bihar Common School System Commission (BCSSC) Report on School Management**

The Right to Education Act keeps up with this commitment of decentralization. It asks for the constitution of SMCs for every state and also emphasized community participation as a means of enhancing quality and accountability in education. Many provisions have been made in the Act to ensure quality education for all children in the age group of 6-14 years. Specific provisions have been made for democratization of schools and for parents and local communities to play their due roles in shaping and running of the schools in the form of School Management Committees (SMC). For communities to be able to effectively play that role, they need to be oriented/trained and supported. To engage with the school system, members of community need to develop technical skills like collection of relevant information, analyzing it and finally designing appropriate interventions, basing on norms set in the RTE Act.

Bihar Government constituted the Common School System Commission (CSSC) on the 8<sup>th</sup> August, 2006. The Commission was given a timeframe of nine months to submit its report. The Commission termed the intention of the Chief Minister to establish the common school system commission in

Bihar as a development of historic significance for Bihar and possibly for the rest of the country as well. The CSSC submitted its report to the government well within the given timeframe with a hope to enact its proposed draft legislation on Right to Education and CSS and draft legislation on school education committees by the end of 2007 so that process of putting CSS in place in Bihar can commence from the beginning of the financial year 2007-08. After initial hype and enthusiasm of the state government, the CSSC report is yet to be implemented.

The CSSC report says that School Management should have a long term perspective and should be linked to human resources development objectives. It should promote decentralization and autonomy of educational institutions and attach priority to people's participation which includes association of non-governmental agencies and voluntary organizations. There should be maximum participation of women in the management of education. It should be based on the principle of accountability related to declared goals and norms. (Ch 8, P.100)

The commission considered the issue of management of schools in Bihar in light of two landmark developments capable of affecting school education in a big way. "These are the adoption of the 73rd and 74th amendment to the Constitution in 1991, providing for the decentralization of power and development activities to Panchayati Raj Institutions; and the adoption in 2002, of the 82nd amendment to the Constitution, which inserted a new Article 21A in Chapter 3 making the provision of compulsory and free education to the children within the age group 6 years to 14 years, a fundamental right. It is in this background that the Commission has considered the issue of management of schools in Bihar". ( Ch 8, P. 100)

## **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 73rd 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 73rd and the 74th 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, keeping in mind the following considerations:

i) An overwhelming majority of the members of these committees should be the parents of the children studying in these schools; for, they have the highest stake in the effective functioning of these schools;

ii) The school management committee should have mostly elected members and only two or three nominated members. The elected representatives of the Panchayati Raj Institutions should nominate the few nominated members of the committee;

iii) 50 per cent of the members of the committee should be women. Either the chairperson or the secretary of the committee should be a woman. Similarly gender parity should be observed in electing the reserve category members of the committee;

iv) It should be obligatory for the committee to have representatives of scheduled castes, scheduled tribes, extremely backward classes and other backward classes;

v) Almost all the elected and nominated members of the committee should come from the Poshak Kshetra of the school;

vi) There should be a clear-cut provision for defining and delineating the Poshak Kshetra;

vii) President and Secretary of the committee should be only from amongst the elected members and they should be elected democratically by the total membership of the committee by a simple majority;

viii) There should be well-defined linkages between the management committee and the Panchayati Raj Institution in the area in which the school is located;

ix) To bring a measure of stability to the committee, the provision regarding the removal of the chairperson or the secretary should be made more stringent. A two-thirds rather than a simple majority of the committee should be required for the removal of either of these two office bearers; and

x) The provisions regarding the dissolution of the management committee should be spelt out clearly and in greater detail.' (Report of the CSSC 2007, chapter 8, pp. 102-103)

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.’

Bihar Secondary School Education Committee Bill, 2007 in the similar way says ‘The enquiry of allegations made against the office bearers/ members can be done, adopting prescribed procedure by the District Education Officer or an officer authorized by 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.' The power of enquiry against the Samiti members or office bearers are given to the bureaucrats in the proposed bill. The role must be given to Panchayat to conduct inquiry into allegations by any appropriate authority or committee constituted by it or any other way it finds appropriate. The role of an elected constitutional body cannot be limited by giving such role of making inquiry to a bureaucrat bypassing its holistic role in school management.

### **Advocating Holistic Management of Schools by Panchayats**

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 and many other states. Some states have transferred primary education to Panchayats along with staff and moveable and immovable property. For example, the Government of Kerala has transferred Agriculture, Health, Veterinary and Primary Education Departments to the Panchayats. 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.

Instead of transferring elementary education fully to local self governments, the state 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 & 2011 regarding power and functions of Panchayats in education. The power and functions described in section 22 of the Act which 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) 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) 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.”

Thus we see that PRIs have been entrusted with various roles regarding formal and non formal education. But no concrete step has been taken to empower PRIs to exercise their power and functions. As a first step school education should be transferred to PRIs and urban local self governments. Mere transferring of school education to PRIs will not help much, Panchayat fund must be constituted as per provision of the act so that panchayats can collect resources for ensuring their functions. Panchayats 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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