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# The Bombay Primary Education Rules 1924

*(As amended up to 13th July 1940)*

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# BOMBAY PRIMARY EDUCATION RULES, 1924

## TABLE OF CONTENTS

Chapter.	Rules.	Pages.
I. POWERS AND DUTIES OF LOCAL AUTHORITIES	1—12	1—7
II. SCHOOL BOARDS—		
A—CONSTITUTION OF SCHOOL BOARDS	... 13—16	7—9
B—MANNER OF ELECTING THE SCHOOL BOARD	... 17—20	9—13
C—CHAIRMAN AND VICE-CHAIRMAN	... 21—25	15—17
D—CONDUCT OF BUSINESS OF THE SCHOOL BOARD	... 26—31	17—20
E—POWERS AND DUTIES OF THE SCHOOL BOARD	... 32—40	20—24
III. THE ADMINISTRATIVE OFFICER OF THE SCHOOL BOARD...	41—43	24—26
IV. STAFF TO BE EMPLOYED BY LOCAL AUTHORITIES—		
A—GENERAL	... 44—47A	26—28
B—ADMINISTRATIVE, INSPECTING AND SUPERVISING STAFF.	48—53	29—31
C—TEACHING STAFF	... 54—61	31—34
V. ACCOMMODATION, EQUIPMENT, COURSES OF INSTRUCTION, ATTENDANCE, ETC.—		
A—ACCOMMODATION	... 62—64	35
B—EQUIPMENT	... 65—68	35
C—SUBJECTS OF INSTRUCTION	... 69—72	35—36
D—ATTENDANCE	... 73—76	36—37
E—FEES	... 77—78	37
VI. APPROVED SCHOOLS	... 79—93	36—42
VII. SCHOOL COMMITTEES	... 94—108	42—45
VIII. GRANTS TO LOCAL AUTHORITIES—		
A—RECURRING GRANTS	... 109—113	46—50
B—NON-RECURRING GRANTS	... 114—116	50—51
IX. MUNICIPALITIES WHICH ARE NOT LOCAL AUTHORITIES	... 117—124	51—54
X. ENFORCEMENT OF COMPULSION	... 125—131	54—57
XI. PREPARATION OF SCHEME FOR COMPULSORY ELEMENTARY EDUCATION.	132—135	57—59
XII. PREPARATION OF SCHEME FOR EXPANSION ON A VOLUNTARY BASIS	136—139	59
XIII. PREPARATION OF THE BUDGET—		
A—BUDGET	... 140	60
B—ACCOUNTS	... 141—146	60—62
C—AUDIT	... 147—148	62
XIV. PROVINCIAL BOARD OF PRIMARY EDUCATION	... 149—154	62—64

## SCHEDULES

	Pages.
SCHEDULE A.—CONSTITUTION OF THE SCHOOL BOARDS UNDER THE BOMBAY PRIMARY EDUCATION ACT, 1923.	65—67
SCHEDULE B.—BACKWARD COMMUNITIES AND MINORITIES	... 68—70
SCHEDULE C.—RULES FOR THE ELECTION OF MEMBERS OF THE SCHOOL BOARD.	71—78
SCHEDULE D.—RULES FOR BUILDING GRANTS AND GRANTS FOR SITES	... 79—128
SCHEDULE E.—RULES INDICATING THE PROCEDURE REGARDING EXECUTION OF WORKS PERTAINING TO SCHOOL BUILDINGS	129—130
SCHEDULE F.—MODEL PENSION FUND RULES FOR SCHOOL BOARDS	...130—131
SCHEDULE G.—MODEL PROVIDENT FUND RULES FOR SCHOOL BOARDS	...132—136
SCHEDULE H.—MODEL REGULATIONS FOR THE REGISTRATION OF APPROVED AIDED PRIMARY SCHOOLS.	137—140
SCHEDULE I.—MODEL INSTRUCTIONS FOR THE GUIDANCE OF ADMINISTRATIVE OFFICERS AND EDUCATIONAL SUPERVISORS.	141—143
SCHEDULE J.—MODEL RULES FOR SCHOOL COMMITTEES IN VILLAGES WHICH HAVE NO PANCHAYATS.	144
SCHEDULE K.—LIST OF RECOGNIZED UNIVERSITIES	...145
SCHEDULE L.—RULES FOR THE ELECTION OF MEMBERS OF THE PROVINCIAL BOARD OF PRIMARY EDUCATION.	145—147
SCHEDULE M.—RULES FOR THE CONDUCT, DISCIPLINE, ETC., OF SCHOOL BOARD EMPLOYEES.	148—150

## APPENDICES

APPENDIX A.—FORM: CENSUS	... 151
APPENDIX B.—FORM: ATTENDANCE NOTICE	... 151
APPENDIX C.—FORM: ESTIMATE OF THE NUMBER OF CHILDREN TO BE PROVIDED FOR (DISTRICT LOCAL BOARD).	152
APPENDIX D.—FORM: ESTIMATE OF THE NUMBER OF CHILDREN TO BE PROVIDED FOR (MUNICIPALITIES).	153
APPENDIX E.—FORM: CONSOLIDATED ESTIMATE OF THE NUMBER OF CHILDREN TO BE PROVIDED FOR.	153
APPENDIX F.—FORM: DISTRIBUTION OF PUPILS BY CASTES	... 154
APPENDIX G.—FORM: ESTIMATE OF THE ADDITIONAL COST OF THE PROGRAMME.	154
APPENDIX H.—FORM: ESTIMATE OF THE INCREASE IN THE NUMBER OF PUPILS.	155
APPENDIX I.—FORM: ESTIMATE OF THE COST OF THE PROGRAMME	... 155
APPENDIX J.—FORM: DETAILED SCHEME FOR THE INTRODUCTION OF COMPULSORY ELEMENTARY EDUCATION.	156—159
APPENDIX K.—FORM: DETAILED SCHEME FOR THE EXPANSION OF PRIMARY EDUCATION ON A VOLUNTARY BASIS.	159

# THE BOMBAY PRIMARY EDUCATION RULES, 1924

## Educational Department

Bombay Castle, 10th October 1924

No. 2534.—In exercise of the powers conferred by the proviso to

(1) So much of Government Notification in the Revenue Department No. 78, dated the 7th January 1885, as relates to rules determining the relations between Local Boards and the Educational Department in educational matters;

(2) Government Notification in the Educational Department No. 2033, dated the 18th April 1921; and

(3) Government Notification in the General Department No. 55-A, dated the 26th May 1922.

section 58 of the Bombay District Municipal Act, 1901 (Bom. III of 1901), sub-section (2) of section 20 of the Bombay Village Panchayats Act, 1920 (Bom. IX of 1920), sub-section (1) of section 27 of the Bombay Primary Education Act, 1923 (Bom. IV of 1923), and clause (e) of section 133 of the Bombay Local Boards Act, 1923 (Bom. VI of 1923), and in supersession of the Government Notifications specified in the margin, the Government of Bombay is pleased to make the following rules prescribing the extent of the independent authority of (1) municipalities which have been authorized by Government to manage their own schools and are local authorities under the Bombay Primary Education Act, 1923 (Bom. IV of 1923), (2) municipalities which are not local authorities, but have transferred under section 6 of the Bombay Primary Education Act, 1923 (Bom. IV of 1923), primary schools vesting in them to the district local boards of the districts concerned, which are local authorities under the said Act, (3) district local boards which are local authorities under the Bombay Primary Education Act, 1923 (Bom. IV of 1923), and for which school boards have been constituted under section 3 of the said Act, and (4) taluka local boards in respect of education and their relations with the Government Educational Department and with each other in educational matters, for the supervision of village schools by panchayats, and regulating the matters to be prescribed under sub-section (1) of section 27 of Bombay Primary Education Act, 1923 (Bom. IV of 1923), namely:—

*Notes.*—1. Portions in italics consist of extracts from the relevant Acts printed for convenient reference.

2. District local boards which are local authorities under the Bombay Primary Education Act, 1923, but for which no school boards have been constituted under section 3 of the said Act will be governed by rules prescribed by Government under clause (e) of section 133 of the Bombay Local Boards Act, 1923 (Bom. VI of 1923).

3. Municipalities which have not been authorized by Government to manage their own schools under the Bombay Primary Education Act, 1923, in the districts in which no school boards have been constituted for district local boards which are local authorities under the said Act will be governed by rules prescribed in Government Notification in the Educational Department, No. 2033, dated the 18th April 1921.

## CHAPTER I

### POWERS AND DUTIES OF LOCAL AUTHORITIES

*It shall be the duty of local boards, as far as the local fund at their disposal will allow, to make adequate provision for the areas respectively subject to their authority in regard to the provision of suitable accommodation for, and the visiting and maintenance of primary*

Bombay  
Local Boards  
Act, 1923,  
section 50 (d)

*schools, and the payment, if necessary, of stipends to persons qualifying as teachers for primary schools during the period of the training for such qualifications and the general development and extension of primary education.*

*It shall be the duty of every Municipality to make reasonable provision for establishing and maintaining primary schools.*

Bombay  
District  
Municipal  
Act, 1901,  
section 54 (p).

Bombay  
Primary  
Education  
Act, 1923,  
section 2  
(Definitions).

*"Local authority" means a district local board or a Municipality which is authorized by the Government to manage its own schools and includes in the case of Aden, the Executive Committee of Aden.*

Section 4 (3).

*The School Board shall submit its annual budget and all alterations therein for the sanction of the local authority.*

Section 8 (1).

*A local authority shall take over and employ such primary school teachers employed under the Educational Department of the Government as the Government may direct, on the same terms and conditions on which such persons were employed under the said department.*

Section 8 (2).

*The existing and future rights, liabilities, duties and powers of the Government in respect of such teachers shall vest in and be exercised or performed by the local authority:*

*Provided (a) that any such teacher shall have a right of appeal to the Government against any order of dismissal;*

*(b) that the scales of pay and allowances applicable to such teachers at the time at which they are taken over and employed by the local authority shall not be altered without the previous sanction of the Government.*

Section 8 (3).

*A local authority shall make such payments to such other local authority as the Government may direct in respect of services rendered to such authority by any teacher taken over by such other authority under the provisions of sub-section (1).*

Section 9 (1).

*The local authority shall, after inviting and considering the suggestions, if any, of the school board and with the approval of the Government, appoint an officer who shall be called the School Board Administrative Officer.*

Section 10 (1).

*A local authority may by resolution declare its intention to provide compulsory elementary education in the whole or any part of the area subject to its jurisdiction in the case of children of either sex or both sexes and, if the local authority is a district local board, in any area subject to the jurisdiction of a municipality situate in the district which is not a local authority and shall submit its proposals to the Government in the form of a scheme.*

Section 10 (2).

*A local authority, if called upon by the Government so to do, shall within a time to be specified by the Government submit a scheme to provide compulsory elementary education in such area as above as the Government may direct and in the case of children of either sex or both sexes as the Government may specify.*

Section 10 (3).

*Every local authority shall, within the prescribed period, prepare as complete a programme as possible for the universal introduction of compulsory education within the area subject to its jurisdiction within a definite period.*

When a scheme has been sanctioned the local authority shall make adequate provision for compulsory elementary education within the area of compulsion and no fee shall be charged in any school within such area managed by the school board in respect of the elementary education of any child. Section 14.

A sanctioned scheme may with the sanction of the Government be withdrawn or from time to time modified by a local authority. Section 15.

The local authority may from time to time with the sanction of the Government make regulations not inconsistent with the provisions of this Act and the rules thereunder for carrying out the purposes of this Act; in particular and without prejudice to the generality of the foregoing provisions, the local authority may make regulations— Section 27 (3).

(a) including in the curriculum of primary education courses of practical instruction suitable to local needs;

(b) for the instruction in experimental science, modelling, nature study, manual training and prevocational work including household science, of children of any age receiving primary education;

(c) for the physical and moral training of children of any age receiving primary education;

(d) determining the pay and terms of employment of the teaching, inspecting and supervising staff and regulating the administration and management of primary schools;

(e) for the supply of books, slates and educational requisites to indigent children of any age receiving primary education;

(f) prescribing pre-vocational course as a part of upper primary education.

Short title.

1. These rules may be called the Bombay Primary Education Rules, 1924.

Definitions.

2. In these rules unless there is anything repugnant in the subject or context—

(a) "Local authority" means a District Local Board or a Municipality which is authorized by the Government to manage its own schools;

(b) "Act" means the Bombay Primary Education Act, 1923;

(c) "Approved school" means a school or part of a school in which instruction in elementary education is given and which is for the time being approved by the School Board constituted under section 3 of the Bombay Primary Education Act, 1923, or by the Government on appeal from a decision of the school board refusing approval;

(d) "Intermediate classes" shall mean the classes mentioned in Schedule A and shall include such classes as Government may from time to time declare to be included in the said schedule.

(dd) "Backward classes" shall mean the classes mentioned in Schedule AA and shall include such classes as Government may from time to time declare to be included in the said schedule.

(dd1) "Scheduled classes", "Aboriginal and Hill tribes" and "other Backward classes" shall mean the classes mentioned in columns 1, 2 and 3 respectively in Schedule AA and shall include

such classes as Government may from time to time declare to be such classes to be included in the said columns.

*Note.*—The classes included in Schedules A and AA shall be eligible for only such facilities and concessions as are provided for and granted to such classes under the Act or those rules, or sanctioned otherwise to those classes.

(e) "Trained teacher" means a teacher who holds a certificate of a Government primary training institution or such other certificate as may from time to time be recognized by Government.

3. (1) A local authority shall maintain an adequate number of primary schools, and no pupil shall be debarred from receiving primary education by reason of his caste.

(2) In addition to schools in which instruction is given through the medium of the local vernacular, a local authority shall provide schools for the instruction of pupils speaking any recognized vernacular of the Presidency, viz. Marathi, Gujarati, Kanarese or Urdu, other than the local vernacular, if

(i) in any area the majority of persons residing therein desire that their children should receive such instruction;

(ii) in any area in which compulsory elementary education has been introduced there are not less than 25 pupils whose parents ordinarily reside in the locality and desire that they should receive such instruction.

The provision of the instruction referred to in (i) and (ii) shall only be obligatory if there is no other "approved school" giving such instruction in the locality.

Provided that in special cases Government may exempt a local authority from the operation of this sub-rule.

English may be recognized as the vernacular or such Indian Christians as speak no recognized vernacular of the Presidency.

(3) (i) A local authority shall pay special attention to the needs of Muhammadans, Intermediate classes, Scheduled classes, Aboriginal and Hill tribes, and other Backward classes and may make special provision for such classes by opening separate schools, by instituting scholarships, or by employing and training teachers belonging to these classes.

(ii) A local authority shall continue to maintain special facilities for such classes, as for example, central schools for Muhammadans and Intermediate classes, scholarships for Scheduled classes, Aboriginal and Hill tribes, and other Backward classes, and similar objects for which special grants have been awarded by Government, such grants having been included in the annual grant payable to the local authority under section 13 (2) of the Act.

(4) A local authority shall also make reasonable provision for primary education other than elementary, i.e. for instruction in standards above standard IV.

4. (1) A local authority shall employ an adequate administrative, supervising, inspecting and teaching staff, including such attendance officers as may be necessary, the pay and terms of employment generally of all members of these staffs being determined by these rules and by the regulations made by the local authority under section 27(3)(d) of the Act.

(2) All officers, teachers, clerks and menials so employed shall be appointed by the School Board, and shall be under the control of, and subject to, the orders of the School Board, except in so far as the powers of the School Board have been limited by the Act or by rules framed under the Act.

*Explanation.*—“Officer” means a member of the administrative, supervising or inspecting staff.

(3) The School Board Administrative Officer and the clerks in the School Board Office who handle money shall furnish securities as follows:—

(i) The School Board Administrative Officer of a District Local Board or a Local Authority Municipality whose maximum pay exceeds Rs. 500. 3,000

(ii) The School Board Administrative Officer of a Local Authority Municipality whose pay is not less than Rs. 250 or more than Rs. 500. 1,500

(iii) The School Board Administrative Officer of other Local Authority Municipalities. 1,000

(iv) Head Clerk or Accountant... One-half of the amount laid down for the Administrative Officer of the Local Authority.

(v) Accounts Clerk... ... One-half of the amounts laid down for the Head Clerk or Accountant of the School Board.

4A. (1) A local authority may grant leave (other than casual leave) to the Administrative Officer on the recommendation of the School Board.

(2) The appointment of the School Board Administrative Officer whether permanent or acting, shall be made by the local authority after inviting and considering the suggestions, if any, of the School Board and with approval of Government as provided in section 9 (1) of the Act.

(3) Whenever a School Board Administrative Officer, who is a Government servant and whose services have been lent by Government to a local authority, is removed from that office by the votes of at least two-thirds of the whole number of councillors of the local authority under section 9 (2) of the Bombay Primary Education Act, 1923, the local authority concerned shall at once communicate its order of removal to the Director of Public Instruction and shall at the same time give notice to the Director that its liability in respect of the pay, pension, etc., of the said officer shall cease after a period of six months from the date of the communication of the notice to the Director.



5. (1) A local authority shall pay leave and pension contributions in respect of all officers and clerks whose contributions to services have been or may be lent to it by Government.

(2) Save in the cases provided in sub-rules (3) and (4) every local authority shall make due provision for the payment of pensions of all primary school teachers taken over and employed by it under sub-section (1) of section 8 of the Act, from the date of such taking over and employment. The provision for the payment of such pensions shall be made either by payment to Government of pension contribution or by the establishment of a pension fund as Government may from time to time require. Where the establishment of a pension fund is sanctioned, the local authority shall make payment into it at such intervals and rates as may be prescribed by Government.

(3) If any local authority establishes in accordance with the rules approved by Government a provident fund for School Board employees such local authority shall—

(i) in the case of a local authority which has established the provident fund before the date on which this rule comes into force, within two months from the date on which this rule comes into force.

(ii) in the case of any other local authority within two months from the date on which the rules of the provident fund shall have been approved by Government,

require by notice in writing the teachers referred to in sub-rule (2) to exercise the option to join the provident fund in lieu of pension and such teachers shall exercise such option within six months from the date of the notice. The option so exercised shall have effect from the 1st day of the month following that in which it is exercised and shall be final.

(4) Notwithstanding anything contained in sub-rule (3), a local authority, which has established a provident fund before the allowances payable to a Head Master and a First Assistant have been discontinued under sub-rule (2) of rule 59 of these rules, shall, within two months from the date of this sub-rule coming into force or the date of the discontinuance of the said allowances, whichever is later, require by notice in writing the teachers referred to in sub-rule (2) of this rule to exercise an option to join the provident fund in lieu of pension and such teachers shall exercise this option within two months from the date of such notice. The option so exercised shall have effect from the 1st day of the month following that in which it is exercised and shall be final:

Provided that in the case of a local authority which has discontinued such allowances before the coming into force of this sub-rule, the option so exercised may, if the teacher so desires, have effect retrospectively from the date of discontinuance of the said allowances.

Provided further that the provisions of this sub-rule shall not apply to teachers who have subsequently been allowed to re-draw the allowances as personal pay from 1st April 1939.

6. A local authority shall make adequate arrangements for the supply of a sufficient number of trained teachers by the award of stipends tenable at a Government training institution or otherwise.

Supply of trained teachers.

Provision of buildings and equipment for schools.

7. A local authority shall provide necessary buildings and equipment for schools maintained by it.

8. A local authority shall defray such other charges in respect of primary education as may be necessary for the proper and efficient discharge of its obligatory duties under the Act.

Payment of other charges.

9. A local authority shall, subject to the proviso to rule 86, provide for the payment through the School Board of grants-in-aid to approved primary schools in the area subject to its jurisdiction, and if the local authority is a District Local Board, in any area subject to the jurisdiction of a municipality within the district which is not a local authority, which apply for such grants.

Payment of grants.

Free elementary education to be provided in area of compulsion.

10. In an area of compulsion the local authority shall provide adequate facilities for the free elementary education of all children subject to the Act.

11. A local authority shall send to the Director of Public Instruction a copy of the annual and supplementary Budgets of the School Board and an annual statement of all its receipts and expenditure.

Supply of statistics to Director of Public Instruction.

12. A local authority may delegate any of its powers or duties to the School Board: provided that without the previous sanction of the local authority no action shall be taken, which may involve expenditure in excess of that provided for in the Budget or increase the liabilities of the local authority in future years.

Delegation of powers.

## CHAPTER II

### SCHOOL BOARDS

#### A—*Constitution of School Boards.*

Constitution of School Boards.

(1) For every local authority there shall be a school board.

Bombay Primary Education Act, 1923, section 3.

(2) The school board shall be constituted as prescribed and shall consist of members not less than twelve and not more than sixteen elected by the local authority. Such members shall not necessarily be members of the local authority:

Provided that if any primary schools have been transferred by municipalities which are not local authorities to the local authority concerned, not more than two of such members shall be elected by the said municipalities in the manner prescribed.

(3) *Out of the members elected by the local authority—*

(a) *two at least shall be members experienced in education ;*

(b) *one at least shall be a woman ; and*

(c) *such number not exceeding three as may be prescribed shall be representatives of minorities and backward communities.*

(4) *The remaining members shall be persons who shall possess the requisite educational qualification.*

*Explanation.—For the purposes of this section—*

(a) *minorities and backward communities shall mean such classes and communities as may be prescribed ;*

(b) *a person shall be deemed to possess the requisite educational qualification, if such person—*

(i) *has passed the vernacular school final examination held by the Provincial Government ;*

(ii) *has passed the anglo-vernacular third standard ; or*

(iii) *possesses any other equivalent or higher educational qualification which the Provincial Government may prescribe in this behalf.*

(5) *Except as otherwise provided in this Act, the term of office of the members of a school board shall cease on the expiry of the term of the local authority for which it was constituted ;*

*Provided that the term of office of such members shall not be deemed to expire by reason only of the fact that the local authority is dissolved or superseded ;*

*Provided further that notwithstanding the expiry of the term of office of such members the said members shall continue in office, until the members of a new school board are elected or appointed, as the case may be.*

(6) *If the term of office of the members of a school board expires during the period of supersession of a local authority for which it was constituted, a new school board shall from time to time be constituted as provided in sub-section (2), until the local authority is re-established, provided that the members of such school board shall, instead of being elected, be appointed by the Provincial Government. The term of office of the members of a school board so appointed shall be for such period not exceeding three years as the Provincial Government may decide :*

*Provided that if during such period the local authority is re-established, the term of office of the members of the school board shall expire on the date on which a new school board is elected by the local authority concerned.*

(7) *Casual vacancies during the term of a school board shall be filled for the remaining period by election or appointment, as the case may be.*

13. [Cancelled.]

13A. [Cancelled.]

Constitution of school boards. 14. Each School Board shall be constituted as prescribed in Schedule A to these rules. [Under section 5]

15. As soon as possible after the Provincial Government have notified under section 4 (I) of the Act the date from which the school board shall exercise its powers, the local authority shall proceed to elect a school board. [Under section 5]

When a new District Local Board or Municipality which is authorized to manage its own schools has been constituted, it shall elect a school board as soon as possible.

16. [Cancelled.]

### B—Manner of electing the school board.

Disqualifications of members. No person shall be elected or appointed a member of a school board who— Bombay Primary Education Act, 1933 section 3

(a) is less than 25 years of age, or

(b) is a judge of a civil court, or a magistrate, or

(c) (i) has been sentenced by a criminal court to fine, imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or

(ii) is a person against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, if and so long as such order is in force, or

(iii) has been removed from office under this Act and five years have not elapsed from the date of such removal,

unless he has, by an order of the Provincial Government notified in the Official Gazette, been relieved from the disqualification arising on account of such sentence, order or removal from office, or

(d) is a stipendiary officer or servant of a school board or of a local authority or of a municipality which is not a local authority, or

(e) is an uncertified bankrupt or an undischarged insolvent, or

(f) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the school board or of the local authority for which it has been constituted or in any contract or employment with, under, or by, and on behalf of the school board or such local authority, or

(g) has not resided for a period of not less than six months next preceding the date fixed for recording of votes for elections to the school board—

(i) within the district, if the local authority for which the school board has been constituted is a District Local Board, or

(ii) within the municipal district or municipal borough, as the case may be, or within seven miles of the limits thereof, if such local authority is a municipality, or

(h) has been adjudged by a competent court to be of unsound mind.

*Explanation.—*

A person shall not be deemed to have incurred disqualification under clause (f) by reason of his—

(a) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same if before taking his seat as a member of the school board, he has obtained the sanction of the Provincial Government to have such share or interest, or

(b) having a share or interest in any joint stock company or in any society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925, which shall contract with or be employed by or on behalf of the school board or of the local authority for which it has been constituted, or

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1925.

(c) having a share or interest in any newspaper in which any advertisement relating to the affairs of the school board or the local authority for which it has been constituted may be inserted, or

(d) holding a debenture or being otherwise interested in any loan raised by or on behalf of the school board or the local authority for which it has been constituted, or

(e) being professionally engaged on behalf of the school board or the local authority for which it has been constituted, as a legal practitioner, or

(f) having a share or interest in the occasional sale to the school board or the local authority for which it has been constituted of any article in which he regularly trades, or in the purchase from the school board or such local authority of any article, to a value in either case not exceeding in any official year five hundred rupees or such higher amount not exceeding two thousand rupees as the school board or such local authority with the sanction of the Provincial Government may fix in this behalf, or

(g) having a share or interest in the occasional letting out on hire to the school board or the local authority for which it has been constituted, or in the hiring from the school board or such local authority of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the school board or such local authority with the sanction of the Provincial Government may fix in this behalf, or

(h) being a police patel, who is an ex-officio keeper of village cattle pounds under the control of the local authority for which the school board has been constituted.

Manner of elec- 17. A local authority shall proceed to elect the [Under  
tion of School members of the school board in the following section 8A.]  
Board. manner:—

(1) The members representing the following special interest, who shall not necessarily be members of the local authority, shall, if available, first be elected separately in the following manner:—

(i) persons experienced in education: *Explanation.*—A person shall be deemed to be experienced in education—

(a) if he has been for not less than ten years an officer of the Government Educational Department, or

(b) if he has been for not less than ten years a manager of, or a qualified teacher in, a school maintained, aided or recognised by the Provincial Government, or approved by a local authority, or

(c) if he has served as an Administrative Officer of a local authority for not less than five years.

*Note.*—For the purpose of sub-clause (b) a manager of a school shall mean a manager who possesses the requisite educational qualifications prescribed in section 3 (4) and who in fact directs and controls the affairs of a school and not one who merely directs its policy or manages its finances, and a qualified teacher shall mean a teacher who is a graduate of a recognised university or who has obtained a training certificate from a recognised training institution for teacher.

(ii) Women;

(iii) representatives of minorities; if more than one minority is to be represented, the representative of each should be elected separately;

(iv) representatives of backward communities; if more than one backward community is to be represented, the representative of each should be elected separately;

*Note.*—For purposes of clauses (iii) and (iv) of sub-rule (1) minorities and backward communities shall mean the classes and communities specified in Schedule B.

(2) After electing the members to represent the special interests specified in sub-rule (1) the local authority shall elect the remaining members of the school board who shall be persons possessing educational qualifications, which are equivalent to or higher than the qualifications mentioned in sub-clauses (i) and (ii) of clause (b) of the Explanation below sub-section (4) of section 3 of the Act.

*Explanation I.*—For the purposes of this rule the following shall be deemed to be *equivalent* qualifications:—

(a) Qualification equivalent to the Vernacular School Final (now called the Primary School Leaving Certificate Examination):—The final examination of a Government Agricultural School.

(b) Qualification equivalent to the Anglo-Vernacular third Standard (now called the middle school standard III):—Standard VI of an English Teaching school or Standard VII of a European school as defined in the Grant-in-aid Code and the Code of Regulations for European schools in the Province of Bombay.

*Explanation II.*—For the purposes of this rule, the following shall be deemed to be *higher* qualifications:—

A person shall be deemed to possess a higher qualification if he has passed any examination or standard higher than the Vernacular School Final Examination (now called the Primary School Leaving Certificate Examination) or the Anglo-Vernacular third standard (now called the Middle School standard III) respectively or their equivalents mentioned in Explanation I above.

A person who has passed any of the following examinations shall also be deemed to possess a higher qualification for the purposes of this Explanation:—

(a) the examinations of the Gujarat and Tilak Vidyapiths corresponding to the Matriculation Examination of a recognised University,

(b) the training certificate examination for primary teachers of the Gujarat Vidyapith Adhyapan Mandir.

(c) All examinations of the S. N. D. T. Women's University.

(3) Representatives of Municipalities, if any, which are not local authorities and the primary schools in the municipal limits of which have been transferred to the local authority concerned shall be elected by the said Municipalities. Such representatives shall be persons possessing the educational qualifications mentioned in sub-clauses (i) and (ii) of clause (b) of the Explanation below sub-section (4) of section 3 of the Act or any other educational qualifications equivalent to or higher than such qualifications as prescribed in sub-rule (2) of this rule.

(4) The election of members of the school board under the preceding sub-rules shall be held in accordance with the procedure prescribed in Schedule C.

18. [Cancelled.]

19. [Cancelled.]

(1) *If the validity of the election of a member of a school board is brought in question by an unsuccessful candidate or by any person qualified to vote at the election such person may, at any time within fifteen days after the date of the declaration of the result of the election apply to the District Judge of the district within which the election has been or should have been held for the determination of such question.*

(2) *Enquiry shall thereupon be held by a Judge, not below the grade of an Assistant Judge and such Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election, or setting the election aside. For the purposes of the said enquiry the said Judge may exercise any of the powers of a civil court, and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed, and the necessary steps taken, for holding a fresh election.*

(3) *All applications received under sub-section (1)—*

(a) *in which the validity of the election of member is in question shall as far as possible be heard by the same Judge; and*

(b) *in which the validity of the election of the same members is in question shall be heard together.*

(4) *Notwithstanding anything contained in the Code of Civil Procedure, 1908, the Judge shall not allow (a) any application to be compromised or withdrawn or (b) any pleadings in the proceedings to be altered or amended unless he is satisfied that such application, alteration or amendment is bona fide and not collusive.*

(5) (a) *If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (6), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.*

(b) *If, in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:*

*Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known, or unknown, in giving or obtaining it.*

(6) *A person shall be deemed to have committed a corrupt practice—*

(a) *who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury to any person; or*

(b) *who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote;*

*and a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.*

*Explanation.—The expression “a promise of individual profit”*

(i) *does not include a promise to vote for or against any particular measure which may come before a school board for consideration, but*

(ii) *subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.*

(7) *If the validity of the election is brought in question only on the ground of an irregularity or informality which has not materially affected the result of the election or which has not been corruptly caused, the Judge shall not set aside the election.*

(8) *If the Judge sets aside an election under clause (a) of sub-section (5), he may, if he thinks fit, declare any person by whom any corrupt*



practice has been committed within the meaning of sub-section (6) to be disqualified from being a member of any school board for a term of years not exceeding five and the decision of the Judge shall be conclusive:

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made:

Provided further that such person may, by an order of the Provincial Government in that behalf, be at any time relieved from such disqualification.

20. (1) Immediately after the result of an election is declared under rule 16 of Schedule C, the President of the local authority shall communicate to the Educational Inspector of the Division, the Collector of the District and the Director of Public Instruction the names of the persons elected as members of the School Board together with information prescribed in the Form appended to these rules.

(2) The names of the members elected shall be published in the *Bombay Government Gazette* by the President of the Local Authority concerned.

Bombay  
Primary  
Education  
Act, 1923,  
section 3C.

Disqualification after becoming a member. (1) if any member of a school board, during the term for which he has been elected or appointed—

(a) absents himself during three successive months from the meetings of the school board without the previous permission of the board, or

(b) becomes subject to any of the disqualifications mentioned in section 3A,

he shall be disabled from continuing to be a member of such board, and his seat shall be deemed to be vacant:

Provided that he shall not be deemed to have incurred any disqualification under clause (f) of sub-section (1) of section 3A by reason of his having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, if he has obtained the previous sanction of the Provincial Government to have such share or interest.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Provincial Government shall be final for the purpose of deciding such question, dispute or doubt.

A member shall not vote or take part in a discussion on any matter before a meeting of a school board in which he is directly or indirectly, by himself or by his partner, any share or interest such as is described in clause (f) of sub-section (1) of section 3A or in which he is professionally interested on behalf of a client, principal or other person. The vote so given shall not be counted.

Disabilities on account of interest in the subject-matter.

*The Provincial Government may on its own motion or on the recommendation of the school board or the local authority for which it has been constituted, supported by a resolution passed by at least two-thirds of the whole number of members of either body, remove any member elected to the school board, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity.*

*Provided that no person shall be so removed nor shall any resolution recommending the removal of any member be passed unless the member to whom it relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.*

*C—Chairman and Vice-Chairman.*

*Election of chairman and vice-chairman.*

*(1) Every school board shall elect a chairman and a vice-chairman from amongst the members of the board.*

Bombay  
Primary  
Education  
Act, 1923,  
section 4A.

*(2) A chairman or a vice-chairman shall be removable from his office as such chairman or vice-chairman by the school board by a resolution passed to that effect, provided that at least two-thirds of the total number of members of the school board vote in favour of such resolution or where the number of such members voting in favour of such resolution is less than two-thirds but more than one-half of the total number of members of the school board sanction is accorded by the Provincial Government for such removal and provided further, that before such resolution is passed the chairman or vice-chairman is given a reasonable opportunity of showing cause why such resolution should not be passed and the notice of such resolution appears on the agenda of the meeting of the board at which such resolution is taken into consideration.*

*(3) Every chairman or vice-chairman who, for a continuous period exceeding three months, absents himself without leave of the school board from the local limits of the area for which the school board is constituted, shall cease to be chairman or vice-chairman.*

*Absence of chairman or vice-chairman without leave.*

*(4) No leave shall be granted by the school board under sub-section (3) for a total period exceeding six months during the term of the school board.*

*(5) Whenever leave is granted to a vice-chairman under sub-section (3) a member shall be elected to be vice-chairman during the period of such leave.*

21. (1) (a) The first meeting of a School Board shall be convened by the President of the Local Authority as soon as convenient, but not later than twenty-one days after the publication of the names of the elected members in the *Bombay Government Gazette*. At this meeting the School Board shall elect from amongst its members

*Election and resignation of Chairman and Vice-Chairman.*

[Under section 4A.]

a Chairman and a Vice-Chairman: Provided that where no meeting for the purpose of such election has been convened within the time specified above, the Collector may exercise the powers of the President for the purpose of calling such meeting.

(b) The President of the Local Authority shall preside over that meeting until the Chairman has been elected.

(c) The President of the Local Authority so presiding shall not be at liberty to vote upon, or to make any proposition at the meeting unless he is himself a member of the School Board.

(d) If the President is unable, or, for any reason, fails to preside over the meeting, the members present shall elect from amongst themselves a Chairman for the meeting. Such Chairman shall preside over the meeting, until the Chairman of the school board has been elected.

(e) In case of an equality of votes the result of the election shall be determined by lot to be drawn in the presence of the person presiding over the meeting, in such manner as he may determine.

(f) The Chairman of the school board shall, as soon as he is elected, preside over that meeting and the meeting shall then proceed to elect a Vice-Chairman.

(2) The term of office of the Chairman and Vice-Chairman shall be co-extensive with that of the School Board: Provided that, if either of them resigns his office, or becomes incapable of acting or ceases to be a Chairman or Vice-Chairman under section 4A (2) or (3) or ceases to be a member of the School Board, previous to the expiry of his term of office, a fresh election to fill up the vacancy shall be held as soon as convenient.

(2.1) The Chairman may resign his office as Chairman by giving notice in writing to the President of the Local Authority. The Vice-Chairman may resign his office as Vice-Chairman by giving notice in writing to the Chairman. The Chairman shall forthwith communicate the occurrence of the vacancy of the Vice-Chairman to the President of the Local Authority.

(3) Where the Chairman and Vice-Chairman are unable, or for any reason fail to call within reasonable time a meeting for the purpose of an election under sub-rule (2), the President of the local authority shall exercise the powers of the Chairman for the purpose of calling such meeting.

(4) On the expiry of the term of office of a School Board, the Chairman and Vice-Chairman shall continue to perform the current administrative duties of their offices until such time as a new Chairman and Vice-Chairman shall have been duly elected and have taken charge of their duties.

(Under section 4A.)

Crown servants not eligible for election.

22. A salaried servant of the Crown shall not be elected as Chairman or Vice-Chairman of a School Board.

Note.—The words "salaried servant of the Crown" do not include a retired servant of the Crown in receipt of a pension or a person in receipt of a salary or fees from Provincial or Central revenues who is not a full time servant of the Crown.

Duties of Chairman.

23. The Chairman of the School Board shall— [Under section 27 (1) (a).]

- (a) preside at the meetings of the Board;
- (b) watch over the financial and executive administration of the Board;
- (c) in cases of emergency perform such acts as may appear to him to be necessary, provided that the Act and the rules framed thereunder are not thereby contravened, and that he shall report forthwith the action taken and the reasons therefor to the School Board.

Duties of Vice-Chairman.

24. The Vice-Chairman of the School Board shall— [Under section 27 (1) (a).]

- (a) in the absence of the Chairman preside at meetings of the Board;
- (b) perform such of the duties of the Chairman as the Chairman from time to time deposes to him;
- (c) pending the election of a Chairman or during the absence of the Chairman on leave, perform the duties of the Chairman.

25. (1) Any member of a School Board other than the Chairman [Under section 3 and the Chairman may resign his office as a member of the board by giving notice in writing of his resignation as such member to the Chairman and the President of the Local Authority respectively.] (7.)

Resignation and filling up of casual vacancy of member of school board.

(2) In the event of any vacancy occurring on account of the death, resignation, disqualification, or removal of a member of a school board or through a member becoming incapable of acting, previous to the expiry of his term of office, the vacancy shall be forthwith reported by the Chairman of the school board to the President of the Local Authority who shall take steps to fill it up, as soon as conveniently may be, by the election of another representative of the class or body to which the original member belonged. The person so elected shall hold office so long only as the member in whose place he is elected would have held it if the vacancy had not occurred.

#### D—Conduct of Business of the School Board

*The members of a school board may be paid allowance for expenses incurred by them in travelling for the purpose of the business of the school board at such rates and subject to such conditions as may be prescribed.* Bombay Primary Education Act, 1923, Section 5A.

(1) An inspecting officer of the Educational Department of the Provincial Government nominated by the Director in this behalf shall have the right of being present at any meeting of the school board and with the consent of the Chairman of taking part in the discussions thereat, but he shall not be entitled to vote upon, or move any resolution at such meeting. Section 16A.

Inspecting Officer of Educational Department to be present at school board meetings.

(2) *The Director or Educational Inspector or any other officer authorized by a general or special order of the Provincial Government may—*  
*Powers of supervision.*

(a) (i) *enter on and inspect any immovable property occupied for any purpose connected with primary education by any local authority or school board, or any educational institution under its control or management; or*

(ii) *cause such property or institution to be entered upon and inspected by any other person authorized by him in this behalf;*

(b) *call for any extract from the proceedings of any local authority or school board or of any committee appointed by either of them relating to any matter connected with primary education; or*

(c) *call for and inspect any book or document relating to any matter connected with primary education in the possession or under the control of a local authority or school board.*

Under section 4.

26. The School Board shall meet together not less than once in every month for the transaction of ordinary business, but the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the members and on a date not more than fifteen days after the receipt of such request, call a special meeting.

Under section 4.

27. The School Board shall from time to time make regulations, not inconsistent with the Act or the rules framed thereunder, in respect of the length of notice to be given for calling meetings; the fixing of the place, day and hour of meetings; the number of members to constitute a quorum; the conduct, management and adjournment of meetings; and the recording of proceedings; and the transaction of business generally, e.g., by the circulation of propositions to members.

Under sections 4 and 16A. Cf. section 26 (14) (b) of Bom. Bom. III of 1901.

28. The School Board may invite the Educational Inspector to attend a meeting if his presence thereat appears to be desirable; and provided that adequate notice has been given, it shall be incumbent upon him to attend unless prevented by sickness or other reasonable cause in which case he should, if possible, depute a representative to attend on his behalf.

Under section 4. Cf. section 26 (7) of Bom. Bom. III of 1901.

29. Meetings of the School Board shall be open to the public, unless the Chairman of the meeting decides that the deliberation on any question shall be private.

Under sections 4 and 16A.

30. The minutes of proceedings of the School Board shall at all reasonable times be open to inspection by any member of the School Board or of the local authority or by a gazetted officer of the Government Educational Department, or an official authorized in writing in his behalf by such gazetted officer. Copies of the minutes shall be forwarded to the local authority, the Educational Inspector of the Division and the Senior Government Inspecting Officer of the District

within two weeks from the date of the meeting. On receipt by the Local Authority of the copies of the minutes they shall be placed before the meeting of the Local Authority. All resolutions of the School Board other than those passed at private deliberations of the School Board shall be published as soon as may be by affixing a copy thereof in some conspicuous place in or near the office of the School Board.

31. (1) (a) The members of a School Board, if the local authority is a District Local Board, may receive payment for travelling allowances to members in certain cases. expenses incurred in travelling for the purpose of the business of the Board in accordance with the rules made in this behalf by Government under clause (d) of Section 133 of the Bombay Local Boards Act, 1923: Under section 5A

Provided that no travelling allowance shall be admissible to a Chairman, Vice-Chairman or a member of the School Board for a journey undertaken by him outside the jurisdiction of the Board unless the previous sanction of the School Board and the Director has been obtained for undertaking such journey.

*Note.*—(i) No member of a School Board shall be deputed for purposes of holding an inquiry which comes within the scope of the duties of the School Board Administrative Officer.

(ii) The Chairman of the School Board shall, as far as may be practicable, in consultation with the President, District Local Board, arrange to hold the meetings of the School Board in conjunction with the dates fixed for the meetings of the District Local Board.

(b) The Chairman and members of a School Board, if the local authority for which the School Board is constituted is a District Local Board, shall for purposes of travelling allowance be treated as officers of the Second Grade as defined in the Bombay Civil Services Rules Manual.

(c) The annual expenditure in respect of travelling allowances of the Chairman and members of a School Board, the local authority for which is a District Local Board, payable from the Primary Education Fund or admissible for the purposes of Government grant shall not exceed Rs. 300 in the case of the Chairman and Rs. 150 in the case of each of the members.

(d) If a member of the School Board who is also a member of the District Local Board for which the School Board is constituted performs only one journey to attend a meeting of the School Board and a meeting of the District Local Board, such member shall not be allowed to draw travelling allowance at the rate prescribed in clause (b) in respect of more than one single journey. In such a case the travelling expenses of such member shall be paid out of the local fund of the District Local Board, provided that budget provision for the payment of travelling allowance to the members of the Board has been made by the District Local Board. If no such provision has been made by the District Local Board, the travelling allowance of such member shall be paid out of the Primary Education Fund. No travelling allowance shall be paid out of the Primary Education Fund on the ground that the allowance made for the travelling

allowance of such a member in the Budget of the District Local Board has been already drawn by him.

(e) Travelling allowance shall be admissible to the Chairman or a member of a School Board if the local authority for which the School Board is constituted is a District Local Board—

(i) If he performs a journey to attend a meeting of the School Board which does not take place for want of a quorum;

(ii) If he is shown in the proceedings of the meeting of the School Board as having been present during any part thereof: provided that if the meeting continues for more than one day, he shall not be entitled to daily allowance for any day on which he has not attended the meeting.

(2) At the first meeting of the School Board, in each month, there shall be placed before the meeting for its approval statements of the movements on duty of the Chairman and of members who have performed journeys on duty under the orders of the School Board with their travelling allowance bills, in respect of their movements or journeys on duty made in the preceding month.

The amount of the travelling allowance bills shall not be drawn until they are approved by the School Board.

#### *E—Powers and Duties of the School Board*

*From such date as the Government may direct in this behalf in respect of each school board the school board shall exercise and perform such powers and duties as may be enacted in or prescribed under this Act.*

Bombay  
Primary  
Education  
Act, 1923.  
Section 4 (1).

Section 4 (2).

(2) *The school board shall exercise the powers and perform the duties of the local authority in respect of primary education as may be prescribed in this behalf and if the local authority is a district local board, it shall also exercise the like powers and perform the like duties of the municipalities in the district which are not local authorities and the primary schools in the municipal limits of which are not transferred to any other local authority. The school board shall also enforce the provisions of this Act;*

Section 4 (3).

*The school board shall submit its annual budget and all alterations therein for the sanction of the local authority.*

Section 4 (4).

*The school board shall further exercise such powers and perform such duties in respect of any educational purpose as may be delegated to it by the local authority or any such municipality as aforesaid.*

Section 5.

*The school board may from time to time delegate any of its powers and duties to any sub-committee or member or honorary or stipendiary officer of the board; such committee, member or officer shall conform to any instructions that may from time to time be given by the school board: the board may at any time discontinue or alter the constitution of any sub-committee so formed or withdraw any of the powers or duties so delegated.*

The school board in respect of any such school maintained by a local authority, and the manager of any other such school shall furnish such returns and supply such information as the Provincial Government or the local authority may from time to time require. Section 16 (2).

The subjects, curricula, books and standards of teaching of approved schools and other primary schools maintained or aided by a local authority shall be as prescribed but may be altered by the school board with the sanction of the Provincial Government to suit local requirements. Section 17.

Where the school board is satisfied that the parent of any child who is bound under the provisions of section 18 to cause such child to attend an approved school, has failed to do so, the school board, after giving the parent an opportunity of being heard and after such inquiry as it considers necessary, may pass an order directing the parent to cause such child to attend an approved school on and from a date which shall be specified in the order. Section 20(1).

This power may be delegated by the school board to a person or committee appointed by it. Section 20 (2).

No court shall take cognizance of an offence under this section (employing a child required to attend school under the Act) except on the complaint of the School Board Administrative Officer, or any person authorized by the said board or officer in this behalf; and before making any complaint under this section against any person, the School Board Administrative Officer or such person shall, unless such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person. Section 22 (2).

32. (1) Subject to the provisions of the Act and of these rules, the School Board shall be responsible for the management and control of all Primary Schools maintained by the local authority and of primary schools of such municipalities as are not local authorities but have transferred their primary schools to the Local Authority.

(2) The School Board may, whenever necessary, open new schools.

33. (a) (i) The School Board shall prepare a scheme to be submitted to the Provincial Government by the local authority under Section 10 of the Act.

(ii) The School Board shall also prepare a scheme for the expansion of elementary or primary education on a voluntary basis side by side with the introduction of compulsion.

(b) After the scheme is approved by the local authority and sanctioned by the Provincial Government with or without modification, it shall be the duty of the School Board to carry out the provisions of the scheme from year to year, provided that the expenditure does not exceed the amount provided in the Budget.

(c) In determining places where new schools shall be opened in the areas of municipalities in the district which are not local authorities the School Board shall give consideration to the views of such municipalities.



34. Subject to these rules and to the regulations made by the Powers of School local authority under section 27 (3) (d) of the Act, Board. the School Board shall have power—

(a) to appoint attendance officers, supervisors and clerks on the recommendation of the Administrative Officer;

(b) to grant leave (other than casual leave) exceeding three months to the employees of the local authority;

(c) to remove or dismiss for serious misconduct or gross inefficiency any attendance Officer, supervisor or clerk:

Provided that—

(i) no such order of removal or dismissal shall be passed unless an enquiry is made into the conduct of the officer by the Administrative officer;

(ii) in the case of an officer lent by the Provincial Government, the previous sanction of the Provincial Government shall have been obtained before an order of removal or dismissal is passed.

(d) to replace at the disposal of the Provincial Government the services of any attendance officer, supervisor, clerk or inferior servant if the service of such person has been lent by the Provincial Government:

Provided that six months' previous notice has been given to the Provincial Government of its intention to replace such services;

(e) to make recommendations in the matter of the extension of service of any of its employees;

(f) to sanction the pension in consultation with the Accountant-General to teachers taken over by the local authority under section 8 (1) of the Act:

Provided that the teacher shall have the right of appeal to the local authority against any reduction of the pension as certified by the Accountant-General;

(g) to sanction changes in dates of births and in names of pupils attending primary schools after full investigation into the circumstances necessitating the changes and recording in writing the reasons for the changes;

(h) to sanction all tenders for the supply of books, furniture or equipment:

Provided that if the lowest tender is not accepted the School Board shall record its reasons in writing for doing so;

(i) to determine the school hours and the number of and duration of vacations in consultation with the local school committees, if any;

(j) to determine the curriculum to be followed if alternative curricula have been framed by the Provincial Government or propose such modifications in any curriculum as it may deem necessary;

(k) to select for use in schools under its management or control, text-books from the list of books sanctioned by the Provincial Government and recommended by the Administrative Officer, or any other text-books with the previous approval of the Provincial Government.

Provided that, except with the previous sanction of the Director of Public Instruction, no text-book once selected, shall be changed before the expiry of three academic years from the date of such selection;

Provided further that in cases in which the text-book to be changed is one from a series of text-books, it shall not be changed unless the text-book for the lowest standard in such series is also changed.

34-A. An appeal shall lie to the local authority against the order of removal or dismissal of an attendance officer, supervisor, or clerk, provided that such appeal is made within three months of the date of the order.

Appeal to local authority.

The Provincial Government may, on a reference made by the Director of Public Instruction, or otherwise, rescind or modify any order passed by the local authority on such appeal.

35. The School Board shall with the help of the Administrative Officer, prepare draft regulations to be framed by the local authority under clause (d) of sub-section (3) of section 27 of the Act and shall forward the same to the local authority.

Duties of School Board.

36. The School Board shall—

School Board to give effect to certain provisions of the Act.

(a) give effect to the compulsory provisions of sections 18, 20 and 22 of the Act.

(b) decide whether the instruction, which a child for whom exemption from attending an approved school is claimed is receiving, is efficient and arrange for the examination of a child for whom exemption is claimed on the ground of his having completed his elementary education under section 19 (b) of the Act;

(c) recommend to the Provincial Government the distance to be fixed by Provincial Government under section 19 (b) of the Act;

37. The School Board may frame regulations under section 27 (3) (d) of the Act for the annual examinations of Schools under its management and control and shall award grants-in-aid to approved schools in accordance with the rules.

School Board to frame regulations for holding examinations in schools, etc.

38. If a local authority wishes to introduce any of the subjects of instruction detailed in clauses (a), (b), (c) and (f) of sub-section (3) of section 27 of the Act the School Board shall frame the necessary schemes for such instruction.

Board to frame schemes for instruction.

39. The School Board shall undertake the management of such educational institutions other than Primary schools as may be entrusted to it by the local authority. The School Board may also consider the question of adult education, and shall make such proposals as may be found necessary in this respect to the local authority.

Management of educational institutions other than primary schools.

40. A School Board may delegate any of its powers or duties in accordance with the provisions of section 5 of the Act, provided that no action which may involve expenditure in excess of that provided for in the Budget or increase the liability of the local authority in future years shall be taken by any person or persons to whom such powers are delegated, without the previous sanction of the School Board.

### CHAPTER III

#### THE ADMINISTRATIVE OFFICER OF THE SCHOOL BOARD

- Section 9 (1). 9. (1) For every school board there shall be an Administrative Officer. He shall be the chief executive officer of the school board.
- Section 9 (2). (2) The Administrative Officer shall be appointed by and shall be a servant of the Provincial Government. His pay, powers and duties shall be as prescribed.
- Section 27-A (1). 27-A. (1) Notwithstanding anything contained in this Act, the Provincial Government may, by notification in the Official Gazette, delegate to a local authority which is a municipality constituted under the Bombay Municipal Boroughs Act, 1925, and the annual expenditure of which on primary education is not less than Rs. 1,00,000 power to appoint an Administrative Officer. The officer so appointed shall be the servant of the local authority concerned.
- Section 27-A (2). (2) The appointment of such Administrative Officer shall be made, after inviting and considering the suggestions, if any, of the school board and with the previous approval of the Provincial Government. No such officer shall, save with the previous sanction of the Provincial Government, be removable from office, reduced or suspended except by votes of at least two-thirds of the whole number of councillors of the local authority.
- Section 27-A (3). (3) The qualifications, pay and conditions of service of such Administrative officer shall be regulated by regulations made by the local authority with the previous sanction of the Provincial Government.
- Section 27-A (4). (4) Such Administrative Officers shall, subject to the general or special orders of the Provincial Government, exercise all the powers and perform all the duties which may be exercised and performed by the Administrative Officers appointed under section.

Powers of the Administrative Officer. 41. The Administrative Officer shall have power—

- (a) to supervise and control the educational staff of the local authority;
- (b) (i) to appoint or promote any teacher, or inferior servant,
- (ii) to transfer all teachers,
- (iii) to remove or dismiss for serious misconduct or gross inefficiency any teacher or inferior servant:

Provided that no such order of removal or dismissal shall be passed unless an inquiry is made into the conduct of such person by the Administrative Officer,

(c) to recommend for appointment, promotion, transfer or leave any attendance officer, supervisor, or clerk ;

(d) to censure, fine, reduce or suspend any teacher, clerk or inferior servant ;

(e) to hold an enquiry either on his own initiative or at the instance of the School Board and to recommend the removal or dismissal of any employee of the local authority ;

(f) to grant casual leave and other kinds of leave not exceeding 3 months to any such employee ;

(g) to recommend to the School Board extension of service to any such employee ;

(h) to recommend to the Educational Inspector the names of candidates or teachers for training ;

41-A. An appeal shall lie to the local authority against the order of removal or dismissal of a teacher, other than a teacher taken over and employed by a local authority under section 8 of the Act, provided that such appeal is made within 3 months of the date of such order. The Provincial Government may, on a reference made by the Director of Public Instruction, or otherwise, rescind or modify any order passed by the local authority on such appeal.

Appeal to Local Authority.

Dismissal may involve loss of pension or provident fund.

41-B. The dismissal of any person under these rules may involve the loss of the whole or part of any pension admissible to such person or of such portion of the provident fund as is contributed by the local authority.

Duties of Administrative Officer with respect to schools.

42. The Administrative Officer shall—

(a) be responsible for the general administration of all Primary schools managed by the local authority ;

(b) make recommendations to the School Board for the approval of private Primary schools subject to the regulations in this behalf made by the local authority under clause (d) of sub-section (3) of section 27 of the Act and for the payment of grants to them on the basis of the Inspection Reports on such schools by Government Inspecting Officers and in accordance with the rules in Chapter VI ;

(c) prepare draft schemes of expansion of elementary or primary education either on a voluntary or compulsory basis on the lines indicated by the School Board and the local authority ;

(d) submit to the School Board proposals for additional expenditure ;

(e) make recommendations to the School Board in regard to the places where new schools are to be opened ;

(f) be responsible for carrying out the suggestions made from time to time by the Government Inspecting Officers in connection with schools managed by the local authority.

Other duties of  
the Administrative  
Officer.

43. The Administrative Officer as the Chief Executive Officer of the School Board shall—

(a) be responsible for all work in connection with the meetings of the School Board;

(b) keep the account of all receipts and expenditure in connection with primary education, maintain the necessary record of service and have custody of all papers and documents relating to the work of the School Board;

(c) arrange for the punctual payment of all employees of the local authority;

(d) prepare and submit to the School Board the annual draft budget and the annual statement of receipts and expenditure;

(e) call for tenders for the supply of books, furniture or equipment and submit to the School Board his recommendations for their acceptance;

(f) submit to the School Board draft regulations to be framed under sub-section (3) of section 27 of the Act;

(g) prepare the pension papers of all teachers taken over by the local authority under sub-section (1) of section 8 of the Act;

(h) recommend text-books for the sanction of the School Board.

## CHAPTER IV

### STAFF TO BE EMPLOYED BY LOCAL AUTHORITIES

#### *A—General*

44. (1) The School Board shall prepare a schedule which the local authority shall sanction, with or without modifications, of the staff permanently required, setting forth the designations, grades and pay of the different members of the staff. This schedule shall be revised annually.

In addition, the School Board may with the sanction of the local authority employ such temporary staff as may be required, provided that the period of appointment of a temporary staff shall not exceed three years except with the sanction of Government.

(2) No officer or clerk of a School Board shall be employed permanently by a Local authority, unless he produces a medical certificate of physical fitness signed by an officer of the I. M. S. or B. M. S., or by an officer of the Bombay S. M. S. in charge of a dispensary, or by the Medical Committee or Medical Officer of Health of the Local Authority, or in cases where the officer or Committee is of opinion that the candidate is not physically fit in consequence of any disability, unless the Surgeon-General with the Government of Bombay reports that such disability is not, in his opinion, likely to interfere with the efficiency of the candidate for the service and may be condoned. The report of the Surgeon-General shall be obtained by the local authority through the Director of Public Instruction. The medical examination shall be free of charge.

45. (1) Leave contributions shall be paid by a local authority to Government in respect of all officers and clerks holding a permanent appointment under Government, whose services have been or may be lent to the local authority. The grant of leave to such officers and clerks shall be regulated by the rules applicable to the Government Service to which they belong.

(2) The grant of leave and the fixing of leave allowances to all other officers, clerks, teachers and menials, including the Primary teachers handed over to a local authority under section 8 (1) of the Act, shall be determined by regulations made by the local authority with the sanction of Government. In the absence of such regulations the grant of leave and the fixing of leave allowances to the abovementioned employees, appointed prior to the 1st March 1937, shall be determined by the leave rules contained in Chapter XV of the Bombay Civil Services Rules. In the case of employees appointed on or after the 1st March 1937, the grant of leave and the fixing of leave allowances shall be determined by the Revised Leave Rules, 1935.

(3) In the case of employees who were employed in primary schools which have been transferred under sub-section (1) of section 6 of the Act to the District Local Board or a Municipality which is a local authority, as provided therein, and whose services were consequently transferred to such District Local Board or Municipality, the grant of leave and the fixing of leave allowances shall, with effect from the date of such transfer of their services, be regulated in accordance with the rules made in this behalf by the District Local Board or the Municipality, as the case may be. Such employees shall be entitled to all the leave to their credit on the date on which their services are so transferred.

46. In the absence of regulations, which may with the sanction of Government be framed in this behalf by a local authority, joining time pay, officiating pay, and travelling and other allowances shall be paid to the administrative, teaching, inspecting, supervising and menial staff in accordance with the rules prescribed from time to time by Government for similar classes of its employees.

46A. In the absence of regulations made in this behalf by a local authority under sub-section (3) of section 27 of the Act, the age of retirement of, and the grant of extension of service to, permanent employees of a local authority other than primary teachers shall be determined in accordance with the rules prescribed from time to time by Government for similar classes of Government employees.

47. (1) Pension contributions shall be paid by a local authority to Government on behalf of all officers, or clerks, holding a permanent appointment under Government, whose services have been or may be lent to the local authority.

Pension contribution to Government; institution of provident fund.

(2) Every primary school teacher taken over and employed by a local authority under sub-section (1) of section 8 of the Act shall be eligible for pension as provided in the rules in force in the Government Educational Department on the date of his retirement unless he has exercised the option, within the prescribed period, of remaining under the old rules to which he was previously subject; provided that such of the said teachers as have under rule 5 (3) or (4) of these rules, exercised the option of joining the provident fund established by the local authority in lieu of pension shall, from and after the date of their admission to the provident fund be entitled to the benefit of such provident fund only, as shown below:—

(i) Guaranteed teachers electing to join the Provident Fund of a Local Authority shall be entitled to such pension or gratuity from Government, or from Government and the Local Authority, as the case may be, payable on retirement from the service of the Local Authority, as they would have been entitled to if they had been invalided on the date from which they have been admitted to the provident fund and such further sum from the Local Authority to be payable on retirement from the service of the Local Authority as may stand to their credit in the Provident Fund Account, subject, however, to the conditions laid down in the Rules regulating the Provident Fund established by the Local Authority. The amount of such pension or gratuity payable by Government and by the Local Authority respectively shall be determined according to the method indicated in the Bombay Civil Services Rule 279-B or Civil Service Regulations Articles 45 and 799, and shall be based on the emoluments drawn immediately prior to the date of their joining the Provident Fund.

(ii) Guaranteed teachers not electing to join the provident fund of the Local Authority and for whom a Pension Fund has been established by the Local Authority with the sanction of Government shall be entitled to receive such pension from Government and the Local Authority (e. g. Retiring, Superannuation, etc.) as is admissible under the rules and as may be certified by the Accountant-General. The amount of such pension payable by Government and by the Local Authority respectively will be determined according to the method indicated in the Bombay Civil Services Rule 279-B.

For the purposes of this rule "guaranteed teacher" means a teacher who was holding a permanent appointment under Government on 30th June 1923 and who was taken over and employed by a Local Authority under sub-section (1) of section 8 of the Act.

(3) The Local Authority shall make provision for pension or institute a provident fund for all other officers, clerks, teachers and menials according to the rules approved by Government in this behalf.

47-A. The conduct and discipline of the teaching, supervising and clerical staff employed by a Local Authority shall be regulated in accordance with the rules in Schedule M appended to these rules.

Conduct and discipline of School Board Staff.

*B—Administrative, Inspecting and Supervising Staff*

Appointment of inspecting and supervising staff. 48. A local authority shall provide an inspecting and supervising staff on the following scale:—

(i) If the local authority is a District Local Board not less than one Supervisor shall be appointed for every 150 approved schools or for every 6,000 pupils in such schools.

(ii) If the local authority is a Municipality it shall not be necessary to employ a Supervisor unless the number of approved schools exceeds 75 or the number of pupils in such schools exceeds 9,000. If the number of approved schools or of pupils exceeds these numbers, Supervisors shall be employed at the rate of one Supervisor for every additional 100 schools or for every additional 12,000 pupils in such schools.

49. (1) If the number of pupils in any class of schools, e.g., Urdu schools, or girls' schools, is not sufficient to justify the appointment of a separate Supervisor, two or more local authorities may jointly employ a Supervisor for such schools, provided that in the case of District Local Boards no Supervisor of Urdu School shall be appointed for more than two districts.

(2) If there are religious or social prejudices against a man visiting or inspecting any girls' schools, and if there are not sufficient pupils to justify the appointment of a Lady Supervisor, or if no suitable woman is available for such an appointment, the inspection of the schools may be entrusted to the Government Inspectress, if there is one, provided she is able to undertake the work.

50. The pay of a Supervisor shall ordinarily be—

(a) in the case of a Supervisor appointed before 1st December 1936 not less than Rs. 60 per mensem and not more than Rs. 250 per mensem;

(b) in the case of a Supervisor appointed on or after the aforesaid date not less than Rs. 40 per mensem and not more than Rs. 175 per mensem.

*Note.*—The following scales of pay are suggested for the inspecting and supervising staff appointed by a Local Authority, namely:—

	For Supervisors appointed prior to the aforesaid date.	For Supervisors appointed on or after the aforesaid date.
	Rs.	Rs.
(i) For graduates ...	80—5—120—10—250	45—5—115—efficiency bar—5—145—efficiency bar—6—175 (In addition Rs. 5 for the holder of a B.T. degree and an additional Rs. 5, if he is an honours graduate).
(ii) For persons who have passed the matriculation or the School Leaving Examination.	70—4—110—5—150	40—5—115—efficiency bar—5—135.
(iii) For trained primary teachers ...	60—4—120	40—5—100.



Provided that on first appointment a trained primary teacher shall start in his scale at a point equal to his pay as a primary teacher *plus* the Head Master's or first assistant teacher's allowance drawn by him at the time of his selection for appointment as a Supervisor. If the pay so calculated falls between two stages of the time-scale, it shall be raised to the next higher stage in the time-scale.

Qualification of Supervisor. 51. (1) No person shall ordinarily be appointed as a Supervisor, unless he possesses one of the following qualifications:—

(a) the Secondary Teacher's Certificate;

(b) the Secondary Training College Diploma or a degree in teaching of a Statutory University; or

(c) ten years' experience as a secondary teacher or 15 years' as a primary teacher in an approved school or other school recognized by Government, provided that if his experience has been in a primary school he shall also hold the II or III year Certificate of a Government Primary Training College or a certificate of having been trained in the primary training college approved by Government.

(2) In any special case in which it is considered desirable to appoint as Supervisor a person who does not possess any of the qualifications referred to in sub-rule (1) but who is otherwise suitable for such appointment, the local authority shall obtain the approval of the Director of Public Instruction before making the appointment. The Director of Public Instruction may give or refuse his approval on the merits of the case.

Number of primary teachers appointed as Supervisors. 52. The number of Supervisors selected from the ranks of primary teachers qualified under rule 51 (c) shall not exceed two-thirds of the total number of Supervisors.

Employment of clerks and menials. 53. (1) A local authority shall employ such clerks and menials as may be necessary, and shall determine their pay and terms of employment.

(2) The following conditions shall be fulfilled before new appointments of clerks are made or the existing ones are confirmed:—

(a) All new entrants shall pass the Accounts Clerks' examination within four years of recruitment. They shall be on probation and shall not be given any increment until they pass the said examination. Failure to pass the said examination within the said period shall entail loss of appointment:

Provided that in the case of any such entrant the said period may be extended by the Director of Public Instruction on the recommendation of the local authority concerned by a period not exceeding two years

Provided further that in the case of a clerk who was either temporary, officiating or on probation on the 22nd May 1930, and in whose case the strict observance of clause (a) would cause hardship, the Director of Public Instruction may, with the concurrence of the Examiner, Local Fund Accounts, extend the period within which such clerk may pass the said examination. In case the Director of

Public Instruction and the Examiner, Local Fund Accounts, disagree, the case shall be submitted for orders to Government.

(b) Save as otherwise provided in clause (c) no clerk already in service shall be promoted to a higher grade unless he has either passed the Accounts Clerks' examination or been exempted by the Local Authority under which he is serving, such exemption being granted for reasons recorded in writing with the previous approval of the Director of Public Instruction. Before giving or withholding his approval the Director of Public Instruction shall consult the Examiner, Local Fund Accounts, and in the case of disagreement between the Director of Public Instruction and the Examiner, Local Fund Accounts, the case shall be submitted for orders to Government.

(c) No person shall, after the 1st January 1932, act as accountant or head clerk of a School Board for more than six months or be confirmed in the post of accountant, nor shall an accountant, who has been confirmed before that date, be allowed to draw any increment on the rate of pay drawn by him on that date, unless he has passed the School Board Accountant's examination or obtained a certificate of competency from the Examiner, Local Fund Accounts, or been granted full or partial exemption from these provisions by the Director of Public Instruction with the concurrence of the Examiner, Local Fund Accounts, on the recommendation of the School Board and the local authority under which he is serving. In case the Director of Public Instruction and the Examiner, Local Fund Accounts, disagree, the case shall be submitted to Government for their orders.

*Note.*—Where no separate post of an accountant has been sanctioned the head clerk shall be deemed to be the accountant.

(3) Any increment withheld under clause (a) or (c) of sub-rule (2) on account of the failure of any person to pass the examination specified in either of the said clauses, as the case may be, shall become payable on the date of the declaration in the *Bombay Government Gazette*, of such person having passed the said examination.

(4) The period during which any increment shall have been so withheld shall, on such person passing the said examination and on the declaration of the result of such examination in the *Bombay Government Gazette* be taken into consideration in calculating the future increments to which such person would otherwise be entitled.

Provided that such person shall not be entitled to recover any arrears of increments for the period for which such increments were so withheld.

### C—Teaching Staff

Qualified primary  
teachers to be  
employed.

54. (1) Only qualified primary teachers shall be employed by a local authority so far as such teachers are available.

*Explanation.*—A qualified teacher is one who has passed the Vernacular Final Examination or such other examination as may from time to time be accepted by Government in lieu thereof.

(2) No unqualified teacher shall be appointed permanently to a post if a qualified teacher is available for the post.

(3) Without the special sanction of Government the number of unqualified men teachers shall in no case be allowed to exceed 5 per cent of the total number of such teachers, and of unqualified women teachers 15 per cent of the total number of such teachers.

(4) No teacher shall be appointed permanently by a local authority, and no candidate, other than a teacher in the permanent service of a local authority, shall be deputed to a primary training institution by a local authority, unless he produces a medical certificate of physical fitness signed by an officer of the I.M.S., or B.M.S. or by an officer of the Bombay S.M.S. in charge of a dispensary or by the Medical Committee or Health Officer of a local authority, or in cases where the officer or Committee is of opinion that the candidate is not physically fit in consequence of any disability, unless the Surgeon-General with the Government of Bombay reports that such disability is not, in his opinion, likely to interfere with the efficiency of the candidate for the service and may be condoned. The report of the Surgeon-General shall be obtained by the local authority through the Director of Public Instruction. The Medical Examination shall be free of charge.

55. (1) Except with the sanction of the School Board a primary teacher shall not be appointed permanently to a post unless his age is more than 18 and less than 25 years:

Age limit for primary teachers.

Provided that no person who is less than sixteen years of age shall at any time be appointed as a primary teacher.

(2) A primary teacher shall ordinarily retire at the age of 55 years. An extension of service of not more than one year at a time up to the age of 60 years may be granted by the School Board on public grounds only subject to the sanction of the local authority. No extension of service after this age shall be permitted without the sanction of Government in the case of teachers taken over by a local authority under section 8 (1) of the Act, or of the local authority in the case of teachers appointed after such date as may be fixed by Government under section 4 (1) of the Act.

56. The number of teachers holding temporary appointments shall not ordinarily exceed 20 per cent of the total number of teachers, and as far as possible no teacher shall be retained in a temporary appointment for more than three years. No teacher shall, however, be deemed to hold a permanent appointment unless he has been definitely appointed to fill a permanent vacancy in the cadre.

57. (1) The number of pupils on the rolls of a class and if a teacher is in charge of more than one class, the total number of pupils on the rolls of all such classes shall not exceed 40, provided that the School Board may, with the previous sanction of the Educational Inspector, allow such number in the case of any school to exceed 40 but not to exceed 50.

Number of pupils: shift system.

(2) In schools in which the number of pupils exceeds 200, an extra teacher shall be employed in addition to the ordinary class teachers provided in accordance with sub-rule (1).

*Note (i).*—The "Shift" system, by which half the pupils attend school in the morning and the remainder in the afternoon, the same teachers attending at both sessions, may be adopted for classes up to Standard III in accordance with regulations framed under section 27 (3) of the Act, provided that in such cases no teacher shall be entrusted with more than two classes during either session.

*Note (ii).*—The restrictions laid down in note (i) above shall not apply to one teacher village schools teaching up to Standard IV in which the "Shift" system has been introduced.

56. Of the teachers employed by the local authority not less than 50 per cent or such other proportion as may from time to time be fixed by Government shall be trained teachers and not less than 15 per cent or more than 30 per cent of the total number of teachers employed by the local authority shall hold the II or III year training college certificate. If the number of trained teachers is below the minimum prescribed by Government the local authority shall arrange by providing such stipends as may be necessary or otherwise for the training of a sufficient number of teachers every year so that the prescribed proportion of trained teachers may be attained by 1928-29 and thereafter maintained, due allowance being made for expansion and wastage.

59. (1) Primary teachers taken over and employed by a local authority under section 8 (I) of the Act shall be paid at the rates in force for Government service at the time of their being so taken over and employed.

(2) With regard to other primary teachers employed by a local authority, the pay of an unqualified teacher or of a temporary qualified assistant teacher shall not be less than Rs. 15 per mensem and shall not without the sanction of Government be more than Rs. 20 per mensem in the case of the former and Rs. 25 per mensem in the case of the latter.

The initial or minimum pay of a permanent qualified assistant teacher shall not without the sanction of Government be less than Rs. 18 per mensem or more than Rs. 25 per mensem and his final or maximum pay shall not be less than Rs. 25 per mensem or more than Rs. 40 per mensem without the sanction of Government.

For a trained teacher the limits of pay shall except as otherwise sanctioned by Government be as follows:—

Initial or minimum pay.	Final or maximum pay.
I Year. Not less than Rs. 20 and not more than Rs. 30.	Not less than Rs. 35 and not more than Rs. 50.
II Year. Not less than Rs. 25 and not more than Rs. 35.	Not less than Rs. 45 and not more than Rs. 60.
III Year. Not less than Rs. 30 and not more than Rs. 40.	Not less than Rs. 55 and not more than Rs. 70.

The scales of pay shall be so framed that a teacher may rise to the final or maximum pay in not more than 25 years.

A Head Master and a First Assistant shall get such allowances as were in force on the date of the Act coming into operation, or as may be fixed by the local authority with the previous sanction of Government:

Provided that a local authority may, with the previous sanction of Government, discontinue any such allowance.

(3) Allowances may be given with the sanction of Government in areas which are specially expensive, unhealthy or in which suitable local teachers are not available.

*Notes.*—1. It shall be clearly stated to primary teachers at the time of their engagement that the scales of pay offered are liable to reduction if there is a material fall in the cost of living.

2. The local authorities may, with the previous approval of Government, adopt permanent scales of pay of primary teachers in the light of the scales mentioned in the second proviso to rule 109.

60. A local authority may appoint student-teachers with a view to training them as teachers. Such student-teachers should have passed the Vernacular Final Examination or other examination qualifying for service as a primary teacher and should be attached to schools with specially selected Head Masters. They should attend the school for at least four hours daily, of which not less than two hours should be devoted to training in the art of teaching.

Student-teachers should ordinarily be appointed for one year; but the period may be extended to two years. They should be paid at such rates as the local authority may determine. Service as a student teacher shall be treated as purely temporary and shall not count for leave, pension, or increments.

61. In localities in which qualified teachers are not available for any class of school, e.g., for Urdu or girls' schools, a local authority may appoint pupil-teachers with a view to their preparing for the Vernacular Final or other qualifying examination while taking part in the work of the school.

Pupil-teachers should have passed Vernacular Standard VI (in the case of women Standard V). They should attend the school for the whole of the school day but shall not teach for more than two hours daily.

Such teachers should have passed Vernacular Standard VI (in the case of women Standard V). They should attend the school for the whole of the school day but shall not teach for more than two hours daily.

Pupil-teachers shall ordinarily be appointed for one year, but the period may be extended to two years. They shall be paid at such rate as the local authority may determine. Service as a pupil-teacher shall be treated as purely temporary, and shall not count for leave, pension, or increments.

## CHAPTER V

### ACCOMMODATION, EQUIPMENT, COURSES OF INSTRUCTION, ATTENDANCE, ETC.

[N.B.—The rules in sections A, B and C of this Chapter apply to all approved schools (vide Chapter VI), whether managed by or aided by a local authority or not.

The rules in sections D and E apply only to schools managed by a local authority but will serve as a guide to other approved schools, except that rule 76 applies to all schools as far as the Grant-in-aid Code is concerned.]

## A—Accommodation

62. Not less than 8 square feet of space shall be provided in each class room (excluding verandahs), for each pupil on the rolls of the class.

62A. In the case of school buildings constructed after the 1st August 1930, the minimum height of the walls shall be 10 feet from the floor to the underside of the tie beam and in case ceilings are provided the minimum height of the walls shall be 12 feet from the floor.

63. An adequate number of latrines and urinals shall be provided.

64. A playground shall also be provided.

## B—Equipment

65. The necessary articles of school furniture, e.g. a chair, a table, a blackboard, shall be supplied in each class-room.

66. The necessary textbooks for the use of the teachers, maps, charts and apparatus shall also be supplied.

67. Books for teachers' and pupils' libraries shall be supplied as funds permit.

68. Books, slates and other school materials may be provided for the children of parents who are unable to pay for them.

## C—Subjects of Instruction

*The subjects, curricula, books and standards of teaching of approved schools and other primary schools maintained or aided by a local authority shall be as prescribed but may be altered by the school board with the sanction of the Provincial Government to suit local requirements.*

69. The courses of study prescribed by the Provincial Government from time to time for Primary Schools in Marathi, Gujarati, Kannada, Urdu and Hindustani shall be followed, but the School Board may adopt modified courses of study with the sanction of the Director.

70. Except with the previous approval of the Provincial Government no textbooks not on the lists of textbooks sanctioned by the Educational Department of the Provincial Government shall be used.

71. A local authority which wishes to introduce any of the subjects of instruction detailed in clauses (a), (b), (c) and (f) of sub-section (3) of section 27 of the Act, viz. (a) courses of practical instruction suitable to

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local needs, (b) the instruction in experimental science, modelling, nature study, manual training and prevocational work including household science, of children of any age receiving primary education, (c) the physical and moral training of children of any age receiving primary education, (f) prevocational courses as a part of upper primary education, shall first submit a scheme for the sanction of Provincial Government and shall not introduce such subjects unless the sanction of Provincial Government has been obtained.

72. Religious instruction, including the teaching of the Koran, Religious instruction may be given in schools managed by a local authority provided that (1) there is no local objection to such instruction, (2) the attendance of pupils is optional and (3) the time devoted to it is *not* included in the hours of instruction prescribed in rule 73.

#### • D—Attendance

*“To attend an approved school” means to be present for instruction at such school on such days and at such time and for such periods on each day as may be required by the school board with the approval of the Provincial Government.*

73. The School Board after consulting the local School Committee if any, shall fix the hours during which each school shall be open. The hours of instruction shall not be less than three or more than four per diem in the case of pupils of an Infant Class or Standard I, nor less than four or more than six in the case of other pupils. No school shall give instruction for more than three consecutive hours at a time. These hours may be reduced in the case of schools in which the introduction of the “shift” system has been sanctioned.

No home-work shall be assigned to pupils in the Infant Class and those in standards I and II. For pupils in standards III to VII, however, the hours for home-work per day shall not exceed the limits prescribed below:—

Standards III to V—Half an hour.

Standards VI and VII—One hour.

In every school Sunday shall be observed as a holiday; and a half holiday shall be given on one other day in the week. Friday may be substituted for Sunday in schools for Muslims provided the majority of the parents of the pupils attending the school so desire.

74. The total period of the vacations in primary schools shall be not less than three weeks and not more than six weeks in each year. The School Board, after consulting the local School Committee, if any, shall fix the number of vacations to be given each year, the period of each, and the time at which it shall be given; provided that no vacation shall exceed four weeks in length. The Director may sanction a vacation in excess of four weeks or a total period of vacation in excess of six weeks in each year to suit the special conditions of particular localities.

In addition to the vacations, other holidays not exceeding 35 days in the calendar year, may be sanctioned by the School Board, and one day's holiday may be given by the Administrative Officer or Government Inspecting Officer immediately after the annual examination or inspection of a school respectively.

Provided that the Director of Public Instruction may, in special circumstances, authorise the School Board to sanction the grant of holidays in excess of 35 days in a calendar year.

75. In areas in which compulsory elementary or primary education has been introduced, a child shall be required to attend the school on such days and at such times as it is open. Leave of absence for short periods may be given by the Head Master in case of sickness or for other good cause.

Attendance in areas where elementary or primary education is compulsory.

76. The rules of the Grant-in-aid Code and the Code for Primary School Teachers and Training Institutions regarding the admission and withdrawal of pupils, the registering of age and attendance and the issue of leaving certificates shall be followed, except in so far as these may be modified by regulations framed by a local authority under clause (d) of sub-section (3) of section 27 of the Act.

Application of Grant-in-aid Code and the Code for Primary School Teachers and Training Institutions.

### *E—Fees*

77. Fees may be abolished at any time by a local authority in primary schools maintained by it, and by a Municipality which is not a local authority in such primary schools within the Municipal area as are managed by the District Local Board.

Fees.

78. The following shall be exempted from payment of fees in primary schools managed by a local authority :—

Exemption from fees.

(a) All girls.

(b) Boys of the Scheduled classes, Aboriginal and Hill tribes and other Backward classes mentioned in schedule B.

(c) Boys whose parents satisfy the School Board that they are unable to pay the school fees.

(d) The sons of Indian soldiers and followers who have died or been incapacitated while on active service in the Great War.

(e) The sons of Indian soldiers in the combatant branches of the army.

(f) The sons of women teachers whose pay is Rs. 100 or less.

The powers of the School Board in respect to (c) may be delegated by the School Board to the local School Committee.



## CHAPTER VI

### APPROVED SCHOOLS

**Bombay  
Primary  
Education  
Act, 1928,  
section 2.**

*“Approved school” means a school or part of a school in which instruction in elementary education is given and which is for the time being approved by the school board or by the Government on appeal from a decision of the school board refusing approval.*

**Section 16 (1).** *Every approved school and every primary school maintained or aided by a local authority shall be open during school hours to inspection by the inspecting officers of the Government and of the local authority, for the purpose, in particular, of ascertaining—*

(a) *whether instruction is given as prescribed or sanctioned under section 17;*

(b) *whether any instruction of a pernicious nature is given;*

(c) *whether the provisions of the Act for the compulsory attendance of children are being carried out; and*

(d) *whether the prescribed registers and records are being maintained.*

**Section 16 (2)** *The school board in respect of any such school maintained by a local authority, and the manager of any other such school shall furnish such returns and supply such information as the Government or the local authority may from time to time require.*

**Section 17.** *The subjects, curricula, books and standards of teaching of approved schools and other primary schools maintained or aided by a local authority shall be as prescribed but may be altered by the school board with the sanction of the Government to suit local requirements.*

**Section 18.** *In every area of compulsion the parent of every child to whom a scheme applies shall in the absence of a reasonable excuse as hereinafter provided and if such parent and child ordinarily reside in such area cause such child to attend an approved school in such area.*

**Section 19.** *A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend an approved school in any of the following cases :—*

(e) *where there is no approved school in the locality in which instruction is given in the vernacular of the child;*

(f) *where there is no approved school in the locality to which the parent can send the child without exposing it to religious instruction to which the parent objects.*

79. The term “approved school” includes a school or part of a school maintained by a local authority, in which elementary education is given.

80. Approved schools shall be divided into two classes, A and B.

Approved schools. Class A shall comprise those schools in which the ordinary primary standards are followed. This class shall include the primary schools managed by the local authority, and primary schools similar to those which have previously been recognized under Chapter II of the Grant-in-aid Code. It shall also

include night schools which comply with the requirements of class A schools prescribed in rule 82.

Class B shall comprise those schools in which a lower standard of instruction is maintained. This class shall include indigenous schools, e.g., night schools (other than those approved as class A schools) and other schools similar to those which have previously been recognized under Chapter III of the Grant-in-aid Code.

Pernicious instruction not to be given. 81. No school shall be approved in which any instruction of a pernicious nature is given.

82. No school shall be approved by the School Board as a Class A School unless it conforms generally to the conditions regarding staff, accommodation, equipment and courses of instruction laid down in Chapter IV, Section C and in Chapter V, Sections A, B and C of these rules, and unless the managers agree to follow the rules of the Grant-in-aid Code or such other regulations as may be made by the School Board with the sanction of the local authority and of Government.

Requirements of B Class Schools. 83. No school shall be approved by the School Board as a Class B School unless it—

(i) follows a regular course of secular primary instruction, approved by the School Board with the sanction of Government,

(ii) keeps an attendance register in the prescribed form and the managers agree to submit such simple returns as Government or the local authority may call for,

(iii) agrees to inspection by Government and by the local authority.

84. Approval as a Class A School may be withdrawn by the School Board at any time, subject to an appeal to Government, if any of the conditions on which the school was approved is not observed, or if the standard of instruction falls materially below the level obtaining in the schools managed by the local authority, or for other reasonable and sufficient cause, provided that due warning has been given to the managers of the school, and that reasonable time has been allowed to them to carry out the requirements of the School Board.

85. Approval as a Class B School may be withdrawn at any time by the School Board subject to an appeal to Government for any reasonable and sufficient cause or if any of the conditions on which the school was registered is not observed.

86. An approved school which applies for a grant-in-aid shall be aided by a local authority so far as the funds at the disposal of that authority allow, provided that such school supplies a want in the locality, and provided that no school shall be aided, which, being the only school of its class in the locality, makes attendance at religious instruction of one community, compulsory for pupils belonging to other religious communities. An approved school which was in receipt of a grant from Government

at the time when the Primary Education Act came into operation shall be aided by the local authority, provided it continues to conform to the conditions laid down in rule 82 or rule 83 as the case may be.

No grant-in-aid to be made to a school conducted for profit. 87. No school shall be aided which, in the opinion of a local authority, is conducted for profit.

*Explanation.*—This does not preclude a *bona-fide* teacher from conducting a school and receiving reasonable remuneration for his services as a teacher in the school.

88. The grant-in-aid to an approved school shall be sanctioned Assessments of by the School Board after consideration of the grants-in-aid. report of the Administrative Officer; provided that in the case of schools of a special class, the grant shall, if Government so direct, be assessed by an inspecting officer of the Government Educational Department. The grant to a primary school which is maintained as part of a training institution aided by Government shall be paid by Government.

89. The grant which may be awarded in any year to an approved Grants to class A class A school shall be based on the average schools. monthly number of pupils on the rolls in the preceding year, i.e. on the average number of pupils on the rolls on the 15th day of each month of the year, and shall be subject to the following maxima:—

(a) The capitation grant for each pupil shall not exceed two-thirds of the average recurring cost of each pupil in the schools maintained and managed by the local authority in the preceding year and shall also be subject to a maximum of Rs. 10 per pupil. This maximum may be raised to Rs. 12 if no fees are charged in the school.

*Note.*—In calculating the capitation grant two-thirds of the average recurring cost of each pupil shall be reckoned in full annas, that is to say, six pies and above shall be treated as one anna, and pies less than six shall be omitted.

(b) The capitation grant may be increased by 25 per cent in the case of pupils attending a school for the children of the Scheduled classes, Aboriginal and Hill tribes, and other Backward classes.

(c) The grant payable to any school shall not however exceed the approved net recurring expenditure of the school in the preceding year, i.e. the actual expenditure less the fee receipts and the grants received from a District Local Board or a Municipality other than the local authority and the income from endowments.

*Explanation.*—“Approved expenditure” means expenditure approved by the School Board which shall decide whether each item of expenditure is reasonable.

90. The maximum grant, payable to a class A School, calculated Reduction in according to the provisions of clauses (a) and (b) maximum grant. of rule 89 and subject to the limitation of clause (c) of the said rule, shall be proportionately reduced if—

(a) the average daily attendance in the preceding year was less than 80 per cent of the average monthly number of pupils on the rolls:

*Example.*—If the average daily attendance was 70 per cent of the average monthly number on the rolls, seven-eighths only of the maximum grant will be admissible;

(b) the instruction imparted is insufficient in range or quality:

*Example.*—The instruction may be considered sufficient if 75 per cent of the pupils are found fit for promotion, provided that a lower standard may be accepted in the case of pupils of intermediate classes, Scheduled classes, Aboriginal and Hill tribes, or other backward classes;

(c) the proportion of pupils in the higher classes is insufficient;

(d) the accommodation is unsatisfactory on hygienic grounds or the equipment is inadequate, or the teaching staff is inadequate or insufficiently qualified;

(e) the school registers, records or accounts are not properly maintained or are found to be unreliable; or

(f) the Managers do not furnish such returns or supply such information as may be required by Government or the local authority.

91. The maximum grant which may be awarded in any year to a class B school shall be calculated on the average daily attendance in the previous year and shall not exceed an average of Rs. 4 per pupil. The maximum grant payable to a school under this rule shall in no case exceed Rs. 200.

*Explanation.*—This does not preclude different rates being fixed for pupils in different standards or belonging to different communities; as for example, Rs. 3 may be given for boys in the infant class, Rs. 4 for standard I, Rs. 5 for standard II, Rs. 6 for standard III, and the rates may be raised to Rs. 5 or Rs. 6 and so on for pupils of the Scheduled classes, Aboriginal and Hill tribes, and other Backward classes.

In assessing the grant, attention should be paid mainly to the range and quality of education but deductions should be made from the normal grant if the registers are not properly maintained or if the necessary returns have not been supplied to the local authority or to Government or if the management of the school is unsatisfactory.

The maximum limit of grant shall not apply to night schools and mukhtabs.

91A. A Class B school which has been approved under rule 83 and which has been awarded grants for three consecutive years, shall not be eligible for grant-in-aid for the fourth year if it does not maintain at least the infant class and the first three standards unless such school serves as a feeder school to another primary school situated in the same locality, village or town.

Grant-in-aid not to be given to a Class B School for more than 3 years if it does not maintain certain standards.

91A.A. (1) The grant-in-aid sanctioned to an approved school in any year under rule 88 shall be payable only to a school which continues to be an approved school for a continuous period of six months in the said year.

(2) No portion of a grant-in-aid shall be paid if an approved school ceases to exist or to be an approved school before it is inspected under rule 83 (iv) in the year.

(3) The amount of a grant-in-aid payable to an approved school shall be reduced in proportion to the number of months in the year during which the approved school ceases to exist or to be an approved school.

91B. (1) Notwithstanding anything contained in these rules, if a school has been established to meet an urgent demand and it is in need of a temporary grant-in-aid during the first year of its existence, such grant may be awarded to it up to a maximum limit of Rs 90 :

Provided that it shall not exceed one-half of the cost of the teaching staff estimated for the next twelve months or an amount calculated at the rate of Rs. 4 per pupil, the number of pupils taken for the calculation being the average estimated for the next twelve months, whichever sum is less.

(2) Such grant may be paid in advance for each quarter or half-year at the discretion of the School Board.

92. Grants may also be awarded to approved schools by the local authority on account of buildings and other non-recurring expenditure, provided that the expenditure has previously been sanctioned by the local authority and by Government. Such grants shall not exceed one-half of the actual or estimated cost, whichever is less, and a building grant shall not exceed Rs. 20, or such other rate as may from time to time be laid down by Government for each pupil who can be accommodated in the building at the rate of 10 square feet of class-room area per pupil.

93. No school which is not approved shall present its pupils at any public examinations conducted by the Government Educational Department.

Schools not approved not to send pupils for public examinations.

## CHAPTER VII

### SCHOOL COMMITTEES

(1) (i) *The Panchayat shall, subject to the regulations made by the local authority under the Bombay Primary Education Act, 1923, supervise the village school and carry out such repairs as may be necessary for the maintenance and upkeep of the same.*

(2) *The regulations to be made by the local authority shall be made within six months from the passing of this Act. If no such regulations are made within the said period the Provincial Government may make rules for the purpose.*

The Bombay Village Panchayats Act, 1933, section 28.

(3) A Panchayat shall not be bound to carry out repairs to a village school under clause (i) of sub-section (1) unless sufficient funds have been placed at the disposal of the Panchayat by the local authority or the School Board, as the case may be.

*Note.*—Rules 94 and 95-A to 108 shall apply to School Committees in villages where village Panchayats have been constituted and in respect of which the District Local Boards concerned have not made regulations under clause (d) of sub-section (3) of section 27 of the Bombay Primary Education Act, 1923, read with sub-section (1) of section 28 of the Bombay Village Panchayats Act, 1933, within the time specified in sub-section (2) of the said section 28.

94. (1) In villages in which a Panchayat has been constituted under the Bombay Village Panchayats Act, 1933, the Panchayat shall as soon as possible appoint from among its own members a School Committee consisting of not less than three and not more than seven members.

Constitution of School Committees in villages having Panchayat.

(2) If in the opinion of the District Local Board the Muhammadan population of the village exceeds ten per cent. of the total population of the village, and if no Muhammadan has been appointed to the Committee under sub-rule (1) the Committee shall co-opt a Muhammadan member from among the adult male residents of the village.

(3) If in the opinion of the District Local Board the population of any of the following three classes in the village, namely, (a) the Scheduled classes, (b) the Aboriginal and Hill tribes, and (c) the other Backward communities, exceeds five per cent. of the total population of the village and if no member of each of the said classes whose population exceeds five per cent. of the total population of the said village has been appointed to the Committee under sub-rule (1), the Committee shall co-opt one member from each of the said classes whose population exceeds five per cent. of the total population of the village from among the adult male residents of each of the said such classes in the village.

(4) The School Committee appointed under sub-rule (1) shall be governed by the provisions contained in rules 95-A to 108.

95. In villages which have a Local Board School, but in which no Panchayats have been constituted the constitution, duties and other matters relating to School Committees shall be in accordance with the regulations made by the Local Authority with the sanction of Government.

*Note.*—Model rules in this connection are given in Schedule J appended to these rules.

95A. The term of the School Committee shall be co-extensive with the term of the Village Panchayat. Provided that the members of the School Committee shall continue in office till a new School Committee has been appointed and on the appointment of the new School Committee the said members shall be deemed to have vacated office.

Term of office of School Committee.

95B. In the event of any vacancy occurring (i) on account of the death, resignation or removal of a member of a School Committee or (ii) through a member of such committee becoming incapable of acting, previous to the expiry of his term of office, the vacancy shall be forthwith reported by the Chairman of the School Committee to the Sarpanch of the Panchayat, who shall take steps to fill up the vacancy as soon as conveniently may be. The person so appointed shall hold office so long only as the member in whose place he is appointed would have held it if the vacancy had not occurred.

95C. The Panchayat, if it thinks fit, may, on the recommendation of the School Committee or of the Administrative Officer, remove any member appointed on the School Committee, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member :

Provided that before removing such member he shall be given a reasonable opportunity of showing cause why he should not be removed.

96. The School Committee shall elect a Chairman from among its own members. The Committee shall also elect a Vice-Chairman who shall carry on the duties of the Chairman in his absence.

97. The School Committee shall—(a) assist the School Board in securing suitable accommodation for the school ;

(b) assist the Head Master or the local authority, as the case may be, to carry out the current repairs of the school house, if the local authority is liable for such repairs ;

(c) visit all schools placed under its supervision at least once a month ;

(d) see that the school registers are kept up to date, note whether the number of pupils in the school at the time of the visit corresponds with the number marked as present in the register and report any irregularity to the Administrative Officer ;

(e) report to the Administrative Officer any irregularity or unpunctuality in the matter of the opening and closing of the school and of the masters' attendance ;

(f) see that the school premises are in good repair and kept in a sanitary condition.

98. Any member of the School Committee may visit a school and report to the Committee any observation he may have to make, but no such member shall issue any orders to the teaching staff.

99. The School Committee shall endeavour to increase the number of pupils, especially of those belonging to the Intermediate classes, Scheduled classes, Aboriginal and Hill tribes and other Backward communities, and to improve the attendance.

100. If it is proposed to introduce compulsion into any area, the School Committee of the schools in that area shall assist in explaining the measure to parents, and shall, if called upon to do so by the School Board, assist in the preparation of a census of children of school-going age.

School Committee to assist in introducing compulsory education.

101. When compulsion has been introduced into an area, the School Committee shall assist in enforcing it.

School Committee to enforce compulsion.

102. The School Committee shall assist the Head Master in determining which children shall be provided with books, slates and other school materials, on account of the poverty of their parents.

School Committee to assist the Head Master.

103. Before proceeding on casual or other leave, the Head Master shall inform the Chairman of the School Committee in writing of his intention.

Report to Chairman of Head Master's leave.

104. In the event of the Head Master's sudden illness, or for other very urgent reason, such as the death of near relative of the Head Master, the Chairman of the School Committee shall be authorized at his discretion to allow him to leave his charge. He shall at once report such action to the Administrative Officer.

Chairman's authority to grant leave to Head Master.

105. The Chairman of the School Committee shall at once report to the Administrative Officer the absence without leave of the Head Master or of an Assistant Master.

Absence without leave to be reported.

106. In the event of the death of the Head Master, or his absence on leave or otherwise if there is no Assistant Master, the Chairman of the School Committee shall take charge of the school and report the matter at once to the Administrative Officer.

Chairman to take charge of the school in certain cases.

107. The Chairman and the members of the School Committee may, if possible, be present at the school at the time of the visit of any officer of the Educational or Revenue Department or of any member or officer of the Local Board or the School Board.

School Committee to be present on certain occasions.

108. On the transfer of a Head Master, if there is any difference of opinion between the Head Master giving over charge and the Head Master taking up charge in regard to the school accounts, records, furniture or other equipment, the charge shall be handed over in the presence of two or more members of the School Committee including the Chairman, if he can attend. The members present shall make such remarks as they think fit on the charge report.

Charge of a school to be handed over in presence of School Committee in certain cases.



## CHAPTER VIII

## GRANTS TO LOCAL AUTHORITIES

Bombay  
Primary  
Education  
Act, 1923,  
section 13.

(1) *If the scheme (for the provision of compulsory education in any area) is sanctioned the Government shall bear half of the additional recurring and non-recurring annual cost of the scheme if the local authority is a municipality and two-thirds of the said cost if the local authority is a district local board; but the liability of the Government shall not exceed half or two-thirds, as the case may be, as it was estimated by the local authority.*

(2) *Nothing in this section shall affect the claim of any local authority to any annual grant which at the time this Act comes into operation is being paid to it by the Government for purposes of primary education, provided that if the Government consider that the educational fund of any local authority has been or is about to be misused or misapplied, they may call upon such local authority for an explanation of such misuse or misapplication; and if not satisfied with the explanation given may make such reduction in the grants payable to such local authority as they deem proper.*

*A—Recurring Grants*

109. The Government grant under section 13 of the Act on Grants how account of recurring expenditure on primary education shall ordinarily be calculated as follows:—  
calculated.

*(a) District Local Boards*

The grant in any year shall be not less than the grant on account of primary education fixed by Government with reference to subsection (2) of section 13 of the Act plus two-thirds of the difference between the total approved recurring expenditure on primary education in the given year and the actual recurring expenditure on which the fixed grant was based:

Provided that if the expenditure in the given year is less than the actual recurring expenditure on which the fixed grant was based, the grant for that year shall be equal to the approved expenditure of that year minus the local assets on which the fixed grant was based.

*Explanation.*—The term “local assets” used in this proviso is the amount equivalent to 11/12ths of the receipts of the Local Authority in the Datum Line year from the following sources:—

(1) Local Fund Cess after deducting—

(a) grants to Municipalities under section 77 of the Bombay Local Boards Act, 1923;

(b) refund of cess collections under section 79 of the Bombay Local Boards Act, 1923;

(c) expenditure on optional items such as—

(i) English schools.

(ii) Technical schools.

(iii) Libraries.

(iv) Such other items (to be specified).

(2) Fees.

(3) Other miscellaneous receipts.

(b) *Municipalities which are Local Authorities*

The grant in any year shall be half the total approval recurring expenditure on primary education in that year *plus* special grants to be determined by Government from time to time.

Provided that the award of grants at these rates either to a Local Board or to a Municipality on account of expenditure on primary education other than the compulsory elementary education provided for in a scheme sanctioned under section 12 of the Act, shall depend on the financial condition of Government in that year.

Provided further that the following are the maximum scales of pay, which Government are prepared to admit for purposes of the grant, for the primary teachers, who were not permanent on June 30, 1923; or who, though permanently appointed before that date, have qualified themselves subsequently for a higher scale of pay, namely:—

(i) *Teachers employed by District Local Boards and Non-local Authority Municipalities*

	Rs.
Unqualified teachers	... 15
Temporary qualified teachers	... 15
Permanent qualified but untrained teachers	... 20- $\frac{1}{2}$ -25- $\frac{1}{2}$ -30
1st year trained teachers	... 25- $\frac{1}{2}$ -35-1-40
2nd year trained teachers	... 30- $\frac{1}{2}$ -35-1-50
3rd year trained teachers	... 35-1-60

(ii) *Teachers employed by Local Authority Municipalities*

	Rs.
Unqualified teachers	... 20
Temporary qualified teachers	... 20
Qualified teachers	... 25- $\frac{1}{2}$ -30
1st year trained teachers	... 30- $\frac{1}{2}$ -35- $\frac{1}{2}$ -40
2nd year trained teachers	... 35- $\frac{1}{2}$ -45-1-50
3rd year trained teachers	... 40- $\frac{3}{4}$ -50-1-60

*Note 1.*—In addition to the scales of pay mentioned in (i) and (ii) above Head Masters' and 1st Assistants' allowances will also be admissible.

*Note 2.*—Teachers who were appointed to act in permanent vacancies prior to June 30, 1923, and have subsequently been confirmed in those vacancies are to be treated in regard to pay and allowances in the same way as teachers who were permanent on June 30, 1923.

11. The grant paid in any year shall be based on the estimated expenditure in that year, and the necessary adjustments shall be made in the following year. Such estimated expenditure shall include any increase in recurring expenditure on account of the normal growth of such expenditure as well as any new expenditure sanctioned by Government.

Grants to be based on estimated expenditure of the year: adjustments in following year.

*Example.*—The estimated expenditure of a District Local Board in 1925-26 is Rs. 4½ lakhs (including expenditure on account of normal growth and new expenditure sanctioned by Government). The fixed grant given by Government as contemplated in rule 109 (a) is Rs. 2½ lakhs and the expenditure for which it is regarded as given is Rs. 3 lakhs.

The grant payable in 1925-26 will be 2½ lakhs plus ¾ (4½ minus 3) lakhs or 3½ lakhs in all.

After the end of 1925-26, it is found that the expenditure of the District Local Board in that year was Rs. 4,20,000 and the grant ought to have been Rs. 2,50,000 plus ¾ (Rs. 4,20,000—3,00,000) or Rs. 3,30,000. The difference of Rs. 20,000 will be deducted from the grant based on the estimated expenditure in 1926-27, payable in that year.

111. (1) The estimated Government grant shall be paid to a local authority in three instalments in the following manner, namely:—

(i) half of such estimated grant not later than the 1st May in each year,

(ii) one-fourth of such estimated grant not later than the 5th October in each year, and

(iii) the balance, after the adjustments for the previous year have been made under rule 110, not later than the 15th January in the following year,

(2) The Director of Public Instruction shall send a copy of the orders sanctioning the payment of grants to local authorities to each of the following persons, namely:—

(a) the Accountant-General, Bombay,

(b) the Examiner, Local Fund Accounts, Bombay,

(c) the President of the Local Authority,

(d) the chairman of the School Board,

(e) the Treasury Officer of the District, and

(f) the Educational Inspector of the Division.

Items of expenditure on which grant is calculated.

112. The recurring annual expenditure on which the grant is calculated shall include—

(a) the cost of the necessary permanent and temporary administrative, supervising, inspecting and teaching staff, including clerks and menials and any special officers employed for enforcing attendance or taking a census of children or similar purposes, and such

leave, pension or provident fund contributions as it is incumbent on the local authority to pay ;

(b) rent of buildings used for school or office purposes, rates, taxes, special repairs costing not more than Rs. 100 and not enhancing the original cost of the building, and current repairs. Special repairs costing not more than Rs. 100 and not enhancing the original cost of the building, current and ordinary repairs shall be carried out in accordance with the rules given in Part I of Schedule E appended to these rules or in accordance with the regulations made by the Local Authority under section 27 (3) of the Bombay Primary Education Act, 1923.

*Note.*—The terms “current repairs” and “special repairs” used in this clause and subsequent rules shall have the same meaning as that given to them in the P. W. D. Manual.

(c) furniture, equipment and books, including prizes and books and slates for indigent pupils, provided that the total expenditure on this account in any school does not exceed Rs. 5 per pupil in the first year of a school's existence and Re. 1 per pupil in any subsequent year. Expenditure in excess of these limits must be classed as non-recurring expenditure ;

(d) monthly grants made to schools for petty expenses (contingent allowances) ;

(e) scholarships in primary schools and stipends in training institutions or such other institutions as may be approved by Government ;

(f) travelling allowances ;

(g) stationery, stamps, printing and other office expenses ;

(h) grants to approved primary schools within the area ;

(i) such other reasonable expenditure as may be approved by Government :

Provided that—

(i) no expenditure incurred by a Local Authority in connection with education other than primary education or from a trust fund the income from which meets the whole cost of the object for which the trust was instituted, e.g. the award of a prize in a particular school or for a particular subject, shall be included in the said annual recurring expenditure ;

(ii) overpayments objected to in audit shall not be treated as approved expenditure, the consequent recoveries called for in audit if and when made being brought to account not by deduction from expenditure but as receipts under “Cash recoveries of overpayments” in previous years, but they will not be treated as local assets ;

(iii) grants made by a District Local Board to a Municipality or Cantonment under sections 77 and 79 of the Bombay Local Boards Act, 1923, shall not be included in the said expenditure.

(iv) No expenditure incurred in connection with a primary school maintained by the School Board will be included in the said expenditure if the average attendance of the school, except in the year in which it was opened, is less than—

(a) 15 in the case of an ordinary primary school, and

(b) 10 in the case of Urdu schools and schools for girls, Scheduled classes, Aboriginal and Hill tribes, and other Backward classes.

112A. No grant shall be paid to a Local Authority in respect of a school where admission is refused to any pupil on the ground of caste or community to which he or she belongs.

*Explanation.*—If no pupils belonging to the scheduled castes are actually attending a school it shall be deemed that admission is being refused to such pupils within the meaning of this rule unless the school board shows to the satisfaction of the Director of Public Instruction that no such pupils are residing within a distance of one mile from the school or adduce other satisfactory reasons for the absence of such pupils from the schools.

113. The increase in the recurring annual expenditure in any year over that of the previous year on account of a scheme for the introduction of compulsory education shall not exceed the amount estimated by a local authority and sanctioned by Government.

Increase in expenditure in any year not to exceed the estimate.

### B—Non-recurring Grants

114. Non-recurring grants shall be given on account of expenditure incurred on erecting, purchasing, enlarging or rebuilding school buildings and on special repairs costing over Rs. 100 or on repairs involving improvements and thus enhancing the original cost of the building, on the purchase of sites and on furniture, equipment and books in excess of the limits laid down in rule 112 (c), provided that the expenditure has been sanctioned by Government as part of a scheme to provide compulsory elementary education under section 10 (2) of the Act, and the expenditure does not exceed the amount as estimated by the local authority. The grant shall be equal to one-half of the expenditure if the local authority is a municipality and equal to two-thirds of the expenditure if the local authority is a District Local Board.

Grants for expenditure included in compulsory elementary education scheme.

#### *Grants for other non-recurring expenditure.*

115. Non-recurring grant may also be given by Government on account of expenditure on buildings etc. which do not form part of a scheme to provide compulsory elementary education. The payment of such grants shall depend on the financial condition of Government.

### 116. The award of non-recurring grants under Rules 114 and 115

Conditions subject to which grants will be awarded. shall be subject to such conditions regarding the sanitary and hygienic requirements to be observed in the designing and construction of buildings, the approval of detailed plans and estimates, the execution of trust deeds or agreements, etc., as may be laid down by Government from time to time.

*Note 1.*—These conditions are printed as Rules for building grants in Schedule D.

*Note 2.*—Rules indicating the procedure regarding execution of works pertaining to school buildings are given in Part II of Schedule E appended to these Rules.

## CHAPTER IX

### MUNICIPALITIES WHICH ARE NOT LOCAL AUTHORITIES

*Every municipality which is not a local authority shall on a date to be notified by the Government in this behalf transfer to the district local board of the district in which it is situate all primary schools, with their lands, buildings, records and equipment, which vest in it and shall pay over annually to the said district local board for educational purposes such amount as may from time to time be fixed by the Government on the basis of the number of children of the municipal district receiving primary education from the district local board, and the income accruing from any funds (including trust funds) held and all moneys received by it for purposes of primary education.*

Bombay Primary Education Act, 1923, section 6 (1).

*If any such municipality is at any time authorized by the Government to manage its own schools, the district local board of the district shall on a date to be notified by the Government in this behalf transfer to such municipality all primary schools, with their lands, buildings, records and equipment, situated in the area subject to such municipality; and such municipality shall from the aforesaid date no longer be liable to make the payments required by sub-section (1).*

Section 6 (2).

117. The primary schools of a municipality which is not authorized by Government to manage its own schools shall be managed by the District Local Board of the district within which the municipality is situated, and the District Local Board shall also award grants-in-aid to other approved primary schools within the municipal area.

118. The recurring cost of primary education in any year in a municipality which is not a local authority shall be met to the extent of one-third by the municipality, the amount to be contributed by the municipality being calculated as laid down in rule 119.

Proportion of cost to be borne by municipality and by District Local Board.

119. (1) The amount to be contributed by the municipality in any year shall be one-third of the estimated average recurring cost of each pupil in the area within the jurisdiction of the district local board (including municipalities which are not local authorities),

Share of municipality how calculated and paid.

including the cost of management, supervision, etc., in that year multiplied by the estimated average number of pupils on the rolls of the municipal schools in that year. To this amount must be added one-third of the estimated amount of grants-in-aid to be paid to other approved schools within the municipal area during the year. The total amount as thus estimated, less any sums which will be paid during the year by the municipality to the District Local Board under section 6 (1) of the Act other than income from a trust fund which meets the whole cost of the object for which the trust was instituted, e.g., the award of a prize in a particular school or for a particular subject, shall be paid by the municipality to the District Local Board in advance in two half-yearly instalments, the first instalment being paid before the 10th April and the second instalment before the 10th October in each year.

The District Local Board may at its discretion charge penal interest at a rate not exceeding 10 per cent but not less than  $7\frac{1}{2}$  per cent on amounts not paid when due, by the non-Local Authority Municipalities in the District. The amount of penal interest, which may be levied by the District Local Board, in each case should be added to the amount of contribution due from the non-Local Authority Municipalities to the District Local Board. As soon as a District Local Board decides to charge penal interest in any case, it shall give the necessary intimation to the non-Local Authority Municipality concerned, and shall also forward copies of the Local Authority's Resolution, with full particulars according to the departmental requirements, to the Director of Public Instruction, the Examiner, Local Fund Accounts, the Educational Inspector of the Division, and the senior Government Inspecting Officer of the district. The non-Local Authority Municipality concerned may appeal against the resolution of the District Local Board to the Director of Public Instruction, whose decision in this connection shall be final.

(2) At the end of each year, the actual amount due by the Municipality under sub-rule (1) shall be calculated from the actual number of pupils on the rolls, the actual average cost per pupil, and the actual grants paid to approved schools and the actual sums which have been paid by the municipality to the District Local Board under section 6 (1) during that year, and the necessary adjustment shall be made.

*Example.*—It is estimated that in 1925-26, there will be 1,000 pupils at an average cost of Rs. 21 per pupil and that the grants to aided primary schools will be Rs. 600. The contribution payable by the municipality in 1925-26 will be Rs.  $21\frac{1}{3} \times 1,000$  plus Rs.  $600\frac{1}{3}$  or Rs. 7,200 in all.

After the end of 1925-26, it is found that the average number of pupils was 950, and the average cost per pupil was Rs. 18 only, the amount actually paid to aided schools being Rs. 750.

The municipality ought, therefore, to have contributed Rs.  $18\frac{1}{3} \times 950$  plus Rs.  $750\frac{1}{3}$  or Rs. 5,950 in all. The difference of Rs. 7,200—Rs. 5,950 or Rs. 1,250 will be deducted from the estimated contribution of the municipality for 1926-27.

**Note.**—In calculating the average recurring cost per pupil for the purpose of this rule, (1) expenditure actually incurred in any particular year shall be shown and treated as expenditure for that year, although a part or the whole of it may relate to payments which should have been made in previous years, and (2) all items of expenditure admitted against the Primary Education Fund shall be taken into account, even though they may have been disallowed for Government grant.

The following items of expenditure shall not be taken into account in calculating the average recurring cost of each pupil for the purpose of this rule:—

- (1) expenditure borne fully by Government;
- (2) amounts of grants-in-aid paid to aided schools in the district local board and non-local authority municipal areas;
- (3) non-recurring expenditure incurred under rules 114 and 115;
- (4) refunds of cess collections under section 79 of the Bombay Local Boards Act, 1923; and
- (5) grants made by a district local board to a municipality on account of children attending municipal schools whose parents pay cess on lands outside the municipal limits.

120. Non-recurring grants may be given by Government on account of expenditure incurred on the erection or extension of school buildings or on special repairs thereto costing over Rs. 100, or on repairs involving improvements which would enhance the value of the building, provided that the expenditure has been approved by Government and the financial condition of Government permits of the payment of the same. The expenditure less Government grant shall be met by the Municipality. The award of non-recurring grants by Government shall be subject to the conditions laid down in rule 116.

Non-recurring expenditure on buildings.

121. Other non-recurring expenditure, e.g. expenditure on furniture, equipment and books in excess of the limits laid down in rule 112 (c) shall also be met by the Municipality to the extent of the expenditure less Government grant as may be determined by Government.

Other non-recurring expenditure.

The decision of Government as to what constitutes non-recurring expenditure as distinct from recurring expenditure shall be final.

Fees in primary schools to be credited to local authority.

122. Fees received from pupils of primary schools of a municipality shall be credited to the local authority.

123. (1) For the purpose of assisting the School Board in the management of primary schools, the Municipality shall as soon as possible after the School Board has been constituted under section 3 of the Act for the district in which such Municipality is situate, appoint a School Committee consisting of not less than three and not more than nine members who may or may not be councillors of the Municipality. Due representation on such Committee shall be

Municipality to appoint School Committee for assisting School Board.



given to Muhammadans and to Intermediate classes, Scheduled classes, Aboriginal and Hill tribes, and other Backward classes where they form an appreciable portion of the population of the municipal area.

(2) If in the opinion of the District Local Board, the Muhammadan population of the Municipal area exceeds 10 per cent of the total population of the Municipal area, and if no Muhammadan has been appointed to the Committee under sub-rule (1), the Committee shall co-opt a Muhammadan member from among the adult male Muhammadan residents of the Municipal area.

(3) If in the opinion of the District Local Board, the population of any of the three classes in the municipal area, namely, (a) the Scheduled classes, (b) the Aboriginal and Hill tribes, and (c) the other Backward classes exceeds 5 per cent of the total population of the municipal area and if no member of each of the said classes whose population exceeds 5 per cent of the total population of the municipal area is appointed to the Committee under sub-rule (1), the Committee shall co-opt one member from each of the said classes whose population exceeds 5 per cent of the total population of the municipal area from amongst the adult male residents of the said such classes in the municipal area.

(4) The School Committee appointed under sub-rule (1) shall be governed by the provisions contained in rules 95A to 108.

124. The rules in this chapter shall also apply to the committees of those notified areas to which clause (p) of sub-section (1) of section 54 of the Bombay District Municipal Act, 1901, has been applied, in the same way and to the same extent as they do in the case of municipalities, and such Notified Area Committees shall, for the purposes of these rules, be deemed to be municipalities which are not local authorities and the provisions of section 6 (1) of the Act shall apply to them.

Application of  
rules to Notified  
Area Committee.

## CHAPTER X

### ENFORCEMENT OF COMPULSION

*In every area of compulsion the parent of every child to whom a scheme applies shall, in the absence of a reasonable excuse as hereinafter provided and if such parent and child ordinarily reside in such area, cause such child to attend an approved school in such area.*

*A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend an approved school in any of the following cases :—*

(a) *where the child is prevented from attending school by sickness, infirmity or other unavoidable cause ;*

Bombay  
Primary  
Education  
Act, 1923.  
Section 18.

Section 19.

(b) where the child is receiving, otherwise than in an approved school, instruction which in the opinion of the school board is efficient, or has received from the school board a certificate of having already completed his elementary or primary education, as the case may be;

(c) where there is no approved school within a distance to be fixed by the Provincial Government in consultation with the school board and measured according to the nearest road from the residence of the child;

(d) where, after due application, entrance to an approved school has been refused to the child and there is no other approved school to which he can be admitted within the distance fixed under clause (c) until such time as the parent is notified that the child can be admitted;

(e) where there is no approved school in the locality in which instruction is given in the vernacular of the child;

(f) where there is no approved school in the locality to which the parent can send the child without exposing it to religious instruction to which the parent objects.

Where the school board is satisfied that the parent of any child who is bound under the provisions of section 18 to cause such child to attend an approved school, has failed to do so, the school board, after giving the parent an opportunity of being heard and after such inquiry as it considers necessary, may pass an order directing the parent to cause such child to attend an approved school on and from a date which shall be specified in the order. Section 20 (1).

This power may be delegated by the school board to a person or committee appointed by it. Section 20 (2).

Any parent against whom an order with reference to a child has been passed under section 20 and who fails to comply with the provisions of section 18 with respect to such child on and after the date specified in such order shall, if he resides in a town or village, where there is a magistrate, on conviction by such magistrate, and if he resides elsewhere, on conviction by a revenue or police patel or other person empowered in this behalf by the District Magistrate, be liable to a fine not exceeding two rupees and, if such failure continues after such conviction he shall also on conviction by such Magistrate, patel or person be liable to a fine of eight annas for every day that the failure continues or is repeated. Section 21 (1).

No magistrate, patel or person shall take cognizance of an offence under sub-section (1) except on the complaint of the authority or person who passed the orders under section 20, or by any person authorized by the said board in this behalf. Section 21 (2).

Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 18 apply, so as to interfere with the efficient instruction of such child, shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty-five rupees. Section 22 (1).

**Section 22 (2).** *No court shall take cognizance of an offence under this section except on the complaint of the School Board or the Administrative Officer, or any person authorized by the said board or officer in this behalf; and before making any complaint under this section against any person, the school board or the Administrative Officer or such person shall, unless such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person.*

**Section 24.** *An appeal from a conviction under section 21 by a patel or person shall lie to the nearest Magistrate having jurisdiction in the town or village where the appellant resides.*

**Section 25.** *The Provincial Government may by notification in the Official Gazette exempt children of either sex of any particular class or community in any area of compulsion or part thereof from the operation of this Act.*

125. Before the introduction of compulsory elementary or primary education into any area, the School Board shall cause a census to be taken of all children, in such area liable for compulsory elementary or primary education and shall publish a register of such children in the form given in Appendix A. A separate register shall be prepared for girls if it is proposed to provide compulsory elementary or primary education in the case of girls. The register shall be revised annually.

126. The date of birth of every child as shown in the register referred to in rule 125 shall be entered in the general register of the school which the child may attend and shall not be altered without the sanction of the school board.

127. It shall be the duty of the school board or the committee or person to whom the power is delegated under sub-section (2) of section 20 of the Act to issue a notice in the form given in Appendix B to the parent of every child not less than three months before the day on which the child must first attend the school directing him to cause the child to attend an approved school on and from a date which shall be specified in the notice.

*N.B.*—Notice shall be considered duly served if a copy is personally delivered to the parent or guardian or is affixed on the premises last occupied by the parent or guardian.

128. If the parent of a child applies for exemption under section 19 of the Act, he shall be called before the school board or person or committee to whom the power of the school board in this respect has been delegated, before any order is passed and shall be informed in writing of the decision on his application.

129. The Head Master of each school shall be informed of the names of all children whose parents have been ordered to cause them to attend his school, and of the date from which the attendance of such children is compulsory.

130. If any such child does not attend school, as directed in the notice issued under rule 127, the Head Master shall at once report the fact to the School Board or to the person or committee to whom the powers of the School Board have been delegated under sub-section (2) of section 20 of the Act.

131. If the parent of a child, who is attending school, removes from the town or village in which he or it is residing, it shall be the duty of the Head Master of the school which the child attends to inform the Administrative Officer of the removal of the child. If the removal is to another area of compulsion, the Administrative Officer shall take steps to ensure that the prescribed notice is served upon the parent requiring him to cause the child to attend a school within that area.

## CHAPTER XI

### PREPARATION OF SCHEME FOR COMPULSORY ELEMENTARY EDUCATION

*A local authority may by resolution declare its intention to provide compulsory elementary education in the whole or any part of the area subject to its jurisdiction in the case of children of either sex or both sexes and, if the local authority is a district local board, in any area subject to the jurisdiction of a municipality situate in the district which is not a local authority and shall submit its proposals to the Government in the form of a scheme.*

Bombay  
Primary  
Education  
Act, 1913,  
Section 10 (1)

*A local authority, if called upon by the Government so to do, shall within a time to be specified by the Government submit a scheme to provide compulsory elementary education in such area as above as the Government may direct and in the case of children of either sex or both sexes as the Government may specify.*

Section 10 (2)

*Every local authority shall, within the prescribed period, prepare as complete a programme as possible for the universal introduction of compulsory education within the area subject to its jurisdiction within a definite period.*

Section 10 (3)

*The scheme shall contain the following particulars:—*

Section 11.

- (a) the area of compulsion;
- (b) a census of children of either sex or both sexes residing within such area and classified by communities and vernaculars;
- (c) a list of existing and proposed schools indicating the private schools which will be approved schools,
- (d) a schedule of existing and proposed teaching, inspecting and supervising staff;
- (e) the manner in which provision will be made for the compulsory elementary education in their vernaculars of the children of all communities in the area of compulsion;

(f) *the recurring and non-recurring cost of the scheme and how the local authority proposes to meet its share of it; and*

(g) *if there is a municipality which is not a local authority within the area of compulsion the annual contribution which the municipality in the opinion of the local authority should make.*

Section 12. *The Government may after such inquiry as shall seem necessary sanction such scheme with or without modification.*

Section 15. *A sanctioned scheme may with the sanction of the Government be withdrawn or from time to time modified by a local authority or may by an order published with the reasons for making it in the "Bombay Government Gazette" be modified, cancelled or temporarily suspended by the Government.*

Section 26 (1). *If a local authority when called upon makes the default in preparing a scheme or after a scheme has been sanctioned omits to make adequate provision for compulsory elementary education in accordance with a scheme as sanctioned and to bring into operation or continue to keep in operation such scheme, the Government may after due enquiry appoint a person to prepare the scheme or to bring it into operation or to continue to keep it in operation as the case may be, and the expense thereof shall be paid by the local authority to the Government.*

Section 26 (2). *If the expense is not so paid the Government may make an order directing any person who has for the time being custody of any moneys on behalf of the local authority either as banker or in any relation to pay such expense from such moneys as he may have in his hands or may from time to time receive and such person shall be bound to obey such order.*

Particulars to be contained in scheme. 132. The particulars required to be contained in a scheme under section 11 of the Act shall be furnished under the following three heads:—

(a) the estimated number of children to be provided for;

(b) a general programme for the application of compulsion extending over a term of years, which should not exceed ten, together with the estimated cost;

(c) a detailed scheme for each year of the programme.

Form in which information regarding estimated total number of children should be supplied.

133. The information required under clause (a) of rule 132 shall be prepared in the form of the tables in Appendices C, D, E and F.

134. The general programme referred to under clause (b) of rule 132 shall include a statement showing the principles on which compulsion is to be applied, the period within which the programme is proposed to be completed and the means which the local authority proposes to adopt to provide its share of the cost.

The tables in the forms of Appendices G, H and I shall also be prepared and submitted to Government, Appendix G being prepared separately for each year.

135. The detailed scheme for each year of the programme referred to under clause (c) of rule 132 shall be prepared in the form shown in Appendix J and submitted to Government not less than one year in advance, that is to say, the scheme for 1926-27 shall be submitted before the 1st April 1925 and so on.

## CHAPTER XII

### PREPARATION OF SCHEME FOR EXPANSION ON A VOLUNTARY BASIS

136. A scheme for the expansion of primary education on a voluntary basis shall contain information under the following three heads:—

- (a) the estimated total number of children to be provided for;
- (b) a general programme for expansion extending over a term of years, which should not exceed ten, together with the estimated cost;
- (c) a detailed scheme for each year of the programme.

137. The information required under clause (a) of rule 136 shall be prepared and submitted to Government in the form of the tables given in Appendices C, D, E and F to these rules.

138. The general programme referred to under clause (b) of rule 136 shall include a statement showing the principles on which schools are proposed to be opened, the period within which the programme is proposed to be completed, and the means which the local authority proposes to adopt to provide its share of the cost.

The tables shown in Appendices G, H, and I to these rules shall also be prepared and submitted to Government, table G being prepared *separately for each year*.

139. The detailed scheme for each year of the programme under clause (c) of rule 136 shall be prepared in accordance with the instructions in Appendix K and submitted to the Government not less than one year in advance, that is to say, the scheme for 1926-27 shall be submitted before 1st April 1925 and so on.

## CHAPTER XIII

## PREPARATION OF THE BUDGET

*A—Budget*

*The School Board shall submit its annual budget and all alterations therein for the sanction of the local authority.*

140. (1) The School Board shall prepare in such form as may be prescribed by the Government a preliminary Budget for each year and submit it to the local authority for sanction not later than the 1st September of the previous year.

School Board to prepare budget.

(2) As soon as the provincial grant for the year has been sanctioned, the School Board shall make such modifications in the Budget as may be required and submit the revised Budget to the local authority for final sanction. The local authority may make such modifications as it considers necessary and shall pass the revised Budget by the 1st of March.

*B—Accounts*

141. (1) A Primary Education Fund shall be maintained by the Constitution of School Board of each local authority. This fund shall be kept in the local branch of the Imperial Bank of India, if there be such branch, or in any of the Co-operative Banks of limited liability approved by Government in Government Resolution, Revenue Department, No. 6990/24 of 7th August 1926 or in such other Bank or Co-operative Bank as may, from time to time, be approved by Government under this rule or in the Government Treasury.

It shall be lawful for the School Board to deposit such portion of the Primary Education Fund as is not likely to be required immediately in the local Post Office Savings Bank or invest it in Post Office Cash Certificates, or in securities of the Government of India or of any local Government in India.

Every investment in Government securities under this rule shall be made by the School Board through the Reserve Bank of India or any other bank approved by Government in this behalf.

Primary Education Fund of what to consist.

(2) The following shall form part of, or be paid into, the Primary Education Fund:—

(a) the balance of the Educational Local Fund in the case of a local authority which is a District Local Board and of the School Fund in the case of a local authority which is a municipality, at the time when the Act comes into operation;

(b) the grant payable by the local authority on account of primary education, including in the case of a local authority which is a District Local Board the portion of the revenue which is to be devoted to primary education under section 80 of the Bombay Local Boards Act, 1923;

*Explanation.*—The grant payable by a local authority municipality is the amount of recurring expenditure in any year less the Government grant paid in that year, fees and other sources of income which belong to the Fund. This amount should be paid by the local authority in consultation with the School Board from time to time as required.

(c) the grants payable by Government on account of primary education ;

(d) the contribution in the case of a local authority which is a District Local Board of such municipalities in the district as are not local authorities ;

(e) fees and fines recovered from primary schools ;

(f) such other sums as may from time to time be received on account of primary education.

(3) Moneys for educational purposes other than primary education shall under no circumstances be credited or debited to the Primary Education Fund. The accounts pertaining to the management of such educational institutions other than primary schools (e.g. English classes attached to primary schools etc.) as have been or may be entrusted to the School Board by the local authority under rule 39 shall be kept distinct and separate from those of the Primary Education Fund. The expenditure for educational purposes other than primary education shall be met from the portion of the revenue set apart for such expenditure under section 80 of the Bombay Local Boards Act, 1923, and from such other sums, e.g. fees and Government grant, if any, as may from time to time be received in that connection.

141A. All grants payable by Government on account of primary education shall be paid to the local authority, and the receipt thereof shall be acknowledged by acquittance signed by the President of the local authority or by an officer authorized by the local authority in this behalf.

These grants shall be paid by the local authority to the credit of the Primary Education Fund, and the receipt thereof shall be acknowledged by acquittance signed by the School Board Administrative officer and countersigned by the Chairman of the School Board, or in his absence, by the Vice-Chairman or other member of the School Board to whom this power has been delegated by the Chairman.

142. No payment shall be made from a bank or from the Government Treasury out of the Primary Education Fund except upon a cheque signed by the School Board Administrative Officer and countersigned by the Chairman of the School Board, or in his absence by the Vice-Chairman or other member of the School Board to whom the power of countersigning cheques has been delegated by the Chairman. In the absence of the School Board Administrative Officer, or where there is no School Board Administrative Officer, such cheque shall be signed by the Vice-Chairman and countersigned by the Chairman, or in his absence by any member of the School Board other than the

Fund how drawn  
against.



Vice-Chairman to whom the power of countersigning has been delegated by the Chairman. Due intimation of the delegation of such power shall be given by the Chairman to the Bank or Government Treasury in which the Primary Education Fund is kept.

143. The School Board Administrative Officer shall be responsible for the scrutiny of all vouchers or bills before a cheque or letter of credit is prepared, and it shall be his duty to bring specially to the notice of the Chairman, Vice-Chairman or other member of the School Board who countersigns the cheque or letter of credit any unusual feature in payment on account of which it is drawn.

School Board  
Administrative  
Officer to be responsible for proper checking.

144. All disbursements shall be made by the School Board Administrative Officer.

Form of accounts  
of receipts and  
expenditure.

145. The accounts of receipts and expenditure of the School Board of a local authority shall be kept in such form as may be prescribed by Government.

Abstract of  
accounts to be sent  
to Director of Public  
Instruction.

146. An abstract of the receipts and expenditure during each official year shall be forwarded to the Director of Public Instruction as soon as may be after the end of the year in such form as may be prescribed by Government.

### C—Audit

147. The accounts of receipts and expenditure of the Primary Education Fund shall be examined and audited annually before the close of August by the auditors of the Local Audit Department in accordance with the provisions of the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930), and the rules made thereunder.

School Board  
Administrative  
Officer to assist the  
auditor.

148. The School Board Administrative Officer shall assist the auditor in disposing of all objections raised by him, and shall place before the School Board at its next meeting all audit objections which have not been disposed of in consultation with the auditor.

## CHAPTER XIV

### PROVINCIAL BOARD OF PRIMARY EDUCATION

(1) *There shall be a Provincial Board of Primary Education consisting of twelve members, of whom six shall be elected by the School Boards in the manner prescribed. The remaining six, out of whom not more than three shall be Government Officers, shall be appointed by the Provincial Government. The members of the said Board shall hold office for a period of three years.*

(2) *The elected members of the said School Board shall be persons having any of the following qualifications:—*

- (a) *a graduate of 3 years' standing of any recognised University;*
- (b) *a professor who has served for a period of five years in a recognised college in the Province of Bombay;*
- (c) *a head master who has served as such for 10 years in any recognised secondary school in the Province of Bombay.*

*Explanation.—For the purposes of this sub-section, the expression "recognised" shall mean recognised by the Provincial Government in this behalf.*

(3) *The said Board shall elect its President from amongst its own members and his term of office shall be co-extensive with that of the Board.*

*Out of the members appointed by the Provincial Government one member selected by the Provincial Government and belonging to the Educational Department shall act as Secretary to the Board.*

(4) *The powers and duties of the said Board shall be as follows, namely:—*

(a) *to examine and recommend schemes for the organization, co-ordination and expansion of primary education and for the correlation of primary education with the system of education as a whole in the Province;*

(b) *to make recommendations and to advise the Provincial Government with regard to matters specified in sub-section (3) of section 27;*

(c) *to advise the Provincial Government generally on all matters connected with primary education;*

(d) *to exercise such other powers as may be conferred on it and to perform such other duties as may be prescribed by rules or by any other law for the time being in force.*

(5) *Casual vacancies during the term of a Provincial Board shall be filled for the remaining period by election or appointment as the case may be.*

#### *Election of Members*

149. Six members of the Provincial Board of Primary Education shall be elected as follows:—

One by the School Boards in the Bombay Division.

One by the School Boards in the Central Division.

One by the School Boards in the Northern Division.

One by the School Boards in the Southern Division.

One Muhammadan by all the School Boards in the Province.

One belonging to any of the Backward Communities by all the School Boards in the Province.

*Explanation.*—For the purposes of clause (a) of sub-section (2) of section 2A of the Act a person shall be deemed to be a graduate of a recognised University if he is a graduate of any of the Universities specified in Schedule K appended to these rules.

150. The election of members of the said Board shall be held in accordance with the procedure prescribed in Schedule L appended to these rules.

151. The President of the Board shall be the Returning Officer and shall be responsible for the conduct of the election, provided that in the case of the first election the Director of Public Instruction, Bombay Province, shall be the Returning Officer. Whenever the term of office of any elected member is about to expire, the President shall take steps to hold a fresh election to fill in the vacancy so that the election may be completed before the expiry of such term.

152. If any question, dispute or doubt arises as to the validity of any election the orders of the Provincial Government shall be final for the purpose of deciding such question, dispute or doubt.

153. The names of the members of the Board elected or appointed, as the case may be, shall be published by the Provincial Government in the *Official Gazette*.

#### *Appointment of Committees*

154. The Board shall have power to appoint Committees consisting of such members of the Board and such other persons, if any, as the Board in each case may select to advise the Board on any matter on which the Board considers such advice necessary.

## SCHEDULE A

SCHEDULE SHOWING THE CONSTITUTION OF THE SCHOOL BOARDS UNDER THE BOMBAY PRIMARY EDUCATION ACT, 1928

Name of the Local Authority.	Experienced in Education.	Women.	Minorities.		Backward communities.		Representatives of Municipalities which are not Local Authorities.	General.	Total.
			Muhammadians.	Other Minorities.	Scheduled Castes.	Other Backward Communities.			
1	2	3	4(a)	4(b)	5(a)	5(b)	6	7	8
<i>District Local Boards.</i>									
Bombay-Suburban ...	2	1	1	.....	1	1	1	6	13
Kolaba ...	2	1	1	.....	1	1	2	7	15
Ratnagiri ...	2	1	1	.....	1	1	2	8	16
Nasik ...	2	1	1	.....	1	1	2	8	16
Poona ...	2	1	1	.....	1	1	2	8	16
Satara ...	2	1	1	.....	1	1	2	8	16
Sholapur ...	2	1	1	.....	1	1	1	8	15
East Khandesh ...	2	1	1	.....	1	1	2	8	16
West Khandesh ...	2	1	1	.....	1	1 (Bhil)	1	7	14
Ahmedabad ...	2	1	1	.....	1	1	2	6	14
Kaira ...	2	1	1	.....	1	1	2	7	15
Panch Mahals ...	2	1	1	.....	1	1 (Bhil)	1	7	14
Surat ...	2	1	1	.....	1	1	1	7	14
Dharwar ...	2	1	1	.....	1	1	1	9	16
Bijapur ...	2	1	1	.....	1	1	1	9	16

Name of the Local Authority.	Experienced in Education.	Women.	Minorities.		Backward communities.	Representatives of Municipalities which are not Local Authorities.	General.	Total.
			Muhammadians.	Other Minorities.				
1	2	3	4(a)	4(b)	5	6	7	8
<i>District Local Boards.</i>								
Thana	2	1	1	1 Indian Christian	1	2	7	15
Ahmednagar	2	1	1	1 Indian Christian	1	1	8	15
Broach	2	1	2	...	1	1	5	12
Belgaum	2	1	1	1 Jain.	1	2	8	16
Kanara	2	1	1	1 Indian Christian.	1	1	6	13
<i>Local Authority Municipalities.</i>								
Bandra	2	1	1	...	1	...	7	12
Malegaon	2	1	...	...	1	...	8	12
Nasik	2	1	1	...	1	...	7	12
Poona City	2	1	1	...	1	1	6	12

Satara City	...	2	1	1	...	1	...	7	12
Sholapur	...	2	1	1	...	1	...	7	12
Ahmednagar	...	2	1	1	...	1	...	7	12
Jalgaon	...	2	1	1	...	1	...	7	12
Amalner	...	2	1	1	...	1	...	7	12
Dhulia	...	2	1	1	...	1	...	7	12
Ahmedabad	...	2	1	1	...	1	...	7	12
Nadiad	...	2	1	1	...	1	...	7	12
Broach	...	2	1	1	...	1	...	7	12
Surat	...	2	1	1	...	1	...	7	12
Dharwar	...	2	1	1	...	1	...	7	12
Hubli	...	2	1	1	...	1	...	7	12
Gadag	...	2	1	1	...	1	...	7	12
Bijapur	...	2	1	1	...	1	...	7	12

*N.B.*—Representatives of minorities and backward communities must themselves be members of such minorities or communities.

## SCHEDULE B

### BACKWARD COMMUNITIES

Scheduled Castes.	Aboriginal and Hill Tribes.	Other Backward Communities.
1. Agar.	1. Advichincher (Section of No. 19).	1. Alitkar.
2. Asodi.	2. Barda.	2. Bahurupi.
3. Bakad.	3. Bavacha.	3. Bajania.
4. Bhambi.	4. Bhil.	4. Balsantoshi.
5. Bhangi.	5. Chodhra.	5. Bandi.
6. Chakrawadya-Dasar.	6. Dhanka.	6. Battal.
7. Chalvadi.	7. Dhodia.	7. Bava.
8. Chambhar (same as Nos. 37 and 40).	8. Dubla.	8. Bazigar.
9. Chena-Dasaru.	9. Gamit (same as No. 10).	9. Bedar (same as Nos. 11, 81, 82, 113 and 124).
10. Chuhar (same as No. 11)	10. Ganta (same as No. 9).	10. Beldar.
11. Chuhra (same as No. 10)	11. Gond.	11. Berad (same as Nos. 9, 81, 82, 113 and 124).
12. Dakateru	12. Kathodi (same as No. 13).	12. Bhamta (same as Nos. 38, 112 and 117).
13. Mahyavanshi.	13. Katkari (same as No. 12).	13. Bhand.
14. Dhegu-Megu.	14. Konkna.	14. Bharadi.
15. Dhor.	15. Koli Mahadev.	15. Bhavaiya.
16. Garodo.	16. Mavchi.	16. Bhavin.
17. Halleer.	17. Naikda (same as No. 18).	17. Bhisti.
18. Halsar (same as Nos. 19 and 21).	18. Nayak (same as No. 17).	18. Bbute.
19. Haslar (same as Nos. 18 and 21).	19. Pardhi.	19. Budbudki.
20. Holaya.	20. Phanse Pardhi (same as No. 1 and Section of No. 19).	20. Burud.
21. Hulsavar (same as Nos. 18 and 19).	21. Patelia.	21. Charantha.
22. Khalpa.	22. Pomla.	22. Chandlagara.
23. Kolcha (same as No. 24).	23. Powara.	23. Charan.
24. Kolgha (same as No. 23).	24. Rathawa.	24. Chhapparband.
25. Koli Dhor.	25. Tadvi Bhil.	25. Chhara (same as Nos. 55, 56 and 103).
26. Kotegar (in North Kanara).	26. Thakur.	26. Chitrakathi.
27. Lingader.	27. Valvai.	27. Dasa.
28. Machigar.	28. Varli.	28. Dabgars (in Gujarat).
29. Madig (same as No. 31).	29. Vasava.	29. Davari.
30. Mahar.		30. Depala.
31. Mang (same as No. 29).		31. Devdig.
32. Mangarudi.		32. Dholi.
33. Meghval (same as No. 34).		33. Dombari.
34. Menghwar (same as No. 33).		34. Futgudi.
35. Mini Madig.		35. Gabit.
36. Mochi (except in Gujarat)		36. Gandhrap.
37. Mochigar (same as Nos. 8 and 40).		37. Garudi (same as No. 80).
38. Mukri.		38. Ghantichor (same as Nos. 12, 112 and 117).
39. Nadia.		39. Ghisadi.
40. Samagar (same as Nos. 8 and 37).		40. Golla.
41. Shenva (same as No. 44).		41. Gondhali.
42. Shingdav (same as No. 43).		42. Gopal.
		43. Halepaik.
		44. Holav.
		45. Jatia.
		46. Jatigar.
		47. Javeri (same as No. 50).
		48. Jogi.
		49. Jogtin.
		50. Johari (same as No. 47).
		51. Joshi.
		52. Kahar.
		53. Kaikadi.
		54. Kammi.

Scheduled Castes.	Aboriginal and Hill Tribes.	Other Backward Communities.
43. Shingadya (same as No. 42).		55. Kanjari (same as Nos. 25, 56 and 103).
44. Shindhaya (same as No. 31).		56. Kanjar Bhat (same as Nos. 25, 55 and 103).
45. Sochi.		57. Kapdi.
46. Timali.		58. Katabu (same as No. 61).
47. Turi.		59. Kattai.
48. Vankar.		60. Khavas.
49. Vitholia.		61. Kiliket (same as No. 53).
		62. Khelkari (same as No. 63).
		63. Kolhati (same as No. 63).
		64. Koli Malhar.
		65. Koli Suryavanshi.
		66. Kongadi.
		67. Korava (Section of
		- No. 53).
		68. Korcha (Section of
		- No. 53).
		69. Korchar
		70. Kotwal (same as No. 67).
		71. Kotwalia (same as
		No. 70).
		72. Kunchi Korava (Sec-
		tion of No. 53).
		73. Lamani.
		74. Mairal.
		75. Manbhav.
		76. Mangela.
		77. Me.
		78. Miana (Muhammadans).
		79. Mochi (in Gujarat).
		80. Modikar (same as No. 37).
		81. Naikmakalu (same as
		Nos. 9, 11, 82, 118
		and 124).
		82. Naikwadi (same as
		Nos. 9, 11, 81, 118
		and 124).
		83. Namdhari (same as
		No. 84).
		84. Namdhari-paik (same
		as No. 83).
		85. Nandiwale.
		86. Nat.
		87. Nath.
		88. Od.
		89. Padharis.
		90. Padiar.
		91. Pangul.
		92. Patharvat.
		93. Patradavaru.
		94. Phudgi.
		95. Rachevar.
		96. Raikari.
		97. Ramoshi.
		98. Ravalia.
		99. Sahadev Joshi.
		100. Salat.
		101. Sangar.
		102. Sanjogi.
		103. Sansia (same as Nos. 25,
		55 and 56).



Scheduled Castes.	Aboriginal and Hill Tribes.	Other Backward Communities.
		104. Sarania. 105. Sarodi. 106. Sarvade. 107. Shikari. 108. Shikligar. 109. Sudgadsidhar. 110. Suler. 111. Suppaling. 112. Takari (same as Nos. 12, 38 and 117). 113. Talvar (same as Nos. 9, 11, 81, 82 and 124). 114. Thakar. 115. Tirgar. 116. Tirmali. 117. Uchlia (same as Nos. 12, 38 and 112). 118. Vaddar. 119. Vadi. 120. Vaghri. 121. Vaidu. 122. Vaiti. 123. Valhar. 124. Valmiki (same as Nos. 9, 11, 81, 82 and 113). 125. Vanjari. 126. Vasudev. 127. Vir. 128. Wansfoda.

*Minorities*

1. The Muhammadans in all districts of the province except in the Municipal limits of Malegaon in the Nasik District.
2. The Indian Christians in the districts of Thana, Ahmednagar and Kanara.
3. The Jains in the district of Belgaum.

## SCHEDULE C.

**RULES FOR THE ELECTION OF MEMBERS OF THE SCHOOL BOARD [vide RULE 17 (3)  
OF THE BOMBAY PRIMARY EDUCATION RULES.]**

1. *President to fix place and dates for election.*—The President of the local Authority shall fix the date for the election of (1) the members of the School Board representing special interests and (2) the remaining members of the School Board. In each case, he shall also fix the date, hour and place for the following stages of the election, namely:—

- (1) receipt of nomination papers,
- (2) scrutiny of nomination papers,
- (3) recording of votes,
- (4) receipt of voting papers from municipalities which are not local authorities and whose schools are managed by the local authority, and
- (5) counting of votes.

The date for the receipt of nomination papers shall be not less than two weeks before the date fixed for recording of votes. The date fixed for scrutiny of nomination papers shall not be less than ten days before the date fixed for recording of votes.

2. *Notice of election.*—At least four weeks before the date fixed for recording of votes, the President shall cause a written notice of such date and of the place, dates and hours fixed under rule 1 for the various stages of the election to be—

(i) in the case of District Local Board Local Authorities.

(a) sent to every member of the local authority;

(b) sent to the municipalities which are not local authorities and whose schools are managed by the local authority;

(c) posted in some conspicuous place in the offices of the Presidents of the District Local Boards, of the Mamlatdar or Mahalkari of the taluka or mahal, as the case may be, and in such other places as the President may appoint; and

(d) published in such manner as the President may deem fit; and

(ii) in the case of municipalities which are Local Authorities;

(a) sent to every member of the local authority;

(b) sent to the municipalities which are not local authorities and whose schools are managed by the local authority;

(c) posted in some conspicuous place in the offices of the municipality and in such other places as the President may appoint; and

(d) published in such manner as the President may deem fit.

3. *Returning Officer.*—The President of the local authority shall be the Returning Officer:

Provided that—

(a) the President may, whenever he thinks necessary, and shall, when he himself is a candidate to the election, appoint, by a written order made not less than one week before the date fixed for the receipt of nomination papers, the Vice-President (if the Vice-President is himself not such candidate) or the chief officer to be the Returning Officer;

(b) when the President and the Vice-President are both candidates to the election and there is no chief officer, the local authority shall appoint such other member as is not a candidate at the election to be the Returning Officer.

4. *Nomination of candidates.*—(1) On or before the date and at the time appointed under rule 1 for the receipt of nomination papers, each candidate shall deliver to the Returning Officer a nomination paper duly completed in the form in Appendix I to this schedule and subscribed by the candidate himself as assenting to the nomination and by two members as proposer and seconder. Nomination papers in the prescribed form shall be supplied by the Returning Officer to every candidate or any other person on his behalf asking for the same.

(2) The proposer and seconder shall be present at the time of presentation of the nomination paper to the Returning Officer who shall ascertain there and then, that the proposer and the seconder have willingly signed the nomination paper. If either the

proposer or the seconder expresses his unwillingness to acknowledge his having signed the nomination paper, the candidate may present a fresh nomination paper.

5. *Scrutiny of nomination paper.*—On the date appointed for the scrutiny of nomination papers, the candidates and one proposer and one seconder of each candidate and one other person duly authorized in writing by each candidate, but no other person may attend at the appointed time and place and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 4 above.

6. *Disposal of objections: Rejection of nomination.*—(1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination and may either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds:—

(i) that the candidate is ineligible for the vacancy or vacancies for which he has been nominated;

(ii) that there has been any failure to comply with any of the prescribed provisions;

(iii) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.

(2) Where a member has subscribed as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received, up to the number of vacancies to be filled, shall be deemed to be valid.

(3) Nothing contained in sub-rule (2) shall be deemed to authorize the refusal of the nomination of any candidate on the ground of irregularity in respect of nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

7. *Completion of scrutiny.*—(1) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same, and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the day appointed in this behalf and no adjournment of proceedings shall be allowed.

8. *Appeal against rejection of a nomination paper.*—(1) An appeal may be made to the Collector against an order of the Returning Officer rejecting a nomination paper within three days from the date of the order of the Returning Officer.

(2) On application made by any candidate whose nomination paper has been rejected, the Returning Officer shall forthwith grant the candidate a copy of the order rejecting his nomination paper.

(3) The candidate making an appeal shall forthwith forward a copy of the memorandum of appeal to the Returning Officer.

(4) The Collector shall decide the appeal as soon as possible and shall communicate his decision to the Returning Officer at least three days before the date fixed for the recording of votes.

(5) The decision of the Collector shall be final and the Returning Officer shall give effect to it.

9. *Preparation of list of valid nominations.*—After the completion of the scrutiny of nominations, and after receiving the Collector's decision in the case of an appeal under rule 8 of the Returning Officer shall forthwith cause a list of valid nominations (excepting nominations for seats of representatives of municipalities which are not local authorities) to be prepared under his signature and cause it to be affixed in some conspicuous place in his office and at the place at which the election is to be held. He shall also cause a copy of the list to be sent to every member of the local authority, showing therein the qualifications, viz. the details mentioned in Appendix I (of Schedule C) —Nomination Paper—of each of the candidates.

10. *Election of representatives of municipalities which are not local authorities.*—The Returning Officer shall, thereafter communicate the valid nominations for seats of representatives of municipalities, which are not local authorities, to the Presidents of such municipalities, and ask them to record the votes of such municipalities in the form III prescribed in Appendix II appended to this schedule.

11. *Procedure at uncontested election.*—After the scrutiny of nomination papers, and the receipt of the Collector's decision in the case of an appeal under rule 8 should the number of duly nominated candidates for any class of vacancies not exceed the number of vacancies in that class, the Returning Officer shall declare such candidates to be duly elected to that class.

12. *Right to be nominated to two or more vacancies.*—When elections for two or more classes of vacancies are to be held at or about the same time, one and the same person may be nominated as a candidate for election for each such class of vacancy provided he is otherwise duly qualified.

13. *Withdrawal of candidature.*—Any person nominated under rule 4 above may withdraw his candidature at any time on or before the date fixed for recording of votes under rule, by notice in writing subscribed by him and delivered to the Returning Officer. Such withdrawal shall make his nomination void. When such notice is delivered before the voting has begun, and such withdrawal has the effect of leaving the election uncontested, the Returning Officer shall declare the remaining candidate or candidates, as the case may be, to be duly elected.

14. *Voting.*—(1) When there are more candidates for each class of vacancies than there are vacancies in the class and the question of voting arises, the voting shall be by ballot.

(2) The Returning Officer shall preside at the place fixed for recording of votes and receive votes thereat and provide himself with a box for receiving votes recorded at the election.

(3) Before the commencement of the poll, the Returning Officer shall show the ballot box empty to such candidates and such members of the local authority who are not candidates as may be present at the polling station and shall then lock it up and seal it in such manner as to prevent its being opened without breaking the seal. The ballot box shall then be so placed in the voting room as to be within the Returning Officer's view.

(4) Every member of the local authority desirous of recording his votes at the election shall attend for the purpose on the date and at the time and place appointed for recording of votes under rule 1 above. When a member presents himself at the polling station, he shall be provided by the Returning Officer with a voting paper in the appropriate form out of the two forms given in appendix II to this schedule. Before receiving the voting paper, the member shall sign the counterfoil thereof. No voting paper shall be issued after the closing hour appointed for recording of votes under rule 1 above but any member, who has been given the voting paper before the closing hour shall be allowed a reasonable opportunity to record his vote.

(5) After receiving his voting paper the member shall proceed to the voting partition which shall be screened and shall record his votes there. The member shall have as many votes as there are vacancies and may give one or more votes to any candidate. The member shall put one cross in pencil against the name of the candidate for every vote he wishes to give to the candidate. If the member does not wish to record his vote or votes in the case of any candidate or candidates or any class of vacancies, he shall leave the appropriate part of his voting paper blank. Only one member shall be allowed in the voting partition at a time.

(6) There shall be no voting by proxy.

(7) The Returning Officer shall give such assistance as may be required to any member who is under any disability which incapacitates him from voting in the manner prescribed.

15. *Counting of votes.*—(1) The Returning Officer shall, on the date and the time and place appointed for the counting of votes under rule 1 above, in the presence of two members of the local authority who are not candidates and of any candidates in attendance, open the ballot box and separate the voting papers which he deems valid from those which he rejects, endorsing on the latter the word "rejected" and the grounds of rejection.

(2) The Returning Officer may reject any voting paper on or by which the voting member has recorded more votes than he is entitled to or which bears any writing or mark by which it is, in the opinion of the Returning Officer, intended to be identified or which is unmarked or void for uncertainty.

(3) He shall then count the votes given to each candidate.

In the case of seats of representatives of Municipalities which are not local authorities, the Returning Officer shall in respect of each vote put a cross against the name of the candidate who has received it, in the form given in Appendix III to this Schedule.

(4) He shall, upon the completion of the counting, seal up in separate packets, endorsing on each a description of its contents and the date of the election to which it refers, the voting papers counted and the voting papers rejected. He shall also prepare the voting paper account and verify it by comparing it with the number of voting papers counted or rejected as aforesaid and of the unused voting papers.

(5) He shall then prepare and certify a return setting forth—

- (i) the result of the verification referred to in sub-rule (4);
- (ii) the names of the person for whom valid votes are given;
- (iii) the number of valid votes given for each person;
- (iv) the number of votes declared invalid;

and permit any candidate to take a copy of or an extract from the return.

(6) The Returning Officer may at any stage adjourn the proceedings under this rule after giving notice of the date and hour at which proceedings will be resumed to the candidates and members of the local authority present.

16. *Declaration of Results.*—When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of votes has been given, to be elected. In the case of seats of representatives of municipalities which are not local authorities, the candidates who secure the largest number of votes in the form given in Appendix III to this Schedule, shall be declared as elected. If there is an equal number of votes in favour of each of two or more candidates for one vacancy, the selection shall be determined by the Returning Officer by lot.

17. *Multiple elections*—(1) If any person is elected to more than one vacancy on the School Board, he shall by notice in writing signed by him and delivered to the Returning Officer within three days from the date of the declaration of the result of such election under rule 16, choose for which of these vacancies he shall serve and on such choice having been made, the result of the election shall, in every other vacancy to which such person has been elected, be determined as if no votes had been recorded for him.

(2) If such person does not make the choice referred to in sub-rule (1) the elections of such person shall be void and the results of the elections shall be determined as if no votes had been recorded for him.

18. *Publication of results.*—As soon as the results of the elections are declared, the Returning Officer shall cause them to be posted up in some conspicuous place in his office and shall without delay report the results to the local authority.

19. *Custody of election papers.*—The Returning Officer shall retain in his custody the return and the packets referred to in rule 15 and all other documents relating to the election.

20. *Production and inspection of election papers.*—(1) While in the custody of the Returning Officer, the packets of voting papers, whether counted or rejected, and of the counterfoils thereof shall not be opened and their contents shall not be inspected or produced except under the orders of a competent court or of Government

(2) All other documents relating to an election in the custody of the President shall be open to inspection by the members of the local authority or by any servant of the Crown duly authorized in this behalf.

21. *Destruction of election papers.*—The Returning Officer shall unless otherwise directed by a competent court or by Government cause all papers relating to an election to be destroyed after the lapse of one year from the date of the declaration of the result.

**APPENDIX I TO SCHEDULE C**  
**Form of Nomination Paper**  
 (See rule 4 in Schedule C)

District Local Board \_\_\_\_\_ of \_\_\_\_\_  
 Municipality \_\_\_\_\_

- \* Description of the vacancy for which the candidate is nominated—
- Name of candidate with surname if any—
- Father's name with surname if any—
- Age and sex—
- Address—
- Community to which the candidate belongs—
- Educational qualifications—
- † Name of the proposer—
- Signature of the proposer—
- Name of the seconder—
- Signature of the seconder—

*Declaration by Candidate*

I hereby signify my willingness to serve if I am elected.  
 Date \_\_\_\_\_

Signature of Candidate. \_\_\_\_\_

\* Women, minorities, backward communities experienced in education, general Municipalities which are not Local Authorities.

† In the case of representatives of Municipalities which are not Local Authorities the proposer shall be one of such Municipalities and the nomination paper shall be signed by the President or Vice-President of such Municipality. Signature of the seconder is not necessary in such cases.

**APPENDIX II TO SCHEDULE C**  
**Forms of Voting Papers**  
 (See rule 14 in Schedule C)

I

*Form of voting paper for vacancies of members representing special interests  
 (excepting interests of Municipalities which are not local authorities).*

District Local Board \_\_\_\_\_ of \_\_\_\_\_  
 Municipality \_\_\_\_\_

*Voting Paper*

Counterfoil Serial No.		Outerfoil. (Front)
	Description of class of vacancies.	Names of candidates. Cross x.
1. Name of elector ...	1. Persons experienced in education (2) 2. Women (1)	{ ... }
2. Signature of elector.	3. Representatives of minorities :— (1) Muhammadans (*) (2) Christians (*) (3) Bhils (*) (4) Jains (*) 4. Representatives of backward communities (*)	{

1. (\*) Number of vacancies should be entered here.

2. A separate voting paper should be used for each special interest mentioned above; the entries relating to other interests being scored out.

(Back of Outerfoil)

Instructions in connection with recording of votes:—

1. For each class of vacancies you have the number of votes shown in brackets after the description of that class.

2. Put a cross or crosses against the name of  $\frac{\text{the candidate}}{\text{each of the candidates}}$  for whom you wish to vote.

3. You must *not* put against any class of vacancies more crosses than the number shown in brackets after the description of that class.

Serial No.
---------------

## II

*Form of voting paper for vacancies of general members*

District Local Board  
Municipality of \_\_\_\_\_

*Voting Paper*

Counterfoil  
Serial No.

Outerfoil  
(Front)

	Names of candidates.	Cross x.
1. Name of elector ... 1.		
2. Signature of elector ... 5.		

(Back of Outerfoil)

1. You have \_\_\_\_\_ votes.

2. Put a cross or crosses against the name of  $\frac{\text{the candidate}}{\text{each of the candidates}}$  for whom you wish to vote.

3. You must *not* put more than \_\_\_\_\_ crosses in all on the voting paper.

Serial No.
---------------

## III

*Form of voting paper for vacancies to be filled by representatives  
of Municipalities which are not local authorities*

Name of Municipality—

Names of candidates (valid nominees).	Cross ( x )
Mr. _____	
Mr. _____	
Mr. _____	
Mr. _____	
_____	

President,

\_\_\_\_\_ Municipality.

*Note 1.*—If the number of representatives of non-local authority municipalities to be elected is one, the cross should be placed against the name of the candidate whom the municipality wishes to elect. If the number of representatives to be elected is 2, both the crosses ( x x ) may be placed against the name of any one candidate in case the municipality concerned wishes to elect only one candidate or one cross ( x ) each may be placed against the names of two candidates in case the municipality wishes to elect two candidates.

*Note 2.*—A voting paper shall be invalid if—

(a) a cross is not placed against the name of any candidate

or

(b) a cross is placed opposite the names of more than the number of candidates to be elected

or

(c) the voting paper is not signed.





## SCHEDULE D

RULES FOR BUILDING GRANTS AND GRANTS FOR SITES (*vide* RULE 116)

1. In the case of non-recurring expenditure on schools maintained or approved by local authorities under the provisions of the Bombay Primary Education Act, 1923, and the rules thereunder, a grant of money, hereinafter referred to as a building grant, may be given to local authorities in aid of erecting, purchasing, enlarging, rebuilding or improving school buildings.

2. (i) Applications for non-recurring grants will be considered according to the priority of their receipt. Government reserve to themselves the fullest discretion in disposing of them according to the funds available.

(ii) Applications for building grants must be submitted in the following form, within one year of the date of the completion of the work, to the Director of Public Instruction, who will dispose of them in accordance with the provisions of the Bombay Primary Education Act, 1923, and the rules thereunder and the means at his disposal:—

*Form of Application for Building Grant*

- (1) Locality.
- (2) Name of the Institution.
- (3) Whether the school is a Local Authority District Local Board, Local Authority Municipal, non-Local Authority Municipal, or an Approved School. If an approved School, whether it falls under class A or class B.
- (4) The specific purpose for which the grant is claimed, i.e. whether the grant is required for the construction or for the purchase of a school building, for making additions and alterations to an old one, for effecting special repairs to an existing building resulting in an increase in the original value of the building or for the purpose of purchasing a site.
- (5) The total cost as detailed below and the proportion which the grant bears to it:—
  - (a) Value of the work as certified by the Government Executive Engineer of the division.
  - (b) Establishment and tools and plant charges, and the rate per cent.
- (6) (a) Total area of the class room accommodation, and (b) the number of pupils for whom the building is intended.
- (7) Amount of grant.
- (8) Whether the Institution has previously received a building grant from Government; if so, how much, when and under what orders.
- (9) If a trust deed has been executed, the number and date of the last Government Resolution or of the letter of the Director of Public Instruction in the matter.
- (10) How the site (described below) has been acquired. If it has been granted by Government, under what orders and terms:—
  - (a) The site measures—

Feet.

from North { on the eastern side  
to South { on the western side  
and

from East { on the northern side  
to West { on the southern side

- (b) The site is bounded—
  - on the North by
  - on the South by
  - on the East by
  - and
  - on the West by
- (c) Area of the site—

- (11) Whether the title of the managers to the site mentioned above is good. If it has previously been declared to be good and in order, the Director of Public Instruction's number and date (if any) in the matter. Whether the entire site mentioned above has been covered by the trust-deed referred to in item No. (9) above.
- (12) Whether the plans (including the site plan) and estimates have been approved, and if so, by whom; a copy of the certificate given by such approving officers being furnished with the application, in case the plans and estimates are not countersigned by them, in token of approval.
- (13) The agency by which the work was carried out.
- (14) The date of the commencement of the work.
- (15) The date of the completion of the work.
- (16) Whether the managers are willing to get the building insured, if in the opinion of the Executive Engineer the insurance is necessary.
- (17) Whether the managers are willing to execute a trust-deed or agreement in case the grant is given.
- (18) Actual expenditure incurred on the work.
- (19) Particulars regarding item (number) in the pertinent Audit Note on the accounts of the School Board, against which the actual expenditure mentioned above stands:—
- (a) Year of the Audit Note.
- (b) Page (number).
- (c) Appendix.
- (d) Serial or Item (number).
- (e) Aggregate amount, if any, in which the actual expenditure has been included.
- (20) Whether the actual expenditure mentioned against item No. 18 above has actually been excluded from the expenditure on which recurring grants to the Local Authority for Primary Education were based.
- (21) Whether any public contributions for the purpose mentioned in item No. (4) above were received, and if so, what amount and in what year?
- (22) Whether quarters for teachers have been provided on the premises of the school, and if so, whether any, and what amount of expenditure was incurred on the quarters in this case, and whether it has been included in the expenditure mentioned in item (18) above.

Certified that the Local Authority has received no grant from Government for the work described in this application.

Dated

Chairman,

President  
Vice-President, (Chief Officer),

Local Authority,  
District Local Board.  
Municipality.

School Board,  
Local Authority,  
District Local Board.  
Municipality.

3. Grants made under rules 114, 115 and 120 of the Bombay Primary Education Rules, 1924, shall not exceed—

- (a) The limit per pupil as laid down by Government from time to time.
- (b) Two-thirds of the approved expenditure, if the local authority is a District Local Board, and one-half of the approved expenditure, if the local authority is a Municipality, and

- (c) The net cost to the local authority after taking into account the amount of value of the popular contributions received by the local authority in respect of the building, etc.

*Explanation 1.*—In calculating the total expenditure, the cost of the building materials or labour may be taken into calculation at such valuation as Government may be pleased to fix.

*Explanation 2.*—In the case of school buildings, etc., which have been constructed by local authorities with the aid of public contributions, either in cash or in kind, the grant shall be calculated on the gross expenditure incurred on the buildings, etc., at two-thirds, if the local authority is a District Local Board, or one-half, if the local authority is a Municipality.

Nothing in this rule shall be deemed to compel Government to give the maximum of the grant under rule 115 or 120 of the Bombay Primary Education Rules, 1924. The payment of the grant under the said rules will depend on the circumstances of each case and upon the financial condition of Government.

4. Before a building grant is sanctioned Government must be satisfied—

(i) that the means relied upon have actually been raised and are available, a declaration to this effect is appended to the application;

(ii) that the building is intended for and will be devoted to educational purposes, and in part to secular education, and that it is suited as to site and character for the requirements of the locality where it is designed to build it;

(iii) that the plans, estimates and specifications are satisfactory, for which purpose a certified copy of them must be forwarded with the application, to be submitted thereafter for the report of the Public Works Department, in which Department it will be finally recorded;

(iv) that the title of the managers to the site on which the building is to be erected is good and in order.

5. (a) In order to show the title of the managers, the following documents and information should, as far as possible, be furnished:—

(i) Documents of title under which the managers acquired the property.

(ii) Documents of title and other evidence showing the undisturbed possession of the vendor or donor or other person from whom the managers acquired the property, or of the predecessors-in-title, for a period of at least 12 years prior to the date of the acquisition of the property by the managers.

(iii) Duly certified copies of all registered documents which cannot for sufficient reason be produced.

(iv) Evidence that those who on the documents produced dealt with the property were adult and competent to confer a title, e.g. as a sole owner, or as a manager of a Hindu joint family, or as a Hindu widow, alienating for a specific purpose allowed by law.

(v) Evidence that there are no encumbrances on the property, and a statement that the village record-of-rights and the indexes of the village Registrars', Sub-Registrars' and District Registrars' records relative to the property in question have been examined for 12 years prior to the acquisition by the manager.

(vi) A certified copy of any relevant entries in the Cantonment, Municipal or village records, or in the village record-of-rights or Register of Mutations, relating to the land.

(vii) Original receipts for any assessments or taxes paid in respect of the property.

(viii) A correct description of the property, its survey numbers and boundaries, and a map showing it and the adjoining properties and the position of any buildings on it. On the site plan the dimensions, boundaries and the north point of the site should be marked and the area of the site mentioned. The site plan should be signed by a responsible officer of Government in token of its verification.

(ix) If the site has been granted by Government, the sanad granted by the Collector and if it has been acquired under the Land Acquisition Act, the Award Statement from the Land Acquisition Officer should be furnished.

If a manager professes to be acting for an association, corporation, society or other body of persons, the following will also be required :—

(x) A copy of the memorandum and articles of association or rules and regulations of the body on whose behalf he professes to be acting, so far as they relate to holding and dealing with immovable property, the receipt of grants-in-aid and the execution of deeds, or any other documents authorizing him to acquire the property on its behalf.

(xi) His authority (if any) to receive the grant and execute the trust deed on its behalf.

(xii) Information whether the association etc. is registered and, if so, when, where and under what Act.

(xiii) The title-deed vesting the property in the association etc. In any complicated case, or where there may be a doubt as to the validity of the title of the managers, the latter are recommended to avail themselves of adequate legal assistance in placing their title properly before the Law Officers of Government and, if necessary, rectifying their title.

*Note.*—All documents of title shall, if the grant is sanctioned, be retained by Government, who shall be entitled to the possession thereof.

(b) In cases where the Managers have no documentary evidence to prove the title to the sites on which the School Buildings owned by them stand, an undertaking should be taken from them that they shall refund to Government the whole amount of the building grant if they are at any time declared by a Civil Court or by the Collector under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879, to be not in lawful occupation of the said sites.

6. A building for which an application for a grant is to be made is not to be commenced until the plans (including the site plan) and estimates have been approved in writing by (1) the President of the local authority, (2) the Chairman of the School Board, (3) the Engineer of the local authority or the Executive Engineer of the district, (4)\* the Health Officer of the local authority or the Assistant Director of Public Health, and (5)\* the Superintending Engineer, Public Health, Bombay, and until the expenditure has been approved as required by Rule 92, 114 or 120 of the Bombay Primary Education Rules, 1924.

7. The construction of buildings by private agency shall be permitted up to any amount subject to the following conditions :—

(1) That the plans and estimates are approved by the Public Works Department, the local authority and Sanitary authorities;

*Note.*—The permission of the Executive Engineer concerned should be obtained if the cost does not exceed Rs. 10,000, and that of the Chief or Superintending Engineer concerned if the cost exceeds Rs. 10,000, but does not exceed the limit of his powers. In all other cases the sanction of Government is necessary.

(2) That no deviations in the sanctioned plans are made without the previous permission, in writing, of the Executive Engineer; and

(3) That the Public Works Department authorities who approve the plans are satisfied as to the competency of the private agency by which the work is to be carried out.

*Note.*—As regards buildings in which reinforced concrete is used, they shall not be entrusted to private agency except in places where there are contractors specialized in this kind of work.

\* The approval of the Health Officer of the local authority or of the Assistant Director of Public Health in the case of the site plans and that of the Superintending Engineer, Public Health, Bombay, in the case of the work plans are required, and should be obtained.

Provided that from an engineering point of view the approval of a Superintending Engineer or of Government in the Public Works Department shall not be necessary in the following cases :—

(a) Where the plans and estimates are prepared or approved by a Government Executive Engineer and the estimates do not exceed Rs. 10,000;

(b) Where the plans and estimates are prepared or approved by the Engineer of a District Local Board, who has been appointed with the approval of Government and the estimates do not exceed Rs. 10,000;

(c) Where the plans and estimates are prepared or approved by the Engineer of a District Local Board, who has not been appointed with the approval of Government or by the Engineer of a local authority municipality and the estimates do not exceed Rs. 5,000.

8. If the local authority has applied for a grant-in-aid from Government on account of a school building, a certificate must be obtained from the Government Executive Engineer of the district that the building is in accordance with the sanctioned site and other plans, that the work has been satisfactorily carried out, and is in good condition and that the value thereof is, to the best of his knowledge and belief, not less than the amount on which the local authority is claiming a grant-in-aid.

*Note.*—The certificate required under this rule must be obtained by the local authority in all cases from the Government Executive Engineer concerned who shall grant it free of charge.

9. A grant of money may be made for the purchase of a site in the same proportions as for building grants in rule 3 above. Provided that, subject to such additions and alterations as Government may direct, the conditions specified in this Schedule for building grants shall apply *mutatis mutandis* to grants for the purchase of sites. If a site required for building belongs to Government, it may be granted free or else its estimated value may be recovered from the grantee, less the amount of a money grant calculated as above.

10. No portion of a building grant shall be paid to the managers of a school, unless and until they execute or agree to execute a trust deed or an agreement, as the case may be, in accordance with the requirements of the next following rule. If, however, the building is erected on a site already covered by a trust deed, a receipt may be sufficient.

11. If the cost of the Primary school building does not exceed Rs. 2,500 or if the total amount of the building grant does not exceed Rs. 1,000 and the building is in the opinion of the Director of Public Instruction of such a description that it is not worth while requiring the execution of a trust deed, he may accept from the managers a written agreement engaging—

- (a) to maintain the building in proper repair;
- (b) to manage the school in accordance with the rules and regulations of the Educational Department;
- (c) to subject the school to inspection by that Department;
- (d) to use the building as a school to be devoted wholly to education and in part to secular education; and
- (e) to keep the building insured in the names of the managers and the Secretary of State jointly if this is considered necessary by the Executive Engineer;
- (f) in the event of default being made by the managers in any of the preceding conditions to repay on demand by the Director of Public Instruction the aggregate amount of all building grants made by Government in respect of the school.

In every other case the managers shall execute a trust deed in such form as shall from time to time be approved by Government, either generally or specially in this behalf embodying conditions regarding—

- (g) the construction and maintenance of the building;
- (h) the insurance of the building;
- (i) the times at which and the instalments in which the building grant shall be paid;
- (j) the management and inspection of the school; and
- (k) such other matters as Government think necessary.

Provision shall also be made in every such trust deed that in the event of default being made by the managers in the performance of any of the conditions thereof—

- (l) the building grant, or so much of the same as shall not yet have been paid, shall lapse;
- (m) the aggregate amount of the building grant or grants from time to time advanced by Government for the school shall be repayable to Government; and
- (except in cases where the site is granted by a private person on condition that it should revert to him in the event of the site ceasing to be used for a school or on any other condition which precludes a transfer to the Secretary of State)
- (n) for the purpose of recovering any moneys so due, Government may enter upon and take possession of and sell the building; and

(o) the building site, if granted by Government, may be resumed by them, and the building, if any, standing thereon may be entered upon and taken possession of by Government and may be used or disposed of by Government at their discretion for educational purposes or, if it shall appear expedient to Government, for any other purpose.

\*Every such trust deed shall be prepared at the expense of the managers by the Law Officers of Government.

*Note.*—With reference to (f) and (m) above, if Government are satisfied that the school was closed through no default of the managers, account may be taken of any depreciation in the value of the building after expert revaluation which will take account of the state in which the building has been maintained by the managers and a proportionate reduction may be made in the amount to be claimed from the managers. In the case of a Primary school building for which an agreement has been accepted in lieu of a trust deed by the Director of Public Instruction the depreciation shall be calculated at a uniform rate of 4 per cent. per annum. If the Government grant extends to the acquisition of a site, account may be taken after expert revaluation, of any enhancement in the value of the site, and the proportionate share in such enhancement may operate as a set-off, either total or partial, against the reduction to be made in the refund due in respect of the grant for buildings.

12. Buildings in respect of which a building grant has been given must be insured irrespective of their value, for a sum representing the value of all work above plinth level, including flooring, in the names of the school managers and the Secretary of State jointly, provided that it shall not be necessary to insure a school building if the Executive Engineer has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate has not been cancelled by the Executive Engineer in writing.

13. In addition to building grants as aforesaid Government will consider applications for grants-in-aid of building offices, boarding houses, gymnasia or of providing play-grounds, provided that the expenditure has previously been approved by the local authority and by the Government and that funds are available, and subject to such of the foregoing conditions as may be declared applicable by the Educational Department or to any others that may be imposed. Grants made under this rule are exceptional and Government are not pledged to give any fixed proportion, but will deal with each case on its merits and subject to financial considerations.

## FORM I

*Trust Deed to be executed by a Municipality\* under the Bombay  
Primary Education Rules, 1924.*

(Building site not granted by Government.)

\* Under the Bombay District Municipal Act, 1901.

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ between the Municipality of \_\_\_\_\_ constituted under the Bombay District Municipal Act, 1901 (hereinafter referred to as "the Municipality") of the one part, and the Governor of Bombay (hereinafter referred to as "the Government") of the other part, WHEREAS the Municipality is possessed of and absolutely entitled in perpetuity free from incumbrances to the piece of land described in the schedule hereto and intended to be hereby assured; AND WHEREAS the Municipality applied to the Government for a Building Grant-in-aid of Rupees \_\_\_\_\_ for a school-house to be known as the \_\_\_\_\_ and has \_\_\_\_\_ satisfied the Director of Public Instruction, Province of Bombay, that the building is intended for and will be devoted to educational purposes and in part to secular education that the plans, estimates and specifications are satisfactory that the title of the Municipality to the piece of land described in the schedule hereto is good and in order and that the building \_\_\_\_\_ constructed

AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grants made by the

\* Standard forms of deeds and receipts are appended for use.

Government in aid of school it is provided (*inter alia*) that no portion of a Building Grant shall be paid to the managers of a school unless and until they execute or agree to execute a trust deed as in the said rules provided, AND WHEREAS the Government has sanctioned a Building Grant of Rupees

which sum has been duly paid and payment of which the Municipality hereby acknowledges in consideration of the Municipality executing to the Government such conveyance or assurance as is hereinafter contained which the Municipality has agreed to do; AND WHEREAS the Commissioner, Division, has sanctioned the transfer hereby made and such sanction is recorded in his Memorandum

No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_

Now THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of Rupees \_\_\_\_\_ paid

as aforesaid by the Government to the Municipality the Municipality doth hereby grant, convey and assign unto the Government ALL THAT piece or parcel of land described in the schedule hereto TOGETHER with all and singular the building and erections now being or which may hereafter be thereon expressly including the said building to be erected as aforesaid and all rights easements and appurtenances whatsoever usually held or occupied therewith or reputed to belong or be appurtenant thereto and also all fittings and fixtures being in and belonging to or used or to be used for the said school and all the estate right title interest claim and demand of the Municipality in and upon the said premises to HOLD the said piece of land chattels and effects and all other premises expressed to be hereby assured unto and to the use of the Government according to the nature and tenure thereof, respectively AND the Municipality doth hereby for itself and its successors covenant that it has power to grant all the said premises to the Government in manner aforesaid free from incumbrances and that the Municipality and every person claiming through or in trust for the Municipality will at all times at the cost of the Municipality execute and do all such assurances and things for the further or better assuring the said premises to the Government as aforesaid as shall be reasonably required AND it is hereby declared and agreed that the Government shall hold the said premises upon the trusts and to and for the intents and purposes following that is to say UPON TRUST to permit the Municipality to enter upon the said premises for the purposes and on the conditions following, namely, that the Municipality and its successors shall—

(1) construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved of or as may be approved of by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being, or which may hereafter be on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;

(6) keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay; and

(7) keep at all times the building or buildings already erected or which may hereafter be erected on the said premises in respect of which a building grant has been given (except the building or buildings in respect of which the Executive Engineer of \_\_\_\_\_ has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate has not been cancelled by the Executive Engineer (in writing) insured in the joint names of the Municipality and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinth at the least in some respectable insurance office to be approved by the Government or its Agent for the time being and regularly pay the premiums which shall become payable in respect of such insurance and whenever thereunto required so to do, produce to him the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year and shall, unless the Municipality has forfeited its right or claim to such policy or policies of insurance as hereinafter provided apply



all moneys which may be received by virtue of any such policy or policies in rebuilding or reinstating the premises destroyed or damaged :

PROVIDED ALWAYS and it is hereby declared and agreed that in the event of default being made by the Municipality in the performance of any of the conditions hereinbefore mentioned the Building Grant or so much of the same as shall not then have been made shall lapse and the aggregate amount of the said Building Grant and all future Building Grants from time to time advanced by the Government for the school shall be repayable to the Government AND for the purposes of recovering any moneys so due to Government it shall be lawful for the Government to enter upon and take possession of the said premises and all buildings, fixtures and fittings thereon and to sell and absolutely dispose of the same free from incumbrances and discharged from the trusts hereof in such manner as the Government in its absolute discretion shall see fit and apply the proceeds of such sale after payment thereof of all costs and expenses attending the same in or towards the recouping or reimbursing to the Government the moneys which may as aforesaid have become repayable or due to the Government and pay the surplus, if any, to the Municipality or to such body or person whom the Government may consider lawfully entitled thereto and in any such event the Municipality shall forfeit to the Government all its rights or claim to, over or in respect of such policy or policies of insurance relating to the said buildings and the amount of premiums paid by it in respect of such insurance and the same shall then become absolutely the property of the Government IN WITNESS WHEREOF

the President of the Municipality and

and two other Councillors of the Municipality have hereunto set their hands and the common seal of the Municipality hath been herunto affixed and

Esquire, Director of Public Instruction for the Province of Bombay, hath set his hand and the seal of his office hereto on behalf of the Governor of Bombay, the day and year first above written.

THE SCHEDULE ABOVE REFERRED TO.

*Description and boundaries of property.*

The piece or parcel of land measures in superficial area

square	be the same a little more or less,
situated in the town/village of	and bearing
number	in the taluka of
district of	and in the registration sub-district
of	in the said district and measures from North
to South	feet on the eastern side and
western side, and from East to West	feet on the northern side
and	feet on the southern side be the same a little more or less and is

bounded as follows :—

on the North by  
on the South by  
on the East by  
and on the West by

and is for greater clearness delineated on the plan hereto annexed and signed by the executing parties aforesaid.

Signed by

President

and

President.

and

two Councillors of the Municipality of  
and sealed with the common seal  
of the Municipality of  
in the presence of—

Councillors.

1

2

Common  
Seal.

Signed, sealed and delivered by

}	Esquire, Director of Public Instruction for the Province of Bombay, in the presence of—
---	---

1 \_\_\_\_\_

2 \_\_\_\_\_


 Official  
Seal.

Annexure :—Plans.

## FORM I-A

*Trust Deed to be executed by a Local Board under the Bombay Primary  
Education Rules, 1924*

(Building site not granted by Government.)

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ between the District Local Board of \_\_\_\_\_ established under the Bombay Local Boards Act, 1923 (hereinafter referred to as "the Local Board") of the one part and the Governor of Bombay (hereinafter referred to as "the Government") of the other part WHEREAS the Local Board is possessed of and absolutely entitled in perpetuity free from incumbrances to the piece of land described in the schedule hereto and intended to be hereby assured; AND WHEREAS the Local Board applied to the Government for a Building Grant-in-aid of Rupees \_\_\_\_\_ for a school-house to be known as the \_\_\_\_\_ school and has satisfied the Director of Public Instruction, Province of Bombay, that the building is intended for and will be devoted to educational purposes and in part to secular education that the plans, estimates and specifications are satisfactory that the title of the Local Board to the piece of land described in the schedule hereto is good and in order and that the building \_\_\_\_\_ constructed

AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a Building Grant shall be paid to the managers of a school unless and until they execute or agree to execute a trust deed as in the said rules provided AND WHEREAS the Government has sanctioned a Building Grant of Rupees \_\_\_\_\_ which sum has been duly paid and payment of which the Local Board hereby acknowledges in consideration of the Local Board executing to the Government such conveyance or assurance as is hereinafter contained which the Local Board has agreed to do AND WHEREAS the Commissioner, \_\_\_\_\_ Division, has sanctioned the transfer hereby made and such sanction is recorded in his Memorandum No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_

194 . Now THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of Rupees \_\_\_\_\_ paid as aforesaid by the Government to the Local Board the Local Board doth hereby grant convey and assign unto the Government ALL THAT piece or parcel of land described in the schedule hereto TOGETHER with all and singular the building and erections now being or which may hereafter be thereon expressly including the said building to be erected as aforesaid and all rights easements and appurtenances whatsoever usually held or occupied therewith or reputed to belong or be appurtenant thereto and also all fittings and fixtures being in and belonging to or used or to be used for the said School and all the estate right title interest claim and demand of the Local Board in and upon the said premises TO HOLD the said piece of land chattels and effects and all other premises expressed to be hereby assured unto and to the use of the Government according to the nature and tenure thereof respectively AND the Local Board doth hereby for itself and its successors covenant that it has power to grant all the said premises to the Government in manner aforesaid free from incumbrances and that the Local Board and every person claiming through or in trust for the Local Board will at all times at the cost of the Local Board execute and do all such assurances and things for the further or better assuring the said premises to the Government as aforesaid as shall be reasonably required AND it is hereby declared and agreed that the Government shall hold the said premises upon the trusts and to and for the intents and purposes following that is to say UPON TRUST

to permit the Local Board to enter upon the said premises for the purposes and on the conditions following namely that the Local Board and its successors shall—

(1) construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved of or as may be approved of by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all rates charges assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;

(6) keep the said school at all times open to the inspection of the inspecting officers of the Educational Department of the Government of Bombay; and

(7) keep at all times the building or buildings already erected or which may hereafter be erected on the said premises in respect of which a building grant has been given (except the building or buildings in respect of which the Executive Engineer of \_\_\_\_\_ has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate has not been cancelled by the Executive Engineer in writing) insured in the joint names of the Local Board and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinth at the least in some respectable insurance office to be approved by the Government or its Agent for the time being and regularly pay the premiums which shall become payable in respect of such insurance and whenever thereunto required so to do, produce to him the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year and shall, unless the Local Board has forfeited its right or claim to such policy or policies of insurance as hereinafter provided, apply all moneys which may be received by virtue of any such policy or policies in rebuilding or reinstating the premises destroyed or damaged;

PROVIDED ALWAYS and it is hereby declared and agreed that in the event of default being made by the Local Board in the performance of any of the conditions hereinbefore mentioned the Building Grant or so much of the same as shall not then have been made shall lapse and the aggregate amount of the said Building Grant and all future Building Grants from time to time advanced by the Government for the school shall be repayable to the Government AND for the purposes of recovering any moneys so due to the Government it shall be lawful for the Government to enter upon and take possession of the said premises and all buildings fixtures and fittings thereon and to sell and absolutely dispose of the same free from incumbrances and discharged from the trusts hereof in such manner as the Government in its absolute discretion shall see fit and apply the proceeds of such sale after payment thereout of all costs and expenses attending the same in or towards the recouping or reimbursing to the Government the moneys which may as aforesaid have become repayable or due to the Government and pay the surplus if any to the Local Board or to such body or person whom the Government may consider lawfully entitled thereto and in any such event the Local Board shall forfeit to the Government all its right or claim to, over or in respect of such policy or policies of insurance relating to the said buildings and the amount of premiums paid by it in respect of such insurance and the same shall then become absolutely the property of the Government. IN WITNESS WHEREOF

President of the Local Board

and

and \_\_\_\_\_ two other Members of the Local Board have hereunto set their hands and the common seal of the Local Board hath been hereunto affixed and

\_\_\_\_\_, Esquire, Director of Public Instruction for the Province of Bombay, hath set his hand and the seal of his office hereto on behalf of the Governor of Bombay, the day and year first above written.

THE SCHEDULE ABOVE REFERRED TO  
*Description and boundaries of property*

The piece or parcel of land measures in superficial area \_\_\_\_\_ square  
be the same a little more or less situated in the town/village of \_\_\_\_\_  
and bearing \_\_\_\_\_ number \_\_\_\_\_

in the taluka of \_\_\_\_\_ in the district of \_\_\_\_\_ and in  
the Registration sub-district of \_\_\_\_\_ in the said district and  
measures from North to South \_\_\_\_\_ feet on the eastern side and  
\_\_\_\_\_ feet on the western side, and from East to West \_\_\_\_\_ feet on  
the northern side and \_\_\_\_\_ feet on the southern side, be the same a little more or  
less and is bounded as follows:—

on the North by \_\_\_\_\_  
on the South by \_\_\_\_\_  
on the East by \_\_\_\_\_  
and on the West by \_\_\_\_\_

and is for greater clearness delineated on the plan hereto annexed and signed by the  
executing parties aforesaid.

Signed by

President

and

President.

and

two members of the

Members.

Local Board of  
and sealed with the common seal of the  
Local Board of  
in the presence of

Common  
Seal.

1. \_\_\_\_\_

2. \_\_\_\_\_

Signed, sealed and delivered by

, Esquire,

Director of Public Instruction for the  
Province of Bombay, in the presence of—

Official  
Seal.

1. \_\_\_\_\_

2. \_\_\_\_\_

Annexure:—Plan.

FORM I-B.

*Trust-deed to be executed under the Bombay Primary Education Rules, 1924,  
by a Municipality constituted under the Bombay Municipal  
Boroughs Act, 1925 (Bombay XVIII of 1925).*

(Building site not granted by Government).

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_  
one thousand nine hundred and \_\_\_\_\_ between the  
Borough Municipality constituted under the Bombay Municipal Boroughs Act, 1925  
(hereinafter referred to as "the Municipality") of the one part and the Governor  
Bombay (hereinafter referred to as "the Government") of the other part. WHEREAS

the Municipality is possessed of and absolutely entitled in perpetuity free from incumbrances to the piece of land described in the Schedule hereto and intended to be hereby assured; AND WHEREAS the Municipality applied to the Government for a Building Grant-in-aid of Rupees (Rs. )

only for a school house to be known as the and has satisfied the Director of Public Instruction, Province of Bombay that the building is intended for and will be devoted to educational purposes and in part to secular education, that the plans estimates and specifications are satisfactory, that the title of the Municipality to the piece of land described in the schedule hereto is good and in order and that the building constructed ;

AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a Building Grant shall be paid to the Managers of a school unless and until they execute or agree to execute a trust deed as in the said rules provided; AND WHEREAS the Government has sanctioned a Building Grant of Rupees (Rs. ) only which sum has been duly paid and payment of which the Municipality hereby acknowledges in consideration of the Municipality executing to the Government such conveyance or assurance as is hereinafter contained which the Municipality has agreed to do; AND WHEREAS the Commissioner, Division, has sanctioned the transfer hereby made and such sanction is recorded in his Memorandum No. dated the

day of 194 . Now THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of Rupees (Rs. ) only paid as aforesaid by the Government to the Municipality the Municipality doth hereby grant, convey and assign unto the Government ALL THAT piece or parcel of land described in the schedule hereto TOGETHER with all and singular the building and erections now being or which may hereafter be thereon expressly including the said building to be erected as aforesaid and all rights, easements and appurtenances whatsoever usually held or occupied therewith or reputed to belong or be appurtenant thereto and also all fittings and fixtures being in and belonging to or used or to be used for the said school and all the estate, right, title, interest, claim and demand of the Municipality in and upon the said premises to HOLD the said piece of land, chattels and effects and all other premises expressed to be hereby assured unto and to the use of the Government according to the nature and tenure thereof respectively; AND the Municipality doth hereby for itself and its successors covenant that it has power to grant all the said premises to the Government in the manner aforesaid free from incumbrances and that the Municipality and every person claiming through or in trust for the Municipality will at all times at the cost of the Municipality execute and do all such assurances and things for the further or better assuring the said premises to the Government as aforesaid as shall be reasonably required; AND it is hereby declared and agreed that the Government shall hold the said premises upon the trusts and to and for the intents and purposes following, that is to say UPON TRUST to permit the Municipality to enter upon the said premises for the purposes and on the conditions following, namely, that the Municipality and its successors shall—

(1) construct within months from the date hereof buildings thereon according to the plans and specifications approved or as may be approved by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being, or which may hereafter be, on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;

(6) keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay; and

(7) keep at all times the building or buildings already erected or which may hereafter be erected on the said premises in respect of which a building grant has been given (except the building or buildings in respect of which the Executive Engineer of has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate

has not been cancelled by the Executive Engineer in writing) insured in the joint names of the Municipality and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinth at the least in some respectable insurance office to be approved by the Government or its Agent for the time being and regularly pay the premiums which shall become payable in respect of such insurance and whenever thereunto required so to do, produce to him the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year and shall unless the Municipality has forfeited its right or claim to such policy or policies of insurance as hereinafter provided apply all moneys which may be received by virtue of any such policy or policies in rebuilding or reinstating the premises destroyed or damaged :

PROVIDED ALWAYS and it is hereby declared and agreed that in the event of default being made by the Municipality in the performance of any of the conditions hereinbefore mentioned the Building Grant or so much of the same as shall not then have been made shall lapse and the aggregate amount of the said Building Grant and all future Building Grants from time to time advanced by the Government for the school shall be repayable to the Government AND for the purposes of recovering any moneys so due to the Government it shall be lawful for the Government to enter upon and take possession of the said premises and all buildings, fixtures and fittings thereon and to sell and absolutely dispose of the same free from incumbrances and discharged from the trusts hereof in such manner as the Government in its absolute discretion shall see fit and apply the proceeds of such sale after payment thereof of all costs and expenses attending the same in or towards recouping or reimbursing to the Government the moneys which may as aforesaid have become repayable or due to the Government and pay the surplus, if any, to the Municipality or to such body or person whom the Government may consider lawfully entitled thereto and in any such event the Municipality shall forfeit to the Government all its rights or claim to, over or in respect of such policy or policies of insurance relating to the said buildings and the amount of premiums paid by it in respect of such insurance and the same shall then become absolutely the property of the Government. IN WITNESS WHEREOF

Chief Officer of the Municipality duly authorised in this behalf by a Resolution of the Municipality passed on the \_\_\_\_\_ day of \_\_\_\_\_ as required by clause (c) of sub-section (3) and clause (a) of sub-section (4) of section 48 of the Bombay Municipal Boroughs Act, 1925, has hereunto set his hand and the Common Seal of the Municipality hath been hereto affixed in the presence of two members of the Standing Committee as required by sub-section (2) of section 49 of the said Act and

Director of Public Instruction, Province of Bombay, hath set his hand and the seal of his office hereto on behalf of the Governor of Bombay, the day and year first above written.

#### THE SCHEDULE ABOVE REFERRED TO

##### *Description and boundaries of property*

The piece or parcel of land measures in superficial area \_\_\_\_\_ square feet, be the same a little more or less, situated in the town of \_\_\_\_\_ and bearing City Survey number \_\_\_\_\_ in the taluka of \_\_\_\_\_ in the district of \_\_\_\_\_ and in the Registration sub-district of \_\_\_\_\_ in the said district and measures from North to South \_\_\_\_\_ feet on the eastern side and \_\_\_\_\_ feet on the western side and from East to West \_\_\_\_\_ feet on the northern side and \_\_\_\_\_ feet on the southern side, be the same a little more or less, and is bounded as follows :—

on the North by  
on the South by  
on the East by  
and on the West by

and is for greater clearness delineated on the plan hereto annexed and signed by the executing parties aforesaid.

Signed by

Chief Officer of the \_\_\_\_\_ Brough  
Municipality in the presence of—

Chief Officer.

1. \_\_\_\_\_
2. \_\_\_\_\_

and

sealed with the common seal of the  
Borough Municipality in the  
presence of—



1. \_\_\_\_\_
2. \_\_\_\_\_

Members of the Standing Committee  
of the Borough Municipality

Signed, sealed and delivered by

Director of Public Instruction, Province  
of Bombay, in the presence of—

Director of Public  
Instruction.

1. \_\_\_\_\_
2. \_\_\_\_\_



Annexure :—Plan. \_\_\_\_\_

### FORM I-C

*Trust Deed to be executed by a Local Board under the Bombay Primary Education Rules, 1924, in respect of a grant-in-aid paid to a non-local authority municipal school before its transfer to the Local Authority under section 6 (1) of the Bombay Primary Education Act, 1923.*

(Building site not granted by Government.)

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ between the District Local Board of \_\_\_\_\_ established under the Bombay Local Boards Act, 1923 (hereinafter referred to as "the Local Board") of the one part and the Governor of Bombay (hereinafter referred to as "the Government") of the other part, whereas the Municipality of \_\_\_\_\_ was possessed of and absolutely entitled in perpetuity free from incumbrances to the piece of land described in the schedule hereto, and intended to be hereby assured, and applied to the Government for a building grant-in-aid of Rupees \_\_\_\_\_ for a school-house to be known as the \_\_\_\_\_ and satisfied the Director of Public Instruction, Province of Bombay, that the building was intended for and would be devoted to educational purposes and in part to secular education, and that the plans, estimates and specifications were satisfactory, that the title of the Municipality to the piece of land described in the schedule hereto was good and in order and that the building \_\_\_\_\_ constructed AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a building grant shall be paid to the Managers of a school unless and until they execute or agree to execute a trust deed as in the said rules provided AND WHEREAS the Government has sanctioned a building grant of Rupees \_\_\_\_\_ which sum has been duly paid to the Municipality of \_\_\_\_\_ (and the payment of which the Local Board on behalf of the Municipality hereby acknowledges) in consideration of the Municipality executing to the Government such conveyance or assurance as is hereinafter contained, which the Municipality agreed to do.

And whereas the said Municipality not being a local authority under the Bombay Primary Education Act, 1923, has, in pursuance of Government Notification in the Educational Department No. \_\_\_\_\_, dated the \_\_\_\_\_, issued under section 6 (1) of the said Act, transferred to the Local Board all Primary schools with their lands, buildings, records and equipment, including the said piece of land, which vested in the said Municipality; AND WHEREAS the Local Board is now possessed of and absolutely entitled in perpetuity free from incumbrances to the said piece of land described in the schedule hereto and intended to be hereby assured AND WHEREAS the Commissioner, \_\_\_\_\_ Division, has sanctioned the transfer hereby made and such sanction is recorded in his Memorandum No. \_\_\_\_\_ dated the \_\_\_\_\_ . NOW THIS INDENTURE WITNESSETH

that in consideration of the premises and of the sum of Rupees

paid as aforesaid by the Government to the said Municipality the Local Board doth hereby grant convey and assign unto the Government ALL THAT piece or parcel of land described in the schedule hereto TOGETHER with all and singular the building and erections now being or which may hereafter be thereon expressly including the said building to be erected as aforesaid and all rights, easements and appurtenances whatsoever usually heretofore or occupied therewith or reputed to belong or be appurtenant thereto and also all fittings and fixtures being in and belonging to or used or to be used for the said school and all the estate, right, title, interest, claim and demand of the Local Board in and upon the said premises TO HOLD the said piece of land chattels and effects and all other premises expressed to be hereby assured unto and to the use of the Government according to the nature and tenure thereof respectively AND the Local Board doth hereby for itself and its successors covenant that it has power to grant all the said premises to the Government in manner aforesaid free from incumbrances and that the Local Board and every person claiming through or in trust for the Local Board will at all times at the cost of the Local Board execute and do all such assurances and things for the further or better assuring the said premises to the Government as aforesaid as shall be reasonably required AND it is hereby declared and agreed that the Government shall hold the said premises upon the trust and to and for the intents and purposes following, that is to say, UPON TRUST to permit the Local Board to enter upon the said premises for the purposes and on the conditions following namely, that the Local Board and its successors shall—

(1) construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved of or as may be approved by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;

(6) keep the said school at all times open to the inspection of the inspecting officers of the Educational Department of the Government of Bombay; and

(7) keep at all times the building or buildings already erected or which may hereafter be erected on the said premises in respect of which a building grant has been given (except the building or buildings in respect of which the Executive Engineer of \_\_\_\_\_ has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate has not been cancelled by the Executive Engineer in writing) insured in the joint names of the Local Board and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinth at the least in some respectable insurance office to be approved by the Government or its Agent for the time being and regularly pay the premiums which shall become payable in respect of such insurance and whenever therunto required so to do, produce to him the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year and shall, unless the Local Board has forfeited its right or claim to such policy or policies of insurance as hereinafter provided, apply all moneys which may be received by virtue of any such policy or policies in rebuilding or reinstating the premises destroyed or damaged;

PROVIDED ALWAYS and it is hereby declared and agreed that in the event of default being made by the Local Board in the performance of any of the conditions hereinbefore mentioned the building grant or so much of the same as shall not then have been made shall lapse and the aggregate amount of the said building grant and all future building grants from time to time advanced by the Government for the school shall be repayable to the Government and for the purposes of recovering any moneys so due to the Government it shall be lawful for the Government to enter upon and take possession of the said premises and all buildings, fixtures and fittings thereon and to sell and absolutely dispose of the same free from incumbrances and discharged from the trusts hereof in such manner as the Government in its absolute discretion shall



see fit and apply the proceeds of such sale after payment thereof of all costs and expenses attending the same in or towards the recouping or reimbursing to the Government the moneys which may as aforesaid have become repayable or due to the Government and pay the surplus if any to the Local Board or to such body or person whom the Government may consider lawfully entitled thereto and in any such event the Local Board shall forfeit to the Government all its right or claim to, over or in respect of such policy or policies of insurance relating to the said buildings and the amount of premiums paid by it in respect of such insurance and the same shall then become absolutely the property of the Government. IN WITNESS WHEREOF

President of the Local Board and

and two other Members of the Local Board have hereunto set their hands and the common seal of the Local Board hath been hereunto affixed and

Esquire, Director of Public Instruction for the Province of Bombay, hath set his hand and the seal of his office hereto on behalf of the Governor of Bombay, the day and year first above written.

THE SCHEDULE ABOVE REFERRED TO

*Description and boundaries of property*

The piece or parcel of land measures in superficial area square feet, be the same a little more or less situated in the town of and bearing numbers in the taluka of in the District of and in the registration sub-district of in the said District and measures from North to South feet on the eastern side and feet on the western side, and from East to West feet on the northern side and feet on the southern side, be the same a little more or less, and is bounded as follows:—

on the North by  
on the South by  
on the East by  
and on the West by

and is for greater clearness delineated on the plan hereto annexed and signed by the executing parties aforesaid,

Signed by

President

President.

and

and

two members of the Local Board of  
and sealed with the common seal of the  
Local Board of  
in the presence of

Members,

Common  
Seal.

Signed, sealed and delivered by

Esquire,

Director of Public Instruction, Province  
of Bombay, in the presence of

Official  
Seal.

Annexure:—Plan.

## FORM II

*Trust Deed to be executed by a Municipality \* under the Bombay Primary Education Rules, 1924*

(Building site granted by Government)

\* Under the Bombay District Municipal Act, 1901.

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ between the one thousand nine hundred and \_\_\_\_\_ Municipality of \_\_\_\_\_ constituted under the Bombay District Municipal Act, 1901 (hereinafter referred to as "the Municipality") of the one part, and the Governor of Bombay (hereinafter referred to as "the Government") of the other part, WHEREAS the Municipality has applied to Government for a Building Site for a school at \_\_\_\_\_ and for a Building Grant-in-aid of such school and has satisfied the Director of Public Instruction, Province of Bombay, that the building is intended for and will be devoted to educational purposes and in part to secular education that the plans, estimates and specifications are satisfactory and that the building constructed AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a Building Grant shall be paid to the managers of a school unless and until they execute or agree to execute a trust deed as in the said rules provided AND WHEREAS the Government has agreed to allot the piece or parcel of land valued at Rupees \_\_\_\_\_ described in the schedule hereto and to hold the same for the purposes of the said school in manner hereinafter appearing and has sanctioned a Building Grant of Rupees \_\_\_\_\_ paid to the Municipality and the Municipality has agreed to execute these presents; AND WHEREAS the Commissioner, \_\_\_\_\_ Division, has sanctioned the transfer hereby made and such sanction is recorded in his Memorandum No. \_\_\_\_\_ dated the \_\_\_\_\_ NOW IT IS HEREBY DECLARED AND AGREED by and between the parties hereto that the Government shall hold and stand possessed of the piece of land described in the schedule hereto and all buildings which now are erected or may for the time being be erected thereon and also all fittings and fixtures which now are or may for the time being be on the premises upon the trusts and to and for the intents and purposes following that is to say UPON TRUST to permit the Municipality to enter upon the said premises for the purposes and on the conditions following, namely, that the Municipality and its successors shall—

(1) construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved of or as may be approved of by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being, or which may hereafter be on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;

(6) keep the said school at all times open to inspection of the Inspecting Officers of the Educational Department of the Government of Bombay; and

(7) keep at all times the building or buildings already erected or which may hereafter be erected on the said premises in respect of which a building grant has been given (except the building or buildings in respect of which the Executive Engineer of \_\_\_\_\_ has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate has not been cancelled by the Executive Engineer in writing) insured in the joint names of the Municipality and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinth at the least in some respectable insurance office to be approved by the Government or its

Agent for the time being and regularly pay the premiums which shall become payable in respect of such insurance and whenever thereunto required so to do, produce to him the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year and shall, unless the Municipality has forfeited its right or claim to such policy or policies of insurance as hereinafter provided apply all moneys which may be received by virtue of any such policy or policies in rebuilding or reinstating the premises destroyed or damaged :

PROVIDED ALWAYS and it is hereby declared and agreed that in the event of default being made by the Municipality in the performance of any of the conditions hereinbefore mentioned in the said building grant and any future building grants from time to time made by the Government in respect of the said school or so much of the same as shall not then have been made shall lapse and it shall be lawful for the Government at any time thereafter to enter upon and take possession of the said premises and all buildings, fittings and fixtures for the time being on the said premises and the same shall be and become absolutely the property of the Government free from incumbrances and discharged from the trusts hereof and from all claims (including the right or claim to, over or in respect of the policy or policies of insurance relating to the said buildings and the amount of premiums paid in respect of such insurance) of the Municipality, or its successors, representatives and assigns and all other persons whomsoever. IN WITNESS WHEREOF the President

of the Municipality and  
and  
two other Councillors of the Municipality have hereunto set their hands and the common seal of the Municipality hath been hereunto affixed and  
, Esquire, Director of Public Instruction for the Province of Bombay, hath set his hand and the seal of his office hereto on behalf of the Governor of Bombay, the day and year first above written.

THE SCHEDULE ABOVE REFERRED TO

*Description and boundaries of property*

The piece or parcel of land measures in superficial area  
square be the same a little more or less situated in the town/village  
of and bearing number  
in the taluka of in the district of and in the  
Registration sub-district of in the said district and measures  
from North to South feet on the eastern side and feet on the  
western side, and from East to West feet on the northern side and  
feet on the southern side, be the same a little more or less and is bounded as follows:—

- On the North by
- On the South by
- On the East by
- and on the West by

and is for grater clearness delineated on the plan hereto attached and signed by the executing officers aforesaid.

Signed by  
President  
and  
and  
two Councillors of the Municipality of  
and sealed with the common seal  
of the Municipality of  
in the presence of—

President.  
Councillors.

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_



Signed, sealed and delivered by

Esquire, Director of  
Public Instruction for the Province of  
Bombay, in the presence of—

1. \_\_\_\_\_  
2. \_\_\_\_\_

Official  
Seal.

Annexure :—Plan.

## FORM II-A

*Trust Deed to be executed by a Local Board under the Bombay  
Primary Education Rules, 1924*

(Building site granted by Government)

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ established under the Bombay Local Boards Act, 1923 (hereinafter referred to as "the Local Board") of the one part, and the GOVERNOR of Bombay (hereinafter referred to as "the Government") of the other part, WHEREAS the Local Board has applied to the Government for a Building Site for a school at \_\_\_\_\_

and for a building Grant-in-aid of such school and has satisfied the Director of Public Instruction, Province of Bombay, that the building is intended for and will be devoted to educational purposes and in part to secular education that the plans estimates and specifications are satisfactory and that the building constructed \_\_\_\_\_

AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a Building Grant shall be paid to the managers of a school unless and until they execute or agree to execute a trust deed as in the said rules provided AND WHEREAS the Government has agreed to allot the piece or parcel of land valued at \_\_\_\_\_ Rupees described in the Schedule hereto and to hold the same for the purposes of the said school in manner hereinafter appearing and has sanctioned a Building Grant of Rupees \_\_\_\_\_ paid to Local Board and the Local Board has agreed to execute these presents, AND WHEREAS the Commissioner \_\_\_\_\_ Division, has sanctioned the transfer hereby made and such sanction is recorded in his Memorandum No. \_\_\_\_\_, dated the \_\_\_\_\_

NOW IT IS HEREBY DECLARED AND AGREED by and between the parties hereto that the Government shall hold and stand possessed of the piece of land described in the schedule hereto and all buildings which now are erected or may for the time being be erected thereon and also all fittings and fixtures which now are or may for the time being be on the premises upon trusts and to and for the intents and purposes following that is to say UPON TRUST to permit the Local Board to enter upon the said premises for the purposes and on the conditions following namely that the Local Board and its successors shall—

(1) construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved of, or as may be approved of, by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be, on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;

(6) keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay; and

(7) keep at all times the building or buildings already erected or which may hereafter be erected on the said premises in respect of which a building grant has been given (except the building or buildings in respect of which the Executive Engineer of \_\_\_\_\_ has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate has not been cancelled by the Executive Engineer in writing) insured in the joint names of the Local Board and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinth at the least in some respectable insurance office to be approved by the Government or its Agent for the time being and regularly pay the premiums which shall become payable in respect of such insurance and whenever thereunto required so to do, produce to him the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year and shall, unless the Local Board has forfeited its right or claim to such policy or policies of insurance as hereinafter provided apply all moneys which may be received by virtue of any such policy or policies in rebuilding or reinstating the premises destroyed or damaged:

PROVIDED ALWAYS and it is hereby declared and agreed that in the event of default being made by the Local Board in the performance of any of the conditions hereinbefore mentioned the said building grant and any future building grants from time to time made by the Government in respect of the said school or so much of the same as shall not then have been made shall lapse and it shall be lawful for the Government at any time thereafter to enter upon and take possession of the said premises and all buildings fittings and fixtures for the time being on the said premises and the same shall be and become absolutely the property of the Government free from incumbrances and discharged from the trusts hereof and from all claims (including the right or claim to, over or in respect of the policy or policies of insurance relating to the said buildings and the amount of premiums paid in respect of such insurance) of the Local Board or its successors, representatives and assigns and all other persons whomsoever. In

WITNESS WHEREOF  
the Local Board and

the President of

and two other members of the Local Board have hereunto set their hands and the common seal of the Local Board hath been hereunto affixed and \_\_\_\_\_, Esquire, Director of Public Instruction for the Province of Bombay, hath set his hand and the seal of his office hereto on behalf of the Governor of Bombay, the day and year first above written.

#### THE SCHEDULE ABOVE REFERRED TO

##### *Description and boundaries of property*

The piece or parcel of land measures in superficial area \_\_\_\_\_ square \_\_\_\_\_ be the same a little more or less situated in the town/village of \_\_\_\_\_ and bearing \_\_\_\_\_ number in the taluka of \_\_\_\_\_ in the district of \_\_\_\_\_ and in the Registration sub-district of \_\_\_\_\_ in the said district and measures from North to South \_\_\_\_\_ feet on the eastern side and \_\_\_\_\_ feet on the western side and from East to West \_\_\_\_\_ feet on the northern side and \_\_\_\_\_ feet on the southern side, be the same a little more or less and is bounded as follows:—

on the North by

on the South by

on the East by

and on the West by

and is for greater clearness delineated on the plan hereto annexed and signed by the executing parties aforesaid.

Signed by

President.

President.

and

and

two members of the Local Board of  
and sealed with the common seal  
of the Local Board of  
in the presence of—

Members.

1. \_\_\_\_\_

2. \_\_\_\_\_

Common  
Seal.

Signed, sealed and delivered by

Esquire, Director of  
Public Instruction for the Province of  
Bombay in the presence of—

1. \_\_\_\_\_

2. \_\_\_\_\_

Official  
Seal.

Annexure:—Plan.

### FORM II-B

*Trust Deed to be executed under the Bombay Primary Education Rules, 1924,  
by a Municipality constituted under the Bombay Municipal  
Boroughs Act, 1925 (Bombay XVIII of 1925)*

(Building site granted by Government)

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ between the Borough Municipality of \_\_\_\_\_ constituted under the Bombay Municipal Boroughs Act, 1925 (Bombay XVIII of 1925), hereinafter referred to as "the Municipality") of the one part, and the Governor of Bombay (hereinafter referred to as "the Government") of the other part, WHEREAS the Municipality has applied to the Government for a Building Site for a school at \_\_\_\_\_ in the \_\_\_\_\_ District to be known as \_\_\_\_\_ and for a Building Grant-in-aid of such school and has satisfied the Director of Public Instruction, Province of Bombay, that the building is intended for and will be devoted to educational purposes and in part to secular education that the plans, estimates and specifications are satisfactory and that the building \_\_\_\_\_ constructed AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a Building Grant shall be paid to the managers of a school unless and until they execute or agree to execute a trust deed as in the said rules provided AND WHEREAS the Government has agreed to allot the piece or parcel of land valued at Rupees \_\_\_\_\_ described in the schedule hereto and to hold the same for the purposes of the said school in manner hereinafter appearing and has sanctioned a Building Grant of Rupees \_\_\_\_\_ which sum has been paid to the Municipality and the receipt of which the Municipality hereby acknowledges and the Municipality has agreed to execute these presents AND WHEREAS the Commissioner, \_\_\_\_\_ Division, has sanctioned the transfer hereby made and such

sanction is recorded in his Memorandum No.

dated the

Now IT IS HEREBY DECLARED AND AGREED by and between the parties hereto that the Government shall hold and stand possessed of the piece of land described in the schedule hereto and all buildings which now are erected or may for the time being be erected thereon and also all fittings and fixtures which now are or may for the time being be on the premises upon the trusts and to and for the intents and purposes following that is to say UPON TRUST to permit the Municipality to enter upon the said premises for the purposes and on the conditions following, namely, that the Municipality and its successors shall—

(1) construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved of, or as may be approved of, by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being, or which may hereafter be, on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;

(6) keep the said school at all times open to inspection of the Inspecting Officers of the Educational Department of the Government of Bombay; and

(7) keep at all times the building or buildings already erected or which may hereafter be erected on the said premises in respect of which a building grant has been given (except the building or buildings in respect of which the Executive Engineer of \_\_\_\_\_ has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate has not been cancelled by the Executive Engineer in writing) insured in the joint names of the Municipality and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinth at the least in some respectable insurance office to be approved by the Government or its Agent for the time being and regularly pay the premiums which shall become payable in respect of such insurance and whenever thereunto required so to do, produce to him the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year and shall, unless the Municipality has forfeited its right or claim to such policy or policies of insurance as hereinafter provided apply all moneys which may be received by virtue of any such policy or policies in rebuilding or reinstating the premises destroyed or damaged:

PROVIDED ALWAYS and it is hereby declared and agreed that in the event of default being made by the Municipality in the performance of any of the conditions hereinbefore mentioned the said building grant and any future building grants from time to time made by the Government in respect of the said school or so much of the same as shall not then have been made shall lapse and it shall be lawful for the Government at any time thereafter to enter upon and take possession of the said premises and all buildings fittings and fixtures for the time being on the said premises and the same shall be and become absolutely the property of the Government free from incumbrances and discharged from the trusts hereof and from all claims (including the right or claim to, over or in respect of the policy or policies of insurance relating to the said buildings and the amount of premiums paid in respect of such insurance) of the Municipality or its successors, representatives and assigns and all other persons whomsoever. IN WITNESS

WHEREOF \_\_\_\_\_, Chief Officer of the Municipality duly authorised in this behalf by a resolution of the Municipality passed on the day of \_\_\_\_\_ as required by clause (c) of sub-section (3)

and clause (a) of sub-section (4) of section 48 of the Bombay Municipal Boroughs Act, 1925, hath hereunto set his hand and the common seal of the

Municipality hath been hereunto affixed in the presence of two members of the Standing Committee as required by sub-section (2) of section 49 of the said Act, and \_\_\_\_\_, Esquire,

Director of Public Instruction for the Province of Bombay, hath set his hand and the seal of his office hereto on behalf of the Governor of Bombay, the day and year first above written.

## THE SCHEDULE ABOVE REFERRED TO

*Description and boundaries of property*

The piece or parcel of land measures in superficial area \_\_\_\_\_ square feet  
 be the same a little more or less situated in the town of \_\_\_\_\_ and bearing  
 City Survey number \_\_\_\_\_ in the taluka of \_\_\_\_\_  
 in the district of \_\_\_\_\_ and in the Registration sub-district of \_\_\_\_\_  
 in the said district and measures from North to South \_\_\_\_\_ feet on the eastern  
 side and \_\_\_\_\_ feet on the western side and from East to West \_\_\_\_\_  
 feet on the northern side and \_\_\_\_\_ feet on the southern side, be the same a  
 little more or less and is bounded as follows:—

on the North by \_\_\_\_\_  
 on the South by \_\_\_\_\_  
 on the East by \_\_\_\_\_  
 and on the West by \_\_\_\_\_

and is for greater clearness delineated on the plan hereto annexed and signed by the executive officers aforesaid.

Signed by  
 Esquire, Chief Officer of the }  
 Borough Municipality of }  
 in the presence of—

Chief Officer.

1. \_\_\_\_\_

2. \_\_\_\_\_

and sealed with the common seal of the  
 Borough Municipality of \_\_\_\_\_ in the  
 presence of—

1. \_\_\_\_\_

2. \_\_\_\_\_



Members of the Standing Committee of the  
 Borough Municipality of \_\_\_\_\_

Signed, sealed and delivered by  
 Esquire, Director of }  
 Public Instruction, Province of Bombay, }  
 in the presence of—

Director of Public Instruction.

1. \_\_\_\_\_

2. \_\_\_\_\_



Annexure:—Plan.



## FORM II-C

*Trust Deed to be executed by a Local Board under the Bombay Primary Education Rules, 1924, in respect of a grant-in-aid paid for a non-Local Authority Municipal school before its transfer to the Local Authority under section 6 (1) of the Bombay Primary Education Act, 1923.*

(Building site granted by Government)

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ on thousand nine hundred and \_\_\_\_\_ established between the District Local Board of \_\_\_\_\_ established under the Bombay Local Boards Act, 1923 (hereinafter referred to as "the Local Board") of the one part and the Governor of Bombay (hereinafter referred to as "the Government") of the other part, WHEREAS the Municipality of \_\_\_\_\_ constituted under the Bombay \_\_\_\_\_ Act, (hereinafter referred to as "the Municipality") has applied to the Government for a Building Site for a school at \_\_\_\_\_ to be known as the \_\_\_\_\_ and for a Building grant-in-aid of such school and satisfied the Director of Public Instruction, Province of Bombay, that the building was intended for and would be devoted to educational purposes and in part to secular education, that the plans, estimates and specifications were satisfactory, that the title of the Municipality to the piece of land described in the schedule hereto was good and in order and that the building \_\_\_\_\_ constructed; AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a building grant shall be paid to the managers of a school unless and until they execute or agree to execute a trust deed as in the said rules provided; AND WHEREAS the Government had agreed to allot the piece or parcel of land valued at Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only described in the Schedule hereto to the Municipality to hold the same for the purposes of the said school in the manner hereinafter appearing and had sanctioned a building grant of Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only which sum was paid to the Municipality on \_\_\_\_\_ day of \_\_\_\_\_ 194 \_\_\_\_\_ (and the payment of which the Local Board on behalf of the Municipality hereby acknowledges) in consideration of the Municipality executing to the Government such conveyance or assurance as is hereinafter contained, which the Municipality agreed to do.

AND WHEREAS the Municipality not being a Local Authority under the Bombay Primary Education Act, 1923, has in pursuance of Government Notification in the Educational Department No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 194 \_\_\_\_\_, issued under section 6 (1) of the said Act, transferred to the Local Board all its Primary schools with their lands, buildings, records and equipment, including the said piece of land, which vested in the Municipality; AND WHEREAS the Local Board is now possessed of and absolutely entitled in perpetuity free from incumbrances to the said piece of land described in the schedule hereto and intended to be hereby assured;

AND WHEREAS the Local Board has, in consideration of the building grant of Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only paid to the Municipality as aforesaid and in virtue of the transfer to itself of the Municipal schools as aforesaid, agreed to execute in favour of the Government such conveyance or assurance as is hereinafter contained; AND WHEREAS the Commissioner, \_\_\_\_\_ Division, has sanctioned the transfer hereby made and such sanction is recorded in his Memorandum No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only paid as aforesaid by the Government to the Municipality, the Local Board doth hereby grant, convey and assign unto the Government ALL THAT piece or parcel of land described in the schedule hereto TOGETHER with all and singular the building and erections now being or which may hereafter be thereon expressly including the said building to be erected as aforesaid and all rights, easements and appurtenances whatsoever usually held or occupied therewith or reputed to belong or be appurtenant thereto and also all fittings and fixtures being in and belonging to or used or to be used for the said school and all the estate, right, title, interest, claim and demand of the Local Board in and upon the said premises TO HOLD the said piece of land, chattels and effects and all other premises expressed to be hereby assured unto and to the use of the Government according to the nature and tenure thereof respectively; AND the Local Board doth

hereby for itself and its successors covenant that it has power to grant all the said premises to the Government in the manner aforesaid free from incumbrances and that the Local Board and every person claiming through or in trust for the Local Board will at all times at the cost of the Local Board execute and do all such assurances and things for the further or better assuring the said premises to the Government as aforesaid as shall be reasonably required; AND it is hereby declared and agreed that the Government shall hold the said premises upon the trusts and to and for the intents and purposes following, that is to say, UPON TRUST to permit the Local Board to enter upon the said premises for the purposes and on the conditions following, namely that the Local Board and its successors shall—

(1) construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved or as may be approved by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;

(6) keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay; and

(7) keep at all times the building or buildings already erected or which may hereafter be erected on the said premises in respect of which a building grant has been given (except the building or buildings in respect of which the Executive Engineer of \_\_\_\_\_ has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate has not been cancelled by the Executive Engineer in writing) insured in the joint names of the Local Board and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinth at the least in some respectable insurance office to be approved by the Government or its Agent for the time being and regularly pay the premiums which shall become payable in respect of such insurance and whenever thereunto required so to do, produce to him the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year, and shall, unless the Local Board has forfeited its right or claim to such policy or policies of insurance as hereinafter provided, apply all moneys which may be received by virtue of any such policy or policies in rebuilding or reinstating the premises destroyed or damaged;

PROVIDED ALWAYS and it is hereby declared and agreed that in the event of default being made by the Local Board in the performance of any of the conditions, hereinbefore mentioned the Building Grant or so much of the same as shall not then have been made shall lapse and the aggregate amount of the said building Grant and all future Building Grants from time to time advanced by the Government for the school shall be repayable to the Government, AND for the purposes of recovering any moneys so due to the Government it shall be lawful for the Government to enter upon and take possession of the said premises and all buildings, fixtures and fittings thereon and to sell and absolutely dispose of the same free from incumbrances and discharged from the trusts hereof in such manner as the Government in its absolute discretion shall see fit and apply the proceeds of such sale after payment thereof of all costs and expenses attending the same in or towards recouping or reimbursing to the Government the moneys which may as aforesaid have become repayable or due to the Government and pay the surplus, if any, to the Local Board or to such body or person whom the Government may consider lawfully entitled thereto and in any such event the Local Board shall forfeit to the Government all its right or claim to, over or in respect of such policy or policies of insurance relating to the said buildings and the amount of premiums paid by it in respect of such insurance and the same shall then become absolutely the property of the Government. IN WITNESS WHEREOF

President of the Local Board and

and \_\_\_\_\_, two other members of the Local Board have hereunto set their hands and the common seal of the Local Board hath been hereunto affixed and \_\_\_\_\_, Esquire, Director of Public Instruction, Province of Bombay, hath set his hand and the seal of his office hereto on behalf of the Governor of Bombay, the day and year first above written.

**THE SCHEDULE ABOVE REFERRED TO**  
*Description and boundaries of property*

The piece or parcel or land measures in superficial area \_\_\_\_\_ square feet, be the same a little more or less, situated in the town of \_\_\_\_\_ and bearing survey No. \_\_\_\_\_ in the taluka of \_\_\_\_\_ in the district of \_\_\_\_\_ and in the Registration sub-District of \_\_\_\_\_ in the said district and measures from North to South \_\_\_\_\_ feet on the eastern side and \_\_\_\_\_ feet on the western side and from East to West \_\_\_\_\_ feet on the northern side and \_\_\_\_\_ feet on the southern side be the same a little more or less and is bounded as follows:—

- on the North by \_\_\_\_\_
- on the South by \_\_\_\_\_
- on the East by \_\_\_\_\_
- and on the West by \_\_\_\_\_

and is for greater clearness delineated on the plan hereto annexed and signed by the executing parties aforesaid.

Signed by \_\_\_\_\_ President  
and \_\_\_\_\_  
and \_\_\_\_\_  
two members of the  
Local Board of \_\_\_\_\_  
and sealed with the common seal of the  
Local Board of \_\_\_\_\_  
in the presence of \_\_\_\_\_

President.  
  
Members.

1. \_\_\_\_\_
2. \_\_\_\_\_



Signed, sealed and delivered by \_\_\_\_\_ Esquire  
Director of Public Instruction, Province  
of Bombay, in the presence of \_\_\_\_\_

Director of Public  
Instruction.

1. \_\_\_\_\_
2. \_\_\_\_\_



Annexure :—Plan.

## FORM III

*Trust Deed to be executed by a Municipality\* under the Bombay Primary Education Rules, 1924*

(Part of Building site granted by Government and part the property of a Municipality and transferred to the Government).

\* Under the Bombay District Municipal Act, 1901.

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ between the Municipality of one thousand nine hundred and \_\_\_\_\_ constituted under the Bombay District Municipal Act, 1901 (hereinafter referred to as "the Municipality") of the one part, and the Governor of Bombay (hereinafter referred to as "the Government") of the other part WHEREAS the Municipality is possessed of and absolutely entitled in perpetuity free from incumbrances to a piece of land described in the first schedule hereunder written and has applied to the Government for the adjoining piece of land described in the second schedule hereto so that the two pieces of land may be together used as a building site for a school at \_\_\_\_\_ and has also applied to the Government for a building grant-in-aid of such school and has satisfied the Director of Public Instruction, Province of Bombay, that the building is intended for and will be devoted to educational purposes and in part to secular education AND WHEREAS the plans estimates and specifications for the school have been approved of by the Director of Public Instruction AND WHEREAS by the rules in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a building grant shall be paid to the managers of a school unless and until they execute or agree to execute a trust deed as in the said rules provided AND WHEREAS the Government has sanctioned a building grant of Rupees \_\_\_\_\_ in consideration of the Municipality executing this deed and conveying and assuring to the Government the piece of land described in the first schedule hereto and the Government has agreed to hold the whole of the two pieces of land described in the first and second schedules hereto (that described in the second schedule already belonging to the Government being valued at Rupees \_\_\_\_\_) for the purposes of the said school in manner hereinafter appearing AND WHEREAS the Commissioner, \_\_\_\_\_ Division, has sanctioned the transfer hereby made and such sanction is recorded in his Memorandum No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ . NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of Rupees \_\_\_\_\_

paid to the Municipality (receipt whereof is hereby acknowledged) and of the declaration hereinafter contained the Municipality doth hereby grant convey and assign unto the Government ALL THAT piece of land described in the first schedule hereto TOGETHER with all and singular the buildings and erections now being or which may hereafter be thereon or any part of the said land described in the schedules hereto or either of them and all rights easements and appurtenances usually held or occupied with the premises or reputed to belong or be appurtenant thereto and also all fittings and fixtures being in and belonging to or used or to be used in or in the said buildings and premises and all the estate right title interest claim and demand of the Municipality into and upon the said premises to hold the same unto and to the use of the Government according to the nature or tenure thereof AND the Municipality doth hereby for itself and its successors covenant with the Government that it has power to grant the premises hereinbefore expressed to be hereby granted to the Government free from incumbrances AND that the Municipality and its successors and every person claiming any interest therein will at the cost of the Municipality execute and do all such acts and things for the further or better assuring the said premises to the Government as shall be reasonably required AND IT IS HEREBY DECLARED AND AGREED that the Government shall hold and stand possessed of the pieces of land described in the schedules hereto and all buildings which are now erected or may for the time being be erected thereon and also all fittings and fixtures which now are or may for the time being be on the said premises upon the trusts and to and for the intents and purposes following that is to say UPON TRUST to permit the Municipality to enter upon the said premises for the purposes and on the conditions following which conditions the Municipality for itself and its successors, covenants to perform and abide by, viz. that the Municipality and its successors shall—

(1) Construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved of or as may be approved of by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being, or which may hereafter be on the said pieces of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;

(6) keep the said school at all times open to the inspection of the Inspecting Officers of the educational Department of the Government of Bombay; and

(7) keep at all times the building or buildings already erected or which may hereafter be erected on the said premises in respect of which a building grant has been given (except the building or buildings in respect of which the Executive Engineer of has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate has not been cancelled by the Executive Engineer in writing) insured in the joint names of the Municipality and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinth at the least in some respectable insurance office to be approved by the Government or its Agent for the time being and regularly pay the premiums which shall become payable in respect of such insurance and whenever thereunto required so to do, produce to him the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year and shall, unless the Municipality has forfeited its right or claim to such policy or policies of insurance as hereinafter provided apply all moneys which may be received by virtue of any such policy or policies in rebuilding or reinstating the premises destroyed or damaged;

PROVIDED ALWAYS and it is hereby declared and agreed that in the event of default being made by the Municipality in the performance of any of the conditions hereinbefore mentioned the said building grant and any future building grants from time to time made by the Government in respect of the said school or so much of the same as shall not then have been made shall lapse and it shall be lawful for the Government at any time thereafter to enter upon and take possession of the said premises and all buildings, fittings and fixtures for the time being on the said premises and the same shall be and become absolutely the property of the Government free from incumbrances and discharged from the trusts hereof and from all claims (including the right or claim to, over or in respect of the policy or policies of insurance relating to the said buildings and the amount of premiums paid in respect of such insurance) of the Municipality, its successor, representatives and assigns and all other persons whomsoever. IN WITNESS WHEREOF

President and and  
as two other Councillors of the Municipality have hereunto set  
their hands and the common seal of the Municipality hath been hereunto affixed  
and Esquire, Director of Public Instruction  
for the Province of Bombay, hath set his hand and the seal of his office hereto on behalf  
of the Governor of Bombay, the day and year first above written.

#### THE SCHEDULE ABOVE REFERRED TO

##### *Schedule I*

The piece or parcel of land measures in superficial area square  
feet be the same a little more or less situated in the town/village of  
and bearing survey number in the Taluka of  
in the District of and in the Registration Sub-district of  
in the said district and measures from North to South feet  
on the eastern side and feet on the western side from East to West  
feet on the northern side and feet on the southern side be the same  
a little more or less and is bounded as follows:—

on the North by  
on the South by  
on the East by  
and on the West by

and is for greater clearness delineated on the plan hereto annexed marked A and signed by the executing parties aforesaid.

## Schedule II

The piece or parcel of land measures in superficial area square feet be the same a little more or less situated in the town/village of and bearing survey number in the Taluka of in the district of and in the Registration Sub-district of in the said district and measures from North to South feet on the eastern side and feet on the western side and from East to West feet on the northern side and feet on the southern side, be the same a little more or less and is bounded as follows:—

on the North by  
on the South by  
on the East by  
and on the West by

and is for greater clearness delineated on the plan hereto annexed marked B and signed by the executing parties aforesaid.

Signed by

President

and

and

two other Councillors of the Municipality of and sealed with the common seal of the Municipality of in the presence of—

President.

councillors.

1. \_\_\_\_\_

2. \_\_\_\_\_

Common.  
Seal.

Signed, sealed and delivered by the above-named Esquire,

Director of Public Instruction, Province of Bombay, in the presence of—

1. \_\_\_\_\_

2. \_\_\_\_\_

Official  
Seal.

Annexure:—Plan.

## FORM III-A

*Trust Deed to be executed by a Local Board under the  
Bombay Primary Education Rules, 1924*

(Part of Building Site granted by Government and part the property of a Local Board and transferred to the Government).

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ between the District Local Board of \_\_\_\_\_ established under the Bombay Local Boards Act, 1923 (hereinafter referred to as "the Local Board") of the one part and the Governor of Bombay (hereinafter referred to as "the Government") of the other part, WHEREAS the Local Board is possessed of and absolutely entitled in perpetuity free from incumbrances

to a piece of land described in the first schedule hereunder written and has applied to the Government for the adjoining piece of land described in the second schedule hereto so that the two pieces of land may be together used as a Building Site for a school at and has also applied to the Government for a Building Grant-in-aid of such school and has satisfied the Director of Public Instruction, Province of Bombay, that the building is intended for and will be devoted to educational purposes and in part to secular education AND WHEREAS the plans and estimates and specifications for the school have been approved of by the Director of Public Instruction AND WHEREAS by the rules in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a building grant shall be paid to the managers of a school unless and until they execute or agree to execute a trust deed as in the said rules provided AND WHEREAS the Government has sanctioned a Building Grant of Rupees in consideration of the Local Board executing this deed and conveying and assuring to the Government the piece of land described in the first schedule hereto and the Government has agreed to hold the whole of the two pieces of land described in the first and second schedules hereto (that described in the second schedule already belonging to the Government valued at Rupees

) for the purposes of the said school in manner hereinafter appearing AND WHEREAS the Commissioner, Division has sanctioned the transfer hereby made and such sanction is recorded in his Memorandum No. dated the day of 194 .

Now THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of Rupees paid to the Local Board (receipt whereof is hereby acknowledged) and of the declarations hereinafter contained the Local Board doth hereby grant convey and assign unto the Government ALL THAT piece of land described in the first schedule hereto TOGETHER with all and singular the buildings and erections now being or which may hereafter be thereon or on any part of the said land described in the schedule hereto or either of them and all rights easements and appurtenances usually held or occupied with the premises or reputed to belong or be appurtenant thereto and also all fittings and fixtures being in and belonging to or used or to be used in or in the said buildings and premises and all the estate right title interest claim and demand of the Local Board into and upon the said premises TO HOLD the same unto and to the use of the Government according to the nature or tenure thereof AND the Local Board doth hereby for itself and its successors covenant with the Government that it has power to grant the premises hereinbefore expressed to be hereby granted to the Government free from incumbrances AND that the Local Board and its successors and every person claiming any interest therein will at the cost of the Local Board execute and do all such acts and things for the further or better assuring the said premises to the Government his successors or assigns as shall be reasonably required AND IT IS HEREBY DECLARED AND AGREED that the Government shall hold and stand possessed of the pieces of land described in the schedules hereto and all buildings which are now erected or may for the time being be erected thereon and also all the fittings and fixtures which now are or may for the time being be on the said premises upon the trust and to and for the intents and purposes following that is to say UPON TRUST to permit the Local Board to enter upon the said premises for the purposes and on the conditions following which conditions the Local Board for itself and its successors covenants to perform and abide by namely that the Local Board and its successors shall—

- (1) construct within months from the date hereof buildings thereon according to the plans and specifications approved of or as may be approved of by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;
- (2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said pieces of land to the end that the same may be always efficient for use for the purposes of a school;
- (3) pay all rates charges assessments and expenses leviable or chargeable in respect of the premises and buildings;
- (4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;
- (5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;





Schedule II

The piece or parcel of land measures in superficial area \_\_\_\_\_ square  
 be the same a little more or less situated in the town/village of \_\_\_\_\_  
 and bearing \_\_\_\_\_ number \_\_\_\_\_ in the taluka of \_\_\_\_\_  
 in the district of \_\_\_\_\_ and in the Registration sub-district of \_\_\_\_\_  
 in the said district and measures from the \_\_\_\_\_  
 North to South \_\_\_\_\_ feet on the eastern side and \_\_\_\_\_ feet  
 on the western side and from East to West \_\_\_\_\_ feet on the northern  
 side and \_\_\_\_\_ feet on the southern side, be the same a little more  
 or less, and is bounded as follows :—

- on the North by \_\_\_\_\_
- on the South by \_\_\_\_\_
- on the East by \_\_\_\_\_
- and on the West by \_\_\_\_\_

and is for greater clearness delineated on the plan hereto annexed and signed by the  
 executing parties aforesaid.

Signed by \_\_\_\_\_ }  
 President and \_\_\_\_\_ }  
 and \_\_\_\_\_ }  
 two other Members of the Local Board }  
 of \_\_\_\_\_ and sealed with }  
 the common seal of the Local Board of }  
 in the presence of—

President.

Members.

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_



Signed, sealed and delivered by \_\_\_\_\_ }  
 Esquire, Director of }  
 Public Instruction, Province of Bombay. }  
 in the presence of—

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_



Annexure :—Plan.

## FORM III-B

*Trust Deed to be executed under the Bombay Primary Education Rules, 1924,  
by a Municipality constituted under the Bombay  
Municipal Boroughs Act, 1925*

(Part of building site granted by Government and part the property  
of a Municipality and transferred to the Government)

THIS INDENTURE made the \_\_\_\_\_ day \_\_\_\_\_ one thousand  
nine hundred and \_\_\_\_\_ between the \_\_\_\_\_ Borough  
Municipality constituted under the Bombay Municipal Boroughs Act, 1925 (hereinafter  
referred to as "the Municipality") of the one part and the Governor of Bombay (herein  
after referred to as "the Government") of the other part WHEREAS the Municipality is  
possessed of and absolutely entitled in perpetuity free from incumbrances to a piece  
of land described in the first schedule hereunder written and has applied to the  
Government for the adjoining piece of land described in the second schedule hereto  
so that the two pieces of land may be together used as a building site for a school at  
\_\_\_\_\_ and has also applied to the Government  
for a building grant-in-aid of such school and has satisfied the Director of Public  
Instruction, Province of Bombay, that the building is intended for and will be devoted  
to educational purposes and in part to secular education AND WHEREAS the plans,  
estimates and specifications for the school have been approved of by the Director of  
Public Instruction AND WHEREAS by the rules in force in the Province of Bombay for  
regulating the application of grants made by the Government in aid of schools it is  
provided (*inter alia*) that no portion of a building grant shall be paid to the managers  
of a school unless and until they execute or agree to execute a trust deed as in the said  
rules provided AND WHEREAS the Government has sanctioned a building grant of  
Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only in consideration  
of the Municipality executing this deed and conveying and assuring to the Government  
the pieces of land described in the first and second schedules hereto and the Govern-  
ment has agreed to hold both the pieces of land [that described in the second schedule  
already belonging to the Government being valued at Rupees  
(Rs. \_\_\_\_\_) only] for the purposes of the said school in the manner herein-  
after appearing AND WHEREAS the Commissioner, \_\_\_\_\_ Division, has  
sanctioned the transfer hereby made and such sanction is recorded in his Memorandum  
No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ . Now  
THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of  
Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only paid to the  
Municipality (receipt whereof is hereby acknowledged) and of the declaration hereinafter  
contained the Municipality doth hereby grant, convey and assign unto the  
Government ALL THAT piece or parcel of land described in the first and second schedules  
hereto TOGETHER with all and singular the buildings and erections now being or which  
may hereafter be thereon or any part of the said lands or either of them and all rights,  
easements and appurtenances usually held or occupied with the premises or reputed  
to belong or be appurtenant thereto and also all fittings and fixtures being in and  
belonging to or used or to be used in or in the said buildings and premises and all the  
estate, right, title, interest, claim and demand of the Municipality into and upon the  
said premises TO HOLD the same unto and to the use of the Government according to  
the nature or tenure thereof; AND the Municipality doth hereby for itself and its  
successors covenant with the Government that it has power to grant the premises  
hereinbefore expressed to be hereby granted to the Government free from incumbrances  
AND that the Municipality and its successors and every person claiming any interest  
therein will at the cost of the Municipality execute and do all such acts and things for  
the further or better assuring the said premises to the Government as shall be reasonably  
required AND IT IS HEREBY DECLARED AND AGREED that the Government shall hold and  
stand possessed of the pieces of land described in the schedules hereto and all buildings  
which are now erected or may for the time being be erected thereon and also all fittings  
and fixtures which now are or may for the time being be on the said premises upon the  
trusts and to and for the intents and purposes following that is to say UPON TRUST to  
permit the Municipality to enter upon the said premises for the purposes and on the  
conditions following which conditions the Municipality for itself and its successors  
covenants to perform and abide by, viz., that the Municipality and its successors shall—

(1) construct within \_\_\_\_\_ months from the date hereof buildings  
thereon according to the plans and specifications approved of or as may be approved  
by the Director of Public Instruction, Province of Bombay, for and on behalf of the  
Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said pieces of land to the end that the same may be always efficient for use for the purposes of a school ;

(3) pay all rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings ;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education ;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay ;

(6) keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay ; and

(7) keep at all times the building or buildings already erected or which may hereafter be erected on the said premises in respect of which a building grant has been given (except the building or buildings in respect of which the Executive Engineer of has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate has not been cancelled by the Executive Engineer in writing) insured in the joint names of the Municipality and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinth at the least in some respectable insurance office to be approved by the Government or its Agent for the time being and regularly pay the premiums which shall become payable in respect of such insurance and whenever thereunto required so to do, produce to him the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year and shall, unless the Municipality has forfeited its right or claim to such policy or policies of insurance as hereinafter provided, apply all moneys which may be received by virtue of any such policy or policies in rebuilding or reinstating the premises destroyed or damaged :

PROVIDED ALWAYS and it is hereby declared and agreed that in the event of default being made by the Municipality in the performance of any of the conditions hereinbefore mentioned the said building grant and any future building grants from time to time made by the Government in respect of the said school or so much of the same as shall not then have been made shall lapse and it shall be lawful for the Government at any time thereafter to enter upon and take possession of the said premises and all buildings, fittings and fixtures for the time being on the said premises and the same shall be and become absolutely the property of the Government free from incumbrances and discharged from the trusts hereof and from all claims (including the right or claim to, over or in respect of the policy or policies of insurance relating to the said buildings and the amount of premiums paid in respect of such insurance) of the Municipality, its successors, representatives and assigns and all other persons whomsoever.

IN WITNESS WHEREOF, Chief Officer of the Municipality duly authorised in this behalf by a Resolution of the Municipality passed on the \_\_\_\_\_ day of \_\_\_\_\_ as required by clause (c) of sub-section (3) and clause (d) of sub-section (4) of section 48 of the Bombay Municipal Boroughs Act, 1925, has hereunto set his hand and the common seal of the Municipality hath been hereto affixed in the presence of two members of the Standing Committee as required by sub-section (2) of section 49 of the said Act and \_\_\_\_\_ Esquire, Director of Public Instruction, Province of Bombay,

hath set his hand and the seal of his office hereto on behalf of the Governor of Bombay, the day and year first above written.

#### THE SCHEDULES ABOVE REFERRED TO

#### SCHEDULE I

#### Description and boundaries of property

The piece or parcel of land measures in superficial area	square feet,
be the same a little more or less, situated in the town of	and bearing
City Survey number _____ in the taluka of _____	in the District of _____
and in the Registration Sub-district of _____	in the said
district and measures from North to South _____	feet on the eastern side and
feet on the western side, and from East to West _____	feet on the

## FORM III-C

*Trust deed to be executed by a Local Board under the Bombay Primary Education Rules, 1924, in respect of grant-in-aid paid for a non-Local Authority Municipal School before its transfer to the Local Authority under section 6 (1) of the Bombay Primary Education Act, 1923.*

(Part of building site granted by Government and part the property of a non-Local Authority Municipality and transferred to the Government)

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_ Between the District Local Board of \_\_\_\_\_ established under the Bombay Local Boards Act, 1923 (hereinafter referred to as "the Local Board") of the one part and the Governor of Bombay (hereinafter referred to as "the Government") of the other part WHEREAS the Municipality of \_\_\_\_\_ constituted under the Bombay Act \_\_\_\_\_ (hereinafter referred to as "the Municipality") was possessed of and absolutely entitled in perpetuity free from incumbrances to a piece of land described in the first schedule hereunder written and had applied to the Government for the adjoining piece of land described in the second schedule hereto so that the two pieces of land might be together used as a building site for a school at \_\_\_\_\_ and also applied to the Government for a building grant-in-aid of such school and satisfied the Director of Public Instruction, Province of Bombay, that the building was intended for and would be devoted to educational purposes and in part to secular education that the plans, estimates and specifications were satisfactory, that the title of the Municipality to the pieces of land described in the schedules hereto was good and in order and that the building \_\_\_\_\_ constructed; AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a building grant shall be paid to the managers of a school unless and until they execute or agree to execute a trust deed as in the said rules provided; AND WHEREAS the Government had sanctioned a Building Grant of Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only which sum has been duly paid to the Municipality \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_ (and the payment of which the Local Board on behalf of the Municipality hereby acknowledges) in consideration of the Municipality executing to the Government such conveyance or assurance as is hereinafter contained, which the Municipality agreed to do and the Government agreed to hold the whole of the two pieces of land described in the first and second schedules hereto (that described in the second schedule already belonging to the Government being valued at Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only for the purposes of said school in manner hereinafter appearing.

AND WHEREAS the Municipality not being a Local Authority under the Bombay Primary Education Act, 1923, has, in pursuance of Government Notification in the Educational Department No. \_\_\_\_\_, dated the \_\_\_\_\_ issued under section 6 (1) of the said Act, transferred to the Local Board all its Primary schools with their lands, buildings, records and equipment, including the said pieces of land, which vested in the Municipality; AND WHEREAS the Local Board is now possessed of and absolutely entitled in perpetuity free from incumbrances to the said pieces of land described in the schedules hereto and intended to be hereby assured; AND WHEREAS the Local Board has, in consideration of the building grant of Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only paid to the Municipality as aforesaid and in virtue of the transfer to itself of the Municipal schools as aforesaid, agreed to execute in favour of the Government such conveyance or assurance as is hereinafter contained; AND WHEREAS the Commissioner, \_\_\_\_\_ Division, has sanctioned the transfer hereby made and such sanction is recorded in his Memorandum No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_. NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only paid as aforesaid by the Government to the said Municipality, the Local Board doth hereby grant, convey and assign unto the Government ALL THAT piece or parcel of land described in the schedules hereto TOGETHER with all and singular the buildings and erections now being or which may hereafter be thereon expressly including the said building to be erected as aforesaid and all rights, easements and appurtenances whatsoever usually held or occupied therewith or reputed to belong or be appurtenant thereto and also all fittings and fixtures being in and belonging to or used or to be used for the said school and all the estate,

right, title, interest, claim and demand of the Local Board in and upon the said premises to HOLD the said pieces of land, chattels and effects and all other premises expressed to be hereby assured unto and to the use of the Government according to the nature and tenure thereof respectively; AND the Local Board doth hereby for itself and its successors covenant that it has power to grant all the said premises to the Government in manner aforesaid free from incumbrances and that the Local Board and every person claiming through or in trust for the Local Board will at all times at the cost of the Local Board execute and do all such assurances and things for the further or better assuring the said premises to the Government as aforesaid as shall be reasonably required; AND it is hereby declared and agreed that the Government shall hold the said premises upon the trust and to and for the intents and purposes following, that is to say, UPON TRUST to permit the Local Board to enter upon the said premises for the purposes and on the conditions following, namely, that the Local Board and its successors shall—

(1) construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved or as may be approved by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said pieces of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;

(6) keep the said school at all times open to the inspection of the Inspecting officers of the Educational Department of the Government of Bombay; and

(7) keep at all times the building or buildings already erected or which may hereafter be erected on the said premises in respect of which a building grant has been given (except the building or buildings in respect of which the Executive Engineer of \_\_\_\_\_ has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate has not been cancelled by the Executive Engineer in writing) insured in the joint names of the Local Board and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinth at the least in some respectable insurance office to be approved by the Government or its Agent for the time being and regularly pay the premiums which shall become payable in respect of such insurance and whenever thereunto required so to do, produce to him the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year and shall, unless the Local Board has forfeited its right or claim to such policy or policies of insurance as hereinafter provided, apply all moneys which may be received by virtue of any such policy or policies in rebuilding or reinstating the premises destroyed or damaged;

PROVIDED ALWAYS and it is hereby declared and agreed that in the event of default being made by the Local Board in the performance of any of the conditions hereinbefore mentioned the Building Grant or so much of the same as shall not then have been made shall lapse and the aggregate amount of the said Building Grant and all future Building Grants from time to time advanced by the Government for the school shall be repayable to the Government, AND for the purposes of recovering any moneys so due to the Government it shall be lawful for the Government to enter upon and take possession of the said premises and all buildings, fixtures and fittings thereon and to sell and absolutely dispose of the same free from incumbrances and discharged from the trusts hereof in such manner as the Government in its absolute discretion shall see fit and apply the proceeds of such sale after payment thereof of all costs and expenses attending the same in or towards the recouping or reimbursing to the Government the moneys which may as aforesaid have become repayable or due to the Government and pay the surplus, if any, to the Local Board or to such body or person whom the Government may consider lawfully entitled thereto and in any such event the Local Board shall forfeit to the Government all its right or claim to, over or in respect of such

policy or policies of insurance relating to the said buildings and the amount of premiums paid by it in respect of such insurance and the same shall then become absolutely the property of the Government. IN WITNESS WHEREOF  
the President of the Local Board and

and two other members of the Local Board have hereunto set their hands and the common seal of the Local Board hath been hereunto affixed and Esquire, Director of Public Instruction, Province of Bombay, hath set his hand and the seal of his office hereto on behalf of the Governor of Bombay, the day and year first above written.

THE SCHEDULES ABOVE REFERRED TO

SCHEDULE I

*Description and boundaries of property*

The piece or parcel of land measures in superficial area square feet,  
be the same a little more or less situated in the town/village of  
and bearing survey number in the Taluka of  
in the District of and in the Registration sub-district  
of in the said district and measures from North to  
South feet on the eastern side and feet  
on the western side and from East to West feet  
northern side and feet on the southern side be the same a little  
more or less, and is bounded as follows:—

on the North by  
on the South by  
on the East by  
and on the West by

and is for greater clearness delineated on the plan hereto annexed marked A and signed by the executing parties aforesaid.

SCHEDULE II

*Description and boundaries of property*

The piece or parcel of land measures in superficial area  
square feet, be the same a little more or less, situated in the town/village of  
and bearing survey number in the taluka of  
in the district of and in the Registration sub-district  
of in the said district and measures from North to  
South feet on the eastern side and feet on the  
feet on the western side, and from East to West feet on the  
northern side and feet on the southern side, be the same a  
little more or less, and is bounded as follows:—

on the North by  
on the South by  
on the East by  
and on the West by

and is for greater clearness delineated on the plan hereto annexed marked B and signed by the executing parties aforesaid.

Signed by

President

President.

and

and

two Members of the Local Board of  
and sealed with the common seal  
of the Local Board of  
in the presence of

Members.

1. \_\_\_\_\_

2. \_\_\_\_\_

Signed, sealed and delivered by

Esquire, Director of  
Public Instruction, Province of Bombay,  
in the presence of

Director of Public Instruction.

1. \_\_\_\_\_

2. \_\_\_\_\_



Annexures:—A and B Plans.

## FORM IV

*Trust Deed to be executed by a Municipality\* under the Bombay  
Primary Education Rules, 1924*

(Building site acquired by a Municipality from a private person on condition that it should revert to him in the event of the site ceasing to be used for a school or any other condition which precludes a transfer to the Government.)

\*Under the Bombay District Municipal Act, 1901.

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ between the one thousand nine hundred and \_\_\_\_\_ between the Municipality of \_\_\_\_\_ constituted under the Bombay District Municipal Act, 1901 (hereinafter referred to as "the Municipality") of the one part and the Governor of Bombay (hereinafter referred to as "the Government") of the other part WHEREAS the Municipality is possessed of the piece of land described in the schedule hereto and has applied to the Government for a Building Grant-in-aid of \_\_\_\_\_ and have satisfied the Director of Public Instruction, Province of Bombay, that the Building is intended for and will be devoted to educational purposes and in part to secular education that the plans, estimates and specifications are satisfactory that the Municipality are possessed of the said piece of land and that the Building will be \_\_\_\_\_ within \_\_\_\_\_ months from \_\_\_\_\_ AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a Building Grant shall be paid to the Managers of a school unless and until they execute or agree to execute a deed or agreement as in the said rules provided AND WHEREAS the Government sanctioned a Building Grant of Rupees \_\_\_\_\_ in consideration of the Municipality entering into the covenants hereinafter contained Now THIS INDENTURE WITNESSETH that in consideration of the sum of Rupees \_\_\_\_\_ paid by the Government to the Municipality the Municipality doth hereby for itself and its successors covenant with the Government that the Municipality and its successors or other the Managers for the time being of the school carried on in the buildings erected or to be erected on the premises described in the schedule hereto shall—

- (1) construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved or as may be approved by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;
- (2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;
- (3) pay all the rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;
- (4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;
- (5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay; and
- (6) keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay.

AND in the event of default being made by the Municipality or its successors or by the managers for the time being of the said school in the performance of any of the covenants or conditions numbered (1) to (6) hereinbefore mentioned or in the event of the Municipality being found at any time by a Civil Court or by the Collector after formal inquiry under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), to be not in lawful possession of the site on which the school has been constructed the Municipality or its successors will on demand by or on behalf of the Government pay to the Government the amount of the said grant-in-aid of Rupees \_\_\_\_\_ together with the amount or amounts of all further building-grants-in-aid (if any) made by the Government for or in respect of the said school but without interest prior to the date of such demand. IN WITNESS WHEREOF \_\_\_\_\_ President and \_\_\_\_\_ as two other Councillors of the Municipality have hereunto set their hands and the common seal of the Municipality hath been hereunto affixed, the day and year first above written.

THE SCHEDULE ABOVE REFERRED TO

*Description and boundaries of property*

The piece or parcel of land measures in superficial area \_\_\_\_\_ square feet \_\_\_\_\_ be the same a little more or less, situated in the town/village of \_\_\_\_\_ and bearing \_\_\_\_\_ number \_\_\_\_\_ in the taluka of \_\_\_\_\_ in the district of \_\_\_\_\_ and in the Registration Sub-district of \_\_\_\_\_ in the said district and measures from North to South \_\_\_\_\_ feet on the eastern side and \_\_\_\_\_ feet on the western side and from East to West \_\_\_\_\_ feet on the northern side and \_\_\_\_\_ feet on the southern side, be the same a little more or less and is bounded as follows:—  
 on the North by \_\_\_\_\_  
 on the South by \_\_\_\_\_  
 on the East by \_\_\_\_\_  
 and on the West by \_\_\_\_\_

Signed by \_\_\_\_\_ President }  
 and \_\_\_\_\_ President.  
 and \_\_\_\_\_ }  
 two Councillors of the Municipality }  
 of \_\_\_\_\_ }  
 and sealed with the common seal of the }  
 Municipality of \_\_\_\_\_ }  
 in the presence of \_\_\_\_\_ }  
 Councillors.

1. \_\_\_\_\_  
 2. \_\_\_\_\_



Annexure:—Plan.

FORM IV-A

*Trust Deed to be executed by a Local Board under the Bombay Primary Education Rules, 1924*

(Building site acquired by a Local Board from a private person on condition that it should revert to him in the event of the site ceasing to be used for a school or any other condition which precludes transfer to the Government)

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ one thousand \_\_\_\_\_ nine hundred and \_\_\_\_\_ between the District Local Board of \_\_\_\_\_ established under the Bombay Local Boards Act, 1923 (hereinafter referred to as "the Local Board") of the one part and the Governor of Bombay (hereinafter referred to as "the Government") of the other part, WHEREAS the Local Board is possessed of the piece of land described in the schedule hereto and has applied to the Government for a building grant-in-aid of \_\_\_\_\_



and have satisfied the Director of Public Instruction, Province of Bombay, that the building is intended for and will be devoted to educational purposes and in part to secular education that the plans, estimates and specifications are satisfactory that the Local Board are possessed of the said piece of land and that the building will be

within \_\_\_\_\_ months from \_\_\_\_\_

AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grant made by the Government in the aid of schools it is provided (*inter alia*) that no portion of a Building Grant shall be paid to the Managers of a school unless and until they execute or agree to execute a deed or agreement as in the said rules provided AND WHEREAS the Government has sanctioned a Building Grant of Rupees \_\_\_\_\_ in consideration

of the Local Board entering into the covenants hereinafter contained Now THIS INDENTURE WITNESSETH that in consideration of the sum of Rupees \_\_\_\_\_ paid by the Government to the Local Board, the Local Board doth hereby for itself and its successors covenant with the Government that the Local Board and its successors or other the Managers for the time being of the school carried on in the buildings erected or to be erected on the premises described in the schedule hereto shall—

(1) construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved or as may be approved by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all the rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay; and

(8) keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay;

AND in the event of default being made by the Local Board or its successors or by the Managers for the time being of the said school in the performance of any of the covenants or conditions numbered (1) to (6) hereinbefore mentioned or in the event of the Local Board being found at any time by a Civil Court or by the Collector after formal inquiry under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), to be not in lawful possession of the site on which the school has been constructed the Local Board or its successors will on demand by or on behalf of the Government pay to the Government the amount of the said Grant-in-aid of Rupees \_\_\_\_\_ together with the amount or amounts

of all further building grants-in-aid (if any) made by the Government for or in respect of the said school but without interest prior to the date of such demand. IN WITNESS

WHEREOF

President and

and \_\_\_\_\_ as two other Members of the Local Board have hereunto set their hands and the common seal of the Local Board hath been hereunto affixed, the day and year first above written.

#### THE SCHEDULE ABOVE REFERRED TO

##### *Description and boundaries of property*

The piece or parcel of land measures in superficial area \_\_\_\_\_ square feet  
 be the same a little more or less, situated in the town/village of \_\_\_\_\_ and  
 bearing \_\_\_\_\_ number \_\_\_\_\_ in the taluka of \_\_\_\_\_  
 in the district of \_\_\_\_\_ and in the Registration Sub-district of \_\_\_\_\_  
 in the said district and measures from North to South \_\_\_\_\_ feet on the eastern  
 side and \_\_\_\_\_ feet on the western side and from East to West \_\_\_\_\_ feet  
 on the northern side and \_\_\_\_\_ feet on the southern side be the same a little  
 more or less and is bounded as follows:—

on the North by \_\_\_\_\_  
 on the South by \_\_\_\_\_  
 on the East by \_\_\_\_\_  
 and on the West by \_\_\_\_\_

and is for greater clearness delineated on the plan hereto annexed signed by the aforesaid President and two Members.

Signed by

President

and

President.

and

two members of the Local Board of  
and sealed  
with the common seal of the Local  
Board of in the  
presence of—

Members.

1. \_\_\_\_\_
2. \_\_\_\_\_

Common  
Seal.

Annexure:—Plan.

FORM IV-B.

*Trust Deed to be executed under the Bombay Primary Education Rules, 1924, by a Municipality under the Bombay Municipal Boroughs Act, 1925 (Bombay XVIII of 1925.)*

(Building site acquired by a Municipality from a private person on condition that it should revert to him in the event of the site ceasing to be used for a school or any other condition which precludes a transfer to the Government)

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ between the Borough Municipality constituted under the Bombay Municipal Boroughs Act, 1925 (hereinafter referred to as "the Municipality") of the one part and the Governor of Bombay (hereinafter referred to as "the Government") of the other part WHEREAS the Municipality is possessed of the piece of land described in the schedule hereto and has applied to the Government for a Building Grant-in-aid of Rupees (Rs. \_\_\_\_\_) only and has satisfied the Director of Public Instruction, Province of Bombay, that the Building is intended for and will be devoted to educational purposes and in part to secular education, that the plans, estimates and specifications are satisfactory, that the Municipality is possessed of the said piece of land and that the Building will be \_\_\_\_\_ within \_\_\_\_\_ months from \_\_\_\_\_

; AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a Building Grant shall be paid to the Managers of a school unless and until they execute or agree to execute a deed or agreement as in the said rules provided; AND WHEREAS the Government has sanctioned a Building Grant of Rupees (Rs. \_\_\_\_\_) only in consideration of the Municipality entering into the covenants hereinafter contained Now THIS INDENTURE WITNESSETH that in consideration of the sum of Rupees (Rs. \_\_\_\_\_) only paid by the Government to the Municipality, the Municipality doth hereby for itself and its successors covenant with the Government that the Municipality and its successors or other the Managers for the time being of the school carried on in the buildings erected or to be erected on the premises described in the schedule hereto shall—

(1) construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved or as may be approved by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all the rates charges assessments and expenses leviable or chargeable in respect of the premises and buildings;

- (4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;
- (5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay; and

(6) keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay

AND in the event of default being made by the Municipality or its successors or by the managers for the time being of the said school in the performance of any of the covenants or conditions numbered (1) to (6) hereinbefore mentioned or in the event of the Municipality being found at any time by a Civil Court or by the Collector after formal inquiry under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), to be not in lawful possession of the site on which the school has been constructed the Municipality or its successors will on demand by or on behalf of the Government pay to the Government the amount of the said grant-in-aid of Rupees (Rs. ) only together with the amount or amounts of all further building grants-in-aid, if any, made by the Government for or in respect of the said school but without interest prior to the date of such demand. IN WITNESS WHEREOF Chief Officer

of the Municipality duly authorised in this behalf by a Resolution of the Municipality passed on the \_\_\_\_\_ day of \_\_\_\_\_ as required by clause (c) of sub-section (3) and clause (a) of sub-section (4), of section 48 of the Bombay Municipal Boroughs Act, 1925, has hereunto set his hand and the common seal of the Municipality hath been hereto affixed in the presence of two members of the Standing Committee as required by sub-section (2) of section 49 of the said Act, the day and year first above written.

**THE SCHEDULE ABOVE REFERRED TO**  
*Description and boundaries of property*

The piece or parcel of land measures in superficial area \_\_\_\_\_ square feet, be the same a little more or less, situated in the town of \_\_\_\_\_ and bearing City Survey number \_\_\_\_\_ in the taluka of \_\_\_\_\_ in the district of \_\_\_\_\_ and in the Registration sub-district of \_\_\_\_\_ in the said district and measures from North to South \_\_\_\_\_ feet on the eastern side and \_\_\_\_\_ feet on the western side and from East to West \_\_\_\_\_ feet on the northern side and \_\_\_\_\_ feet on the southern side, be the same a little more or less, and is bounded as follows :-  
 on the North by \_\_\_\_\_  
 on the South by \_\_\_\_\_  
 on the East by \_\_\_\_\_  
 and on the West by \_\_\_\_\_

and is for greater clearness delineated on the plan hereto annexed and signed by the aforesaid Chief Officer.

Signed by  
 Chief Officer of the Borough Municipality of in presence of—

Chief Officer

1. \_\_\_\_\_
2. \_\_\_\_\_

Sealed with the common seal of the Borough Municipality of \_\_\_\_\_ in the presence of —



1. \_\_\_\_\_
2. \_\_\_\_\_

Members of the Standing Committee of the Borough Municipality.

Annexure:—Plan.

## FORM IV-C

*Trust Deed to be executed by a Local Board under the Bombay Primary Education Rules, 1924, in respect of a grant-in-aid paid for a non-local authority Municipal school before its transfer to a Local Authority under section 6 (1) of the Bombay Primary Education Act, 1923.*

(Building site acquired by a non-Local Authority Municipality from a private person on condition that it should revert to him in the event of the site ceasing to be used for a school or any other condition which precludes a transfer to the Government.)

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ between the District Local Board of established under the Bombay Local Boards Act, 1923 (hereinafter referred to as "the Local Board") of the one part and the Governor of Bombay (hereinafter referred to as "the Government") of the other part, WHEREAS the Municipality of \_\_\_\_\_ constituted under the Bombay \_\_\_\_\_ Act

(hereinafter referred to as "the Municipality") was possessed of the piece of land described in the schedule hereto and applied to the Government for a building grant-in-aid of Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only for a school house to be known as the \_\_\_\_\_ and satisfied

the Director of Public Instruction, Province of Bombay, that the building was intended for and would be devoted to educational purposes and in part to secular education, that the plans, estimates and specifications were satisfactory, and that the Municipality was possessed of the said piece of land and that the Building will be

within \_\_\_\_\_ months from \_\_\_\_\_ AND WHEREAS by the rules now in force in the Province of Bombay for regulating the application of grants made by the Government in aid of schools it is provided (*inter alia*) that no portion of a Building Grant shall be paid to the Managers of a school unless and until they execute or agree to execute a deed or agreement as in the said rules provided AND WHEREAS the Government had sanctioned a building grant of Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only which sum was paid to the Municipality on the

\_\_\_\_\_ day of \_\_\_\_\_ 194 (and the payment of which the Local Board on behalf of the Municipality hereby acknowledges) in consideration of the Municipality entering into the covenants hereinafter contained,

AND WHEREAS the Municipality not being a Local Authority under the Bombay Primary Education Act, 1923, has in pursuance of Government Notification in the Educational Department No. \_\_\_\_\_ dated the

\_\_\_\_\_ day of \_\_\_\_\_ 194, issued under section 6 (1) of the said Act,

transferred to the Local Board all its Primary schools with their lands, buildings, records and equipment, including the said piece of land, which vested in the Municipality; AND WHEREAS the Local Board is now possessed of the said piece of land described in the schedule hereto; AND WHEREAS the Local Board has, in consideration of the building grant of Rupees \_\_\_\_\_

(Rs. \_\_\_\_\_) only paid to the Municipality as aforesaid and in virtue of the transfer to itself of the Municipal schools as aforesaid, agreed to enter into the covenants hereinafter contained; Now THIS INDENTURE WITNESSETH that in consideration of the sum of Rupees \_\_\_\_\_ (Rs. \_\_\_\_\_) only paid as aforesaid by the

Government to the said Municipality, the Local Board doth hereby for itself and its successors covenant with the Government that the Local Board and its successors or other the Managers for the time being of the school carried on in the buildings erected or to be erected on the premises described in the schedule hereto shall—

(1) construct within \_\_\_\_\_ months from the date hereof buildings thereon according to the plans and specifications approved or as may be approved by the Director of Public Instruction, Province of Bombay, for and on behalf of the Government;

(2) maintain and keep at all times in good and substantial repair and condition all the buildings now being or which may hereafter be on the said piece of land to the end that the same may be always efficient for use for the purposes of a school;

(3) pay all the rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(4) use all the premises and buildings as and for the purposes of a public school to be devoted wholly to education and in part to secular education;

(5) manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay; and

(6) keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay.

AND in the event of default being made by the Local Board or its successors or by the Managers for the time being of the said school in the performance of any of the covenants or conditions numbered (1) to (6) hereinbefore mentioned or in the event of the Local Board being found at any time by a Civil Court or by the Collector after formal inquiry under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), to be not in lawful possession of the site on which the school has been constructed the Local Board or its successors will on demand by or on behalf of the Government pay to the Government the amount of the said Grant-in-aid of Rupees (Rs. ) only together with the amount or amounts of all further building Grants-in-aid, if any, made by the Government for or in respect of the said school but without interest prior to the date of such demand. IN WITNESS WHEREOF  
 President and  
 and  
 as two other members  
 of the Local Board have hereunto set their hands and the common seal of the Local Board hath been hereunto affixed, the day and year first above written.

THE SCHEDULE ABOVE REFERRED TO

*Description and boundaries of property*

The piece or parcel of land measures in superficial area square feet, be the same a little more or less, situated in the town/village of and bearing survey number in the taluka of in the district of and in the Registration Sub-district of in the said district and measures from North to South feet on the eastern side and feet on the western side, and from East to West feet on the northern side and feet on the southern side, be the same a little more or less, and is bounded as follows:—

- on the North by
- on the South by
- on the East by
- and on the West by

and is for greater clearness delineated on the plan hereto annexed and signed by the aforesaid President and two members.

Signed by

President

and  
 and  
 two members of the Local Board of  
 and sealed with the  
 common seal of the Local Board of  
 in the presence of—

President.

Members.

1. \_\_\_\_\_
2. \_\_\_\_\_

Annexure:—Plan.



## FORM OF RECEIPT

*For Local Boards and Municipalities\**

\*(Under Bombay Local Boards Act, 1913, and the Bombay District Municipal Act, 1901.)

We†  
and‡  
and‡

† Here enter the name of the President.  
‡ Here enter the names of two Members.

two Members of the  
hereby acknowledge that on the  
day of

(Rs. 194 ) the sum of

paid to  
as a further building grant on account of  
to the  
at

only was  
by the Government of Bombay

in the taluka of the  
district and we hereby certify  
that the said amount of (Rs.

grant-in-aid given subject to all the conditions mentioned in the indenture between  
the said (only) has been received by us as a  
the and  
dated the  
President,

1. \_\_\_\_\_
2. \_\_\_\_\_

One anna  
Stamp.

Members,

Witnesses to signature

1. \_\_\_\_\_
2. \_\_\_\_\_

Comm-  
Seal.

Dated 194 .

## FORM OF RECEIPT

*For Municipalities constituted under the Bombay Municipal  
Boroughs Act, 1925 (Bom. XVIII of 1925)*

I  
Officer of the Municipality of  
that on the  
the sum of Rupees  
paid to the Municipality by the Government of Bombay as a further building grant  
on account of

day of

Chief  
hereby acknowledge  
194 ,  
was

School  
in the  
District and I hereby certify that the said amount of Rupees

has been received by me as a

grant-in-aid, given subject to all the conditions mentioned in the indenture between the said Municipality of \_\_\_\_\_ and the \_\_\_\_\_

dated the \_\_\_\_\_

Witnesses to signature

1. \_\_\_\_\_
2. \_\_\_\_\_

One anna  
Revenue  
stamp.

Chief Officer of the  
Municipality of \_\_\_\_\_

Sealed with the Common Seal of the  
Municipality of \_\_\_\_\_  
in the presence of

1. \_\_\_\_\_
2. \_\_\_\_\_



Members of the Standing Committee.

Dated \_\_\_\_\_ 194 .

#### FORM OF RECEIPT

*For a Local Authority District Local Board in respect of a grant-in-aid paid for a non-Local Authority Municipal School before its transfer to the Local Authority under section 6 (1) of the Bombay Primary Education Act, 1923.*

In consideration of the further grant-in-aid of Rupees \_\_\_\_\_

(Rs. \_\_\_\_\_) only paid by the Government of

Bombay on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ to the  
Municipality of \_\_\_\_\_ (hereinafter referred to as "the  
Municipality") for the Primary school at \_\_\_\_\_ in the  
taluka of \_\_\_\_\_ in the District of \_\_\_\_\_ we,

of \_\_\_\_\_, President of the District Local Board and \_\_\_\_\_ and

two members of the said District Local Board to which  
all Primary schools with their lands, buildings, records and equipment, which vested  
in the Municipality, have been transferred in pursuance of Government Notification  
in the Educational Department No. \_\_\_\_\_, dated the \_\_\_\_\_

19 \_\_\_\_\_ issued under section 6 (1) of the Bombay Primary Education Act, 1923, on the  
Municipality becoming a non-Local authority Municipality under the said Act, hereby  
on behalf of the Municipality certify that the said amount of Rupees \_\_\_\_\_

(Rs. \_\_\_\_\_) only has been received by us as a grant-in-aid  
given subject to all the conditions mentioned in the indenture between the Municipality  
and the \_\_\_\_\_

Dated the \_\_\_\_\_

One anna  
Revenue  
stamp.

Witnesses to  
signatures.

President,  
District Local Board.

1. \_\_\_\_\_ 1.
2. \_\_\_\_\_ 2.

Members, District Local Board.

Common  
Seal.

Dated the \_\_\_\_\_ day of \_\_\_\_\_

194 .

## FORM OF AGREEMENT

In consideration of the grant-in-aid of Rupees paid by the Government of Bombay (hereinafter referred to as me\*

"the Government") to <sup>us\*</sup> the Municipality of for building District Local Board\*

I\*  
We\* do\* hereby agree—  
the said Municipality\* does\*  
the said District Local Board\*

- (a) to maintain the building in proper repair ;  
 (b) to manage the school in accordance with the rules and regulations of the Educational Department of the Government ;  
 (c) to subject the school to inspection by that Department ;  
 (d) to use the building as a school to be devoted wholly to education and in part to secular education ;  
 (e) to keep the building insured in the names of the Managers and the Government jointly subject to the provisions of rule 12 of the Building Grant Rules ; and  
 (f) in the event of default being made by the Managers in the performance of any of the preceding conditions or in the event of the Managers being found at any time by a Civil Court or by the Collector after formal inquiry under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), to be not in lawful possession of the site on which the school has been constructed to repay on demand by the Director of Public Instruction, Province of Bombay, the aggregate amount of all building grants made by the Government in respect of the school.

‡ Signed by  
 and  
 and  
 two councillors and sealed with the  
 common seal of the Municipality of  
 in the presence of

President

President.

Councillors.

Seal.

and  
 ‡ Signed by  
 (and  
 and  
 two members and sealed with the com-  
 mon seal) of the District Local Board in  
 the presence of  
 and

President

President.

§ Members.

Seal.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_  
 191 \_\_\_\_\_

\* Delete the words not required.

† Under the Bombay District Municipal Act, 1901.

‡ The form of attestation suitable to the case should be used.

§ The seal and the portion (

) should be omitted where the grant does not exceed Rs. 500.



## FORM OF AGREEMENT

For a Municipality constituted under the Bombay Municipal Boroughs Act, 1925

In consideration of the grant-in-aid of Rupees

(Rs.

) only paid by the Government of

Bombay (hereinafter referred to as "the Government") to the

Borough Municipality (hereinafter referred to as "the Municipality") for

School No.

the Municipality

does hereby agree—

- (a) to maintain the building of the school in proper repair;
- (b) to manage the school in accordance with the rules and regulations of the Educational Department of the Government;
- (c) to subject the school to inspection by that Department;
- (d) to use the building as a school to be devoted wholly to education and in part to secular education;
- (e) to keep the building insured in the names of the Municipality and the Government jointly subject to the provisions of rule 12 of the Building Grant Rules; and
- (f) in the event of default being made by the Municipality in the performance of any of the preceding conditions or in the event of the Municipality being found at any time by a Civil Court or by the Collector after formal inquiry under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), to be not in lawful possession of the site on which the school has been constructed to repay on demand by the Director of Public Instruction, Province of Bombay, the aggregate amount of all building grants made by the Government in respect of the said school.

Signed by

Chief Officer of

the  
Borough Municipality in the presence of

Chief Officer,  
Borough Municipality.

1. \_\_\_\_\_

2. \_\_\_\_\_

and

Sealed with the  
Common Seal of the  
Borough Municipality in the presence of

1. \_\_\_\_\_

2. \_\_\_\_\_



Members of the  
Standing Committee of the  
Borough Municipality.

Place

Dated the

day of

194 .

## FORM OF AGREEMENT

*For Local Authority District Local Boards in respect of a grant-in-aid paid to a non-local authority Municipal school before its transfer to the Local Authority under section 6 (1) of the Bombay Primary Education Act, 1923.*

In consideration of the building grant-in-aid of Rupees  
 paid by the Government of Bombay (hereinafter referred to as "the  
 Government") on the \_\_\_\_\_ 19 \_\_\_\_\_ to the  
 Municipality of \_\_\_\_\_ for the Primary School,  
 on condition of that body entering into an agreement as provided  
 under rule 11 of the Rules for Building Grants and Grants for sites appended as  
 Schedule D to the Bombay Primary Education Rules, 1924, the District Local Board  
 of \_\_\_\_\_ to whom all Primary schools with their lands, buildings,  
 records and equipment which vested in the said Municipality, have been transferred in  
 pursuance of Government Notification in the Educational Department No.  
 \_\_\_\_\_, dated the \_\_\_\_\_ 19 \_\_\_\_\_ issued under section 6 (1) of  
 the Bombay Primary Education Act, 1923, on the said Municipality becoming a  
 non-Local Authority under the said Act, hereby agrees—

- (a) to maintain the building in proper repair;
- (b) to manage the school in accordance with the rules and regulations of the Educational Department of the Government;
- (c) to subject the school to inspection by that Department;
- (d) to use the building as a school to be devoted wholly to education and in part to secular education;
- (e) to keep the building insured in the names of the Managers and the Government jointly, if this is considered necessary by the Executive Engineer; and
- (f) in the event of default being made in the performance of any of the preceding conditions or in the event of the Local Board being found at any time by a Civil Court or by the Collector after formal inquiry under sub-section (2) of section 37 of the Bombay Land Revenue Code, 1879 (Bom V of 1879), to be not in lawful possession of the site of the school to repay on demand by the Director of Public Instruction, Province of Bombay, the aggregate amount of all building grants made by Government in respect of the school.

Signed, sealed and delivered by  
 President (and  
 and  
 two Members of the District Local  
 Board of \_\_\_\_\_ )\* )

President.

Members.

1. \_\_\_\_\_

2. \_\_\_\_\_



Dated this the  
 day of \_\_\_\_\_

19 \_\_\_\_\_

\* The seal and the portions ( ) does not exceed Rs. 500.

( ) should be omitted where the grant

## SCHEDULE E

RULES INDICATING THE PROCEDURE REGARDING EXECUTION OF WORKS PERTAINING TO SCHOOL BUILDINGS (*vide* RULES 112, 114, 115, 116 and 120 OF THE PRIMARY EDUCATION RULES, 1924)

*Part I—Special repairs costing not more than Rs. 100 and not enhancing the original cost of the building and current and ordinary repairs to individual school buildings*

*A—Works costing Rs. 50 or less*

*Estimates.*—To be submitted by the Head Masters and Government Inspecting Officers (or the School Committee in the case of non-local authority Municipalities).

*Sanction.*—To be sanctioned by the Administrative Officer and the Chairman, School Board.

*Agency.*—Local agency through the Head Master.

*Completion certificates.*—To be signed by (1) the Government Inspecting Officer of the beat, failing him a School Panch and (2) the Police Patel of the place. In the case of non-local authority Municipal Schools, the completion certificates should be countersigned by the Secretary or the Chief Officer of the non-local authority Municipality.

*Bills.*—To be scrutinized by the Administrative Officer and passed by the Chairman, School Board.

*B—Works costing more than Rs. 50*

*Estimates.*—To be framed by the Engineer of the Local Authority or where there is no Engineer by the Overseer of the Local Authority in consultation with the Administrative Officer.

*Sanction.*—To be sanctioned by the School Board.

*Agency.*—Through the Local Authority.

*Completion Certificates.*—To be signed by (1) School Panch, and (2) any member of the Taluka, District or School Board, whosoever is available or failing them any Officer of the Board duly authorized by the Chairman. In the case of non-local authority Municipal Schools the completion certificate should be signed by the Secretary or the Chief Officer of the non-local authority Municipality.

*Bills.*—To be prepared by the Engineer or Overseer of the District Local Board and passed by the School Board. It shall be open to the District Local Board to charge reasonable percentage charges from their School Board on account of establishment and tools and plant charges for repairs to School buildings executed through the Board's agency in case the actual total cost (i. e. exclusive of percentage charges) of the work exceeds Rs. 100. But Government grant will be limited to percentage charges at 7 per cent of the cost of the work (*vide* Government Resolution, Educational Department, No. 3019 of 19th November 1923).

*Part II—Special Repairs, New Works, etc.*

(*Non-recurring*)

*N.B.*—The School Board and the Local Authority shall sanction works as under:—

*School Board.*—Plans and estimates for works involving an expenditure up to Rs. 250 inclusive.

*Local Authority.*—Plans and estimates for works involving expenditure exceeding Rs. 250.

1. All works (except those mentioned in part I-A above), e. g. new works, special repairs, etc., shall be executed through the agency of the Local Authority.

2. For this purpose the School Boards shall call on the Engineer (or where there is no Engineer the Overseer of the Local Authority) to submit to them estimates for the works proposed which should be indicated by the School Board and also to arrange to obtain the approval of the Government, Public Works Department, and other proper authorities where necessary (*vide* Rules 6 and 7 in Schedule D to the Bombay Primary Education Rules, 1924).

3. The Engineer or the Overseer shall submit the estimates to the School Board as early as practicable.

4. The plans and estimates shall be approved with modifications, if necessary, by the School Board and the Local Authority within the limit of their powers as indicated above and shall be returned to the Engineer or the Overseer with an order to proceed with the work.

5. For this purpose the School Board shall at the same time forward to the Local Authority a cheque for the estimated cost of the work.

6. In the School Board's account the amount of the cheque shall be debited to advances and in the accounts of the Local Authority the cheque shall be credited to deposits.

7. The Engineer or the Overseer shall then proceed with the work as an ordinary work of the Local Authority save that the cost shall be debited to deposits. While a work is in progress the supervisor of the beat, or any member of the Taluka, District or School Board, whosoever is available, or, failing them, any Officer of the Board duly authorized by the Chairman, School Board, should report to the Chairman the defects in the construction, if any, provided that the person so authorized by the School Board is always available on the spot. No deviations in the sanctioned plans shall be made without the previous permission in writing of the Chairman, School Board, and until the deviations are approved by those Officers who have approved the plan and estimate of the work.

8. On completion of the work the Engineer or the Overseer shall forward to the School Board a completion certificate, in duplicate, with a statement of expenditure on the work showing the balance due by or to the School Board.

9. If the School Board have reason to believe that the work has not been done according to specifications they shall take up the matter with the Engineer or the Overseer and shall, if necessary, refer all matters in dispute which cannot be settled with the Engineer or the Overseer to their satisfaction to the Local Authority for final orders.

10. The School Board being thus satisfied that the work has been completed shall countersign one copy of the completion certificate and return it to the Engineer or the Overseer. The other copy with the statement of accounts shall be used as the authority for adjusting the amount standing under "Advances" by *per contra* debit works.

11. The School Board shall decide which of the duties devolving on them under these rules shall be performed by the Administrative Officer and the Chairman respectively.

12. In according sanction to estimates the sanctioning authorities shall take care to see that in the case of non-recurring expenditure the conditions prescribed in rule 114, 115 or 120 of the Primary Education Rules, 1924, for qualification for the Government grant are fulfilled.

13. For educational works executed through the agency of the District Local Board, it shall be open to the Board to include reasonable establishment charges in the estimate. But Government grant will be limited to the percentage charge at 7 per cent (*vide* Government Resolution, Educational Department, No. 3019 of 17th July 1925).

## SCHEDULE F

### MODEL PENSION FUND RULES FOR SCHOOL BOARDS REGARDING THE ESTABLISHMENT AND MAINTENANCE OF THE FUND AS APPROVED BY GOVERNMENT [*vide* RULE 47 (3)]

1. *Date of institution and extent of application.*—These rules shall come into force from \_\_\_\_\_ and pension contribution shall be paid into the fund by the School Board on behalf of employees who are in or enter the permanent service of the School Board on or after that date on a substantive pay of Rs. 8 or more a month.

2. *Compulsory contribution.*—Contributions to the fund shall be compulsory on behalf of superior permanent servants except (1) those who subscribe to the Board's Provident Fund, and (2) those who as in pre-control days elect to earn pension from General Revenues. In the latter case the Board will have to credit pension contributions at the rates laid down by Government from time to time into Government Treasury.

3. *To whom not applicable.*—No pension contribution shall be paid into the fund in respect of employees who are subscribers to the Provident Fund established by the Local Authority with the approval of Government.

*N.B.*—Pension contributions shall be paid to Government on behalf of all officers or clerks holding a permanent appointment under Government whose services have been or may be lent to the Local Authority unless the payment of such contributions has been foregone by Government.

4. *Payment of pension contribution prior to the institution of the Fund.*—The School Board shall continue to pay to Government the pension contributions at the rates laid down by Government from time to time until the date of the institution of the fund on behalf of the employees mentioned in rule 1 above, and the proportionate share of pension, when earned, shall be payable by Government in respect of the period for which pension contributions have been paid to Government.

5. *Rate of pension contribution.*—Contributions payable to the fund from the date of its institution shall be at the rate of one-ninth (or 11½ per cent) of the sanctioned salaries of the several appointments and it shall be made monthly on the date on which the pay bills of the employees are cashed.

No person whose service has not been pensionable in the past shall be permitted to joint the pension fund with retrospective effect, and no contribution in that behalf shall be made by the School Board with a view to render past service pensionable.

6. *Control and administration.*—Subject to the general control of the Local Authority the fund shall be administered by the School Board. A separate account of the fund shall be kept and it shall be subject to annual audit by the Auditors of Government.

7. *Investment and deposit of accumulated funds.*—The School Board shall, as soon as practicable, invest all accumulated funds in Government securities within the meaning of clause (a) of section 2 of the Indian Securities Act, 1920, or in securities of the nature specified in clauses (a), (c) and (d) of section 20 of the Indian Trusts Act, 1882, through the Reserve Bank of India or the Central Co-operative Banks including the Bombay Provincial Co-operative Bank, subject to the limits prescribed by Government from time to time;

Provided that moneys which are required to be applied immediately or within 12 months may be deposited with the local branch of the Imperial Bank of India or, if there is no branch of that bank within the District, in any other bank selected by the School Board under Primary Education Rule 141 (1) for keeping its Primary Education Fund.

*N.B.*—The accounts pertaining to the Pension Fund shall be kept distinct and separate from those of the Primary Education Fund.

8. *Liability.*—The School Board shall pay out of the fund to the employees concerned the proportionate share of pension, when earned, in respect of the period for which pension contribution has been credited to the fund.

The proportionate share of pension payable by Government and the Local Authority shall be determined by the Accountant-General in accordance with the method indicated in the Bombay Civil Services Rule 279-B.

9. *Payment of pension or gratuity.*—A pension shall be payable monthly in arrears on or after the first day of each month during lifetime, whereas a gratuity shall be paid in a single sum and not by instalments, as soon as the amount due is sanctioned by an authority competent to do so.

10. *Final absorption.*—When no liability remains on the fund it shall be absorbed in the general balances of the School Board after refunding to Government the latter's quota equal to the rate of the grant-in-aid made towards the fund (i.e. two-thirds in the case of District Local Boards and one-half in the case of Municipalities).

11. *Submission of establishment return.*—Early in April in each year, a detailed statement in respect of the permanent employees on whose behalf contribution is paid into the fund shall be prepared in the prescribed form and submitted to the Local authority by the School Board as soon as possible and not later than 15th May.

12. *Modifications.*—These rules shall be subject to such modifications as the School Board and the Local Authority may from time to time consider necessary subject to previous sanction by Government.

## SCHEDULE G

MODEL PROVIDENT FUND RULES FOR SCHOOL BOARDS [*vide* RULE 47 (9),

1. *Commencement and extent.*—These rules shall come into force from and shall apply only to employees who are in, or enter the service of, the School Board on or after that date on a substantive pay of Rs. 8 or more a month.

The employees referred to above, shall include persons on probation in permanent posts.

2. *Discontinuance of crediting pension contribution.*—If an employee towards whose pension the School Board is contributing either exercises his option within six months [as, for example, in the case of teachers handed over under section 8 (1) of the Bombay Primary Education Act, 1923], or is required compulsorily under the Provident Fund Rules to join the School Board's Provident Fund, pension contribution on his behalf shall cease to be paid by the School Board with effect from the date of his joining the Provident Fund.

3. *Payment of pension or gratuity due to employees who entered School Board's service before the introduction of the Provident Fund scheme.*—In the case of employees who entered the service of the School Board before these rules came into force, whatever pension or gratuity may be due to each under the rules in force in the Government Educational Department on the date of his retirement, shall be paid to him on retirement, in addition to the amount standing to his credit in the books of the Provident Fund.

4. *For whom subscription to Fund is compulsory.*—Subscriptions to the Fund shall be compulsory for all superior permanent non-pensionable servants (including probationers appointed in permanent posts) of the School Board.

5. *Rate of subscription and manner of recovery.*—Contributions of subscribers shall be at the uniform rate of 6½ per cent on total pay (which includes officiating pay) and current contributions shall be deducted every month from their pay. In the event of an officer being on leave, the contribution shall be calculated on the amount actually drawn and not on the pay of his appointment.

*Note.*—If the amount of the pay is not expressible in whole rupees the subscription at the rate of 6½ per cent shall be calculated on the nearest sum in whole rupees below that amount.

6. *School Board's contribution: its rate, date of payment, etc.*—The School Board's contribution shall be equal to the subscriber's contribution, and shall be made yearly on 31st March, except in the case of death or retirement of a subscriber when the School Board's contribution to that subscriber's account shall be calculated to date.

7. *Investment and deposit of accumulated funds.*—The School Board shall, as soon as practicable, invest all accumulated funds in Government securities within the meaning of clause (a) of section 2 of the Indian Securities Act, 1920, or in securities of the nature specified in clauses (a), (c) and (d) of section 20 of the Indian Trusts Act, 1882, through the Reserve Bank of India or the Central Co-operative Banks including the Bombay Provincial Co-operative Bank, subject to the limits prescribed by the Government from time to time.

Provided that moneys which are required to be applied immediately or within 12 months may be deposited with the local branch of the Imperial Bank of India or, if there is no branch of that bank within the District, in any other bank selected by the School Board under Primary Education Rule 141 (1) for keeping its Primary Education Fund.

*N.B.*—The accounts pertaining to the Provident Fund shall be kept distinct and separate from those of the Primary Education Fund.

8. *Keeping separate accounts for each subscriber.*—Separate accounts shall be kept for each subscriber, showing the amount of his own personal subscriptions, with the interest thereon as it accrues, and his share of the yearly contribution of the School Board with interest thereon. A copy of his account for the previous year shall be furnished to each subscriber, not later than 31st July in each year.

9. *Rate of interest.*—(1) Interest at such rate as may from time to time be fixed by the Government of Bombay in regard to the Bombay General Provident Fund shall be allowed by the School Board on all payments by the subscriber and also on the School Board's contribution, and credited yearly on 31st March or at death or retirement of any particular subscriber, whichever may be earlier; but the minimum rate of four per cent applicable to certain subscribers of the Bombay General Provident Fund shall not be allowed to the subscriber.

(2) Interest shall be calculated and credited in the following manner:—

(i) on the amount at the credit of a subscriber on the last day of the preceding year, less any sums withdrawn during the current year—interest for twelve months;

(ii) on sums withdrawn during the current year—interest from the beginning of the current year up to the last day of the month preceding the month of withdrawal;

(iii) on all sums credited to the subscriber's account after the last day of the preceding year—interest from the date of deposit up to the end of the current year;

(iv) the total amount of interest shall be rounded off to the nearest anna (i.e. six pies and above shall be treated as one anna and amounts less than six pies shall be neglected).

10. *Limit of service with regard to eligibility for School Board contribution.*—A subscriber shall be entitled to the School Board's contribution with interest thereon if he has put in a service of five years or more except when he has been dismissed. The period of five years shall be calculated from the commencement of the subscriber's service and not from the date of his joining the Provident Fund, and shall be exclusive of the period spent on leave without allowances.

All other subscribers shall be entitled to receive their share of the School Board's contribution, with interest after 15 years' service from the date of their appointment.

*Note.*—The limits of 10 years' and 15 years' service referred to in this rule shall be exclusive of the period spent on leave without allowances.

11. *Payment of School Board's contribution in special cases.*—In the event of retirement before completion of the period prescribed by rule 10, subscribers shall receive the amount of their own subscriptions only with interest thereon, the School Board's contribution lapsing to the Board:

Provided, however, that in case retirement is necessitated by certified incapacity for further service, or other causes beyond the subscriber's control, the School Board may pay their contribution to the subscriber.

*Note.*—The word "retirement" occurring in this rule includes quitting service by resignation, dismissal or discharge.

12. *Forfeiture of claims to School Board's contribution.*—Dismissal for misconduct shall entail forfeiture of the subscriber's claim to the School Board's contribution with interest thereon:

Provided that in cases in which the misconduct is not criminal the School Board may allow a subscriber dismissed for misconduct to receive such part of the School Board's contribution with interest as the School Board may decide. The balance, if any, shall lapse to the School Board.

13. *Assignments and encumbrances not binding on the School Board.*—The School Board shall not be bound by, or recognize, any assignment or encumbrance executed or attempted to be created, which affects the disposal of the accumulations of a subscriber who dies before retirement.

14. *Grant of advances for special reasons.*—(i) The School Board may, at their discretion, in cases of urgent need, grant advances to subscribers out of the fund towards any of the following purposes:—

(a) to pay expenses incurred in connection with the illness of a subscriber or a member of his family;

(b) to pay expenses in connection with marriages, funerals, or ceremonies, which by the religion of the subscriber, it is incumbent upon him to perform, and in connection with which it is obligatory that expenditure should be incurred.

(ii) The advances shall not ordinarily exceed three months' pay and shall in no case exceed the amount of the subscriber's contribution including accrued interest.

(iii) When an advance has already been granted to a subscriber, no subsequent advance shall be granted to him, except for very special reasons to be recorded in writing, until at least 12 calendar months have elapsed since the complete repayment of the last advance taken.

(iv) The amount of any advance to a subscriber under this rule shall be debited to the separate account of such subscriber as against his own contribution to the fund, and will operate to reduce *pro tanto* the amount standing to his credit in the fund, from time to time, until the advance shall be recovered, the recoveries being credited to the said account as and when made. No interest shall be credited to the account of any subscriber to whom an advance has been made on any amount for the time being debited to his account as representing an outstanding advance.

(v) An advance shall be recoverable by the School Board by deduction from the salary of the subscriber to whom it is made by monthly instalments of such number, not being

more than 24 as shall be fixed by the School Board in each case. Such recoveries shall commence from the first month in respect of which the subscriber shall draw full pay after the advance has been made.

*Note.*—A subscriber may, however, at his option make repayment in less than the number of instalments fixed by the School Board. No instalments will be recovered from the salary of any subscriber who is on leave, unless such leave is leave on full pay. When two or more advances are made each advance should be treated separately and the monthly deduction of not less than 1/24th of each advance shall be made until that advance is cleared.

(vi) The instalments will be paid by compulsory deductions from substantive pay and will be in addition to the usual subscriptions.

(vii) When an advance is repayable in 12 instalments, an additional instalment, representing interest and equivalent to 3½ per cent of the amount of the advance, shall be paid in the month following that in which the last instalment is paid. Similarly, two additional instalments representing interest, each equivalent to 3½ per cent of the total amount of the advance, shall be paid when the advance is repayable in more than 12 instalments.

In calculating interest as above, a fraction of a rupee shall be taken at the next higher whole rupee if it exceeds eight annas, and shall be ignored if it does not.

15. *Disposal of subscriber's accumulations on his death.*—Each subscriber shall, as soon after he joins the Fund as possible, be called upon by the School Board to furnish a "Form of Declaration" showing how he wishes the amount of his accumulations to be disposed of in the event of his death while in the service of the School Board. A specimen of this form will be found in form A appended to these rules.

16. *Definition of family.*—For the purposes of these rules, only the following survivors of a subscriber shall be held to constitute his family:—

- (1) Widow or widows.
- (2) Children.
- (3) Widow or widows and children of a deceased son.

*Notes.*—(a) In the case of a female contributor for "(1) widow or widows", read "(1) widower".

(b) If the contributor is unmarried, his or her father, or failing him, his or her mother, or failing both, his or her brother or brothers.

(c) An adopted child shall be considered to be a child within the meaning of this rule when, under the personal law of the subscriber, adoption is legally recognized as conferring the status of a natural child, but in this case only. If a doubt arises in an individual case, the School Board shall refer the matter to the Local Authority's legal adviser and his opinion shall be final for the purposes of these rules. A declaration in favour of an adopted child is made at the subscriber's risk and can be challenged at any time.

17. *Distribution of accumulations and revocation of Declaration.*—(a) A subscriber may in his Declaration provide for the distribution of a portion only of the amount. Thus the Form of Declaration may mention a specific sum or a specific proportion of the total amount. The disposal of the balance shall be governed by rule 20 (b) or (d) according as the subscriber leaves a family or not.

(b) Any declaration submitted by a subscriber is revocable at any time and from time to time. A fresh Declaration shall be operative only on being received by the School Board. On a subscriber's marriage, or re-marriage, any Declaration already submitted by him shall forthwith become null and void and unless a revised form of Declaration is received, the amount of his accumulations shall be dealt with under rule 20 (b) or (d), as the case may be.

18. *Nomination of person to receive amount in the event of subscriber's death.*—A subscriber shall nominate in the Form of Declaration prescribed in Rule 15 a person (or persons) to whom the amount standing at his credit shall be payable in the event of his death while in the service of the School Board, or before his claim on the fund shall have been discharged. If the nominee (or nominees) predeceases or (predeceases) the subscriber or if the nomination in favour of such nominee or (nominees) is at any time revoked by the subscriber, the subscriber shall make a fresh nomination. If any of the nominees is a minor, the subscriber must, at the time of nomination, also appoint a person (or persons) of full age to whom the amount standing at the subscriber's credit is to be paid on behalf of the minor nominee or (nominees) in the event of the subscriber dying before the minor nominee (or nominees) attains (or attain) majority. If any of the persons so appointed predeceases the subscriber before the minor nominee



(or nominees) has (or have) attained majority the subscriber must forthwith appoint another person of full age to receive the amount on behalf of the minor nominee (or nominees) and from time to time forthwith make a fresh appointment when this is necessitated by the appointee's death as aforesaid.

19. *Prohibition regarding leaving of accumulations to any one outside family.*—If the subscriber has a family, as defined in rule 16, he is not permitted in his Form of Declaration to leave the amount of his accumulations or any part of it to any one outside that family. Where a Form of Declaration purports to leave money otherwise than to a member or members of a subscriber's family, the School Board shall call upon the subscriber to state whether he has a family, and if it is found that he has one, the Form of Declaration shall not be accepted. A subscriber who has a family has absolute discretion regarding the distribution of the amount at his credit at the time of his death among the members of his family. He may exclude any one or more of them in favour of another or others of them, and the manner in which the distribution is to be made among them is also within his absolute discretion.

20. *Disposal of subscriber's accumulations on his death.*—On a subscriber's death before retirement while in the service of the School Board the full amount standing to his credit, including the School Board's contribution, shall be disposed of without deduction (irrespective of the period for which the subscriber may have served) in the manner indicated below:—

(a) It, or such portion of it as may be specified in an accepted Form of Declaration, shall be divided among all or any members of his family in accordance with the terms of the Declaration. If the Declaration relates to a portion only of the amount, the balance shall be distributed in the manner described in clause (b) below.

If the Declaration does not state the person or persons to whom the sum intended for the benefit of a minor is to be paid, the sum due shall be paid to the minor's legal guardian to be used for the minor's benefit, or, failing a legal guardian, to such person or persons as the School Board considers to be the proper person or persons to receive it on the minor's behalf.

(b) Where a subscriber leaves a family, but no Form of Declaration in favour of any member or members of the family has been received from him, the amount shall be distributed among his family, except that sons and sons of a deceased son, who have attained legal majority, and married daughters, and married daughters of a deceased son, whose husbands are alive, shall be excluded from participation.

The division among the persons entitled shall be in equal shares, except that the widow or widows and child or children of any deceased son shall take equally between them only the share which that son would have taken had he survived the subscriber.

Any sum due to a minor shall be paid to the minor's legal guardian to be used for the minor's benefit, or, failing a legal guardian, to such person or persons as the School Board considers to be the proper person or persons to receive it on the minor's behalf.

(c) If there be no party to receive the amount under (a) or (b), it shall be divided among or paid to such person or persons (whether related to the subscriber or not) as may be specified in an accepted Form of Declaration. If the Form of Declaration relates to a portion only of the amount, the balance shall be distributed in the manner described in clause (d).

(d) If there be no party entitled to receive under (a), (b), or (c) above, the amount will be paid to the contributor's legal representative or such other person or persons as may be determined by a Civil Court competent to pass orders in this respect; provided that if the sum remaining at the credit of the contributor does not exceed Rs. 500, it may be paid to such person or persons as may produce a certificate signed by a Magistrate of the First Class stating that the person or persons mentioned therein is/are entitled to receive the amount.

*Note 1.*—A husband may make a written application for the exclusion of his wife from participation under clause (b) if she has been judicially separated from him. In the absence of such an application, the widow shall retain her rights under clause (b).

*Note 2.*—When a person named in a Form of Declaration dies before the subscriber, the Declaration shall, in the absence of a direction to the contrary in the Form of Declaration, become null and void in respect of that person, but that person only, and his or her share shall be distributed in the manner described in clause (b) or (d), as the case may be.

21. *Refunding to Government the grant-in-aid (with interest thereon).*—Where the whole or part of the School Board's contributions (with interest thereon) towards the

Provident Fund account of a subscriber lapses to the Board under Rule 11 or 12, it shall be incumbent on the Board to refund to Government the grants-in-aid (with the interest thereon) which were received by it on this account from time to time when the contributions were paid into the subscriber's account.

*Note.*—The refund shall be effected by deducting the amount (on which Government grant was paid) that lapsed to the Board in a year from the total expenditure admitted for grant during that year.

22. *Payments of accumulations to be made within three months from the date of retirement or death of subscriber.*—Payments shall be made within three months from the date of retirement or death of the subscriber, and shall include interest up to the date on which payment is made; and if payment is not claimed before the expiration of the three months, no interest shall accrue beyond that period.

23. *Recovery of School Board claims from the amount standing to the subscriber's credit.*—Before any payments are made to any subscriber from the fund all sums due by him to the Local Authority or the School Board on any account shall be recovered by the School Board by deducting the amount due by him from the amount payable to him, but not exceeding in any case the total amount of any contributions credited by the School Board to the account of the subscriber and any interest or increment which has accrued on such contributions.

24. *Administration, management, etc., of fund.*—The Fund shall be administered by the School Board, all work in connection with its management being carried on as a part of the function of the School Board. Extra expense, if any, on account of the running of the Fund shall be sanctioned by the Local Authority, with the previous approval of Government, and charged to the revenues of the Fund.

25. *Power to modify rules.*—These rules shall be subject to such modifications as the Local Authority may from time to time consider necessary subject to the previous sanction of Government.

### FORM A

#### FORM OF DECLARATION (vide Rule 15)

(For\* subscriber)

I hereby declare that in the event of my death the amount at my credit in the Provident Fund shall be distributed among the persons mentioned below in the manner shown against their names.

The amount due to a nominee who is a minor at the time of my death should be paid to the person whose name appears in column 5. If the person named in column 5 is not in the opinion of the School Board suitable to receive the amount on behalf of the minor, the School Board shall pay the amount to any person specified in the third paragraph of Rule 20 (b).

Name and address of nominee or nominees.	Relationship with the subscriber.	Whether major or minor; if minor, state his age.	Amount or share of deposit.	Name and address of the person to whom payment is to be made on behalf of the minor.	Sex and parentage of person mentioned in Column 5.
1	2	3	4	5	6

Place

Date

In the presence of

(1)

(2)

Signature of subscriber.

\* Here state married or unmarried,

## SCHEDULE H

## MODEL REGULATIONS FOR THE REGISTRATION OF APPROVED AIDED PRIMARY SCHOOLS

*Definition.*—An approved school means a school or a part of a school in which instruction in elementary education is imparted and which is for the time being approved by the School Board or by Government on appeal from a decision of the School Board refusing approval.

I. *Registration of Schools*

1. *Registration.*—Applications for the registration of schools for grants-in-aid must be made to the School Board at least 3 months before the commencement (April 1st) of the official year. Those schools of which the permanent character is recognized, may be registered once for all. In disposing of such applications the School Board will consider whether the school satisfies the provisions laid down in Primary Education Rules 81, 82, 83, 86 and 87, whether the fees charged and the percentage of free-studentships are reasonable.

2. Applications for registration must be accompanied by a statement in the form A attached. Each school must have a Manager or a correspondent whose name and address must be registered in the office of the School Board. Any change in the name or address of the correspondent must be reported to the School Board.

3. *Opening of Higher Standards.*—No recognized school shall teach a standard above standard IV without the permission of the School Board. Applications for the registration or recognition of a higher standard or standards must be submitted to the Administrative Officer at least 3 months before the beginning of the school year in which it is proposed to open higher standards.

II. *Admissions and Withdrawals of Pupils*

1. *Admissions*—Schools must be open to pupils of all castes and communities without any distinction. No child who has not completed fifth year of age on the day of admission shall be admitted except with the written permission of the Manager of the school. Pupils suffering from any contagious or infectious diseases should not be admitted.

2. A pupil may be admitted at any time. He must, however, pay the fee for the month in which he is admitted irrespective of the date of admission.

3. No pupil is to be allowed to attend school whose name is not on the register.

4. *Fees.*—As a rule, fees in aided primary schools should not be less than half of the rates charged in Government, Local Board or Municipal Schools of the same class in the same locality or District.

5. *Age Certificate.*—Every child seeking admission for the first time into a school must produce a certificate of age signed by its parent or guardian. In the case of illiterate parents or guardians the certificate will bear their thumb impression attested by a literate person other than the teacher of the class to which the child seeks admission. The date of birth given in this certificate shall be entered in the school (General) Register. No subsequent changes or alteration in it will be permitted unless in exceptional cases and with the sanction of the School Board. In case of transfer of pupils from one place to another, the age given in their Leaving Certificates shall be entered in the Register of the new school.

6. *Leaving Certificate.*—If a pupil seeking admission has previously attended any recognized school he must produce a Leaving Certificate in the prescribed form, from the last school attended. If he states that the certificate has been refused to him the head teacher of the new school shall inform the head teacher of his previous school that the boy seeks admission. If no satisfactory explanation of the omission to give a certificate is received within a fortnight, he shall admit the pupil and report the case at once to the Administrative Officer who shall inquire into the matter and communicate the result to the master of the new school.

7. The Leaving Certificate of a pupil from a province outside the Bombay Presidency should not be accepted if it is not countersigned by an officer of appropriate rank (e.g. Administrative Officer or an officer in the Inspecting line).

8. A pupil, as a rule, should ordinarily be admitted to the standard shown in his Leaving Certificate. If the head teacher wants to admit him to a standard higher than the one shown in the Leaving Certificate he shall communicate the reasons in full for

doing so to the Administrative Officer of the School Board or to the Government Inspecting Officer, if there is no Administrative Officer for the particular area and obtain his permission.

9. A leaving certificate shall be granted free of charge by the head teacher under his signature to any pupil on application by his parent or guardian.

10. *Transfer of pupils.*—Transfer of pupils from one school to another in the same locality will be permitted only at the beginning of each school term.

11. *Register Entries.*—The name of any pupil absenting himself without leave for more than 15 days in a month, or with leave for more than 3 consecutive months, will be struck off the register.

12. An extract from the General Register may be given by the head teacher under his signature to the pupil concerned or to his parent or guardian on application and on payment of a fee of four annas.

13. The name of the pupil once entered in the school register shall not be altered without the sanction of the School Board.

### III. School Attendance, Hours of Work and Holidays

1. *School Hours.*—The managers shall fix the hours during which each school shall be open. The hours of instruction shall not be less than three or more than four per diem in the case of pupils of an infant class or standard I, nor less than 4 or more than 6 in the case of other Pupils. No school shall give instruction for more than three consecutive hours at a time. These hours may be reduced in the case of schools in which the introduction of the "Shift" system has been sanctioned.

In every school Sunday shall be observed as a holiday; and a half holiday shall be given on one other day in the week. Friday may be substituted for Sunday in schools for *Muhammadians*, provided the majority of the parents of the pupils attending the school so desire.

2. For the purpose of calculating attendance a day of attendance shall mean not less than 4 hours of secular instruction given on the same day, provided that once a week instruction for two hours a day will be accepted as a day of attendance.

3. A primary school will ordinarily meet twice daily, and attendance must be marked at each session during the first lesson. The total attendance at each of the morning and evening sessions in a month divided by the total number of such sessions during the month will give the average daily attendance for the month.

4. *Roll-call.*—Roll-call must be taken at the expiration of the first school period or hour, at both morning and afternoon sessions. All boys present at roll-call should be marked P, those absent without leave A, those absent with leave L, and those absent from sickness S, or in any convenient way to suit the locality. Every pupil's attendance or absence must be clearly shown in ink in the appropriate register.

5. Every school shall meet at the hour prescribed by the manager of the school. In order to secure the punctual commencement of work, teachers and pupils are expected to be present ten minutes before the appointed school hours. Classes should be arranged and seated, and all preparations made for the punctual commencement of work.

6. During the appointed school hours the teachers must be present in the school and must devote their whole attention to teaching. No private work may be carried on during school hours. On the last day of the month two or three hours may be devoted to writing up the registers and preparing them for the coming month.

7. A teacher's attendance book should be kept. Each head teacher and assistant should register his attendance in it daily in ink and attach his initials to the entry. The head teacher is held responsible for the registration of the daily attendance of boys and teachers.

8. *Time-tables.*—Time-tables in accordance with the standards and local requirements should be prepared. Any changes required in these must be sanctioned by the Inspecting Officer. A copy of the time-table signed by the head teacher is to be hung up in each class room, and the head teacher will be held responsible that the studies prescribed for each hour are carefully observed. In large schools a general time-table shall also be kept for the whole school.

9. The head teacher should be careful to see that pupils are not called on to do too much work at home. Work so assigned should not ordinarily occupy a pupil studying in standards up to IV for more than half an hour and those in higher standards for more than an hour.

10. *Annual Examination.*—The head teacher will be responsible for the arrangement of boys in their proper classes, and for their due promotion to higher standards according to their progress during the year and the results of the annual examination.

He will be held accountable in particular for any undue stagnation of pupils in the lower standards. In case the annual examination to be taken by the educational officers of the School Board is delayed beyond the due date, the head teacher will, with the permission of the Administrative Officer, hold his own examination.

11. If a school teaches only up to III standard, the annual examination will be held in such a way that it may be possible for the pupils to join the nearest school teaching the higher standard at the beginning of the first term of that Standard (IV).

12. *Holidays*.—A list of holidays (including vacations) should be hung up in each school.

In addition to the vacation other holidays, not exceeding 35 days in the calendar year, may be given and one day's holiday may be given by the Administrative Officer or Supervisor immediately after the annual examination or inspection of a school.

13. *Vacations*.—The total period of vacations in an approved school shall not be less than three weeks and not more than six weeks in each year. The managers shall fix the number of vacations to be given in each year, the period of each, and the time at which it shall be given; provided that no vacation shall exceed four weeks in length. The Director of Public Instruction may sanction a vacation in excess of four weeks or a total period of vacation in excess of six weeks in each year to suit the special conditions of particular localities.

14. In areas in which compulsory elementary education has been introduced, a child shall be required to attend the school on such days and at such times as it is open. Leave of absence for short periods may be given by the head teacher in case of sickness or for other good cause

#### IV. Registers, Records and Correspondence

1. *Registers*.—The following Registers and Records must be kept for each school:—

1. General Register.
2. Register of pupils' daily attendance.
3. Register of teachers' daily attendance.
4. Dead Stock Register.
5. Register of Books, Maps and Charts.
6. Monthly Returns.
7. Acquittance Roll of Monthly payments.
8. Annual Return to be sent to the Administrative Officer.
9. Outward Register or a Postage Book.
10. Inward Register.
11. Time-table.
12. Teachers' Service Books.
13. File of Age Certificates and Leaving Certificates.
14. Visitors' Book.
15. Masters' Log Book.
16. Accounts of Income and Expenditure.
17. Records of Examinations and promotions, etc., of pupils.
18. Other Records and Registers which are peculiar in the case of a particular school such as account of fees, grant claims, etc.

2. The registers and records are the property of the school, and should on no account be destroyed. If a school is permanently closed, the General Register must be handed over to the School Board. The Administrative Officer of the School Board shall maintain a list of the General Registers of all schools permanently closed.

3. The head teacher of the school will be responsible for the punctual submission of all reports and returns, for the neatness and regularity of the Registers and for the safe custody of school records.

#### V. Grants-in aid

1. Normally the grant paid in any year is the grant for that year and will be calculated as laid down in Primary Education Rules 86, 89, 90, 91 and 92.

2. The Managers of all schools will maintain a register showing the number of pupils on the rolls on the 15th day of each month and the average attendance of pupils in each month and they will also keep all vouchers of expenditure serially arranged.

#### VI. General Instructions

1. *Staff*.—No full-time teacher will be allowed to follow any other profession while employed as a school teacher; for instance, he will not be allowed to plead as a Mukhtiar or Wakil, to open a shop, etc. But a teacher may with the sanction of the



## SCHEDULE I

MODEL INSTRUCTIONS FOR THE GUIDANCE OF ADMINISTRATIVE OFFICERS  
AND EDUCATIONAL SUPERVISORSI. Duties of Supervisors

1. The primary duty of the *Educational Supervisors* is to assist the Administrative Officer in the control and supervision of all primary schools in their respective beats. They should examine or inspect class by class every primary school maintained or aided or recognized by the Local Authority in their respective beats once in each official year in accordance with Standards prescribed or approved by Government.

2. The *Educational Supervisors* shall submit their Inspection Reports on schools examined or inspected, to the Chairman, School Board, through the Administrative Officer, within 10 days from the date of examination or inspection.

3. The intervening period between two consecutive annual examinations or inspections shall not ordinarily be less than 10 or more than 14 months.

4. The *Educational Supervisors* and the Administrative Officer shall pay, in each official year, a second visit to as many schools in their respective jurisdictions, as possible and particularly to those schools whose work was found to be only fair or unsatisfactory at the time of the last Annual Examination or Inspection. Surprise visits should also be paid occasionally to some schools for determining the quality of their normal working.

*Explanatory Notes.*—(1) All hurry or haste in the examination or inspection of a school is incompatible with the proper discharge of an Inspecting Officer's main duty, viz. that of ascertaining, verifying, and reporting the facts on which the work of the teachers and pupils during the year is to be judged. An early attendance at the school which is to be examined or inspected is, therefore, absolutely indispensable, not only on account of the greater length of time available for work, but in the interests of the children, who are far more capable of sustained exertion in the early part of the day than at any other time. The examination or inspection of a day-school should in no case be prolonged beyond 6 p.m. As a rule, the youngest should be examined first; and they should on no account be detained beyond the ordinary hour for dismissal.

(2) The Inspecting Officer shall aim at making his examination or inspection models of method, orderliness, and skill to the teachers who are looking on. Overcrowding, noise, confusion, and dishonest copying, and prompting will of course be carefully guarded against. But the Inspecting Officer shall also avoid embarrassing the children by want of clearness in dictation, or in asking questions; and in the examination of the lowest classes especially, the greatest patience and kindness of manner should be observed.

(3) On the occasion of his examination, or inspection, the Inspecting Officer can do much to improve the standard of teaching in a school. He should make himself thoroughly familiar with the "Instructions to Teachers," and using these as a criterion and guide indicate to the teacher the weak points in his methods, and draw his attention to such portions of the "Instructions" as are relevant.

(4) The stagnation of pupils in the lower classes of the Primary School and more especially in the Infant classes is an evil to which the attention of the Inspecting Officer should be earnestly directed. A statistical table in the Inspection Report of each school clearly reveals any stagnation of this sort when it exists, and shows also how many children have been withheld from the examination; but besides reporting these facts, the Inspecting Officer, while he is on the spot, should apply such remedies as he may find desirable. If the master is clearly to blame and has been neglectful of his duties as a teacher, he should be promptly brought to account; but due weight should always be given to the difficulties with which he may have to cope in the passive indifference to education of the adult inhabitants of the neighbourhood. The Inspecting Officer should satisfy himself that the method of promotion adopted in the school is sound and such as to prevent undue stagnation. If, however, the cause is mainly traceable to the parents of the pupils, the Inspecting Officer should make a personal appeal to them and to the School Committee.

But stagnation may be caused by a mechanical interpretation and application of the standards of examination, and the Inspecting Officer should be on his guard against perfunctoriness and a too summary rigidity in his examinations.

(5) Much also may be done by friendly interviews with the School Committee and other leading inhabitants of the place in which the school is established. Without

such local co-operation it will generally be difficult for the school to make any headway at all in the village, and quite impossible to secure anything like an adequate payment of school fees or popular subscriptions towards a school house or other similar project. The success of the *Supervisor's* administration of the important charge entrusted to him will depend most materially upon the extent to which he can enlist and sustain the friendly energies of influential persons in all ranks of life and in every part of the taluka or beat, and this consequently is an object of which he must never lose sight.

5. The *Educational Supervisors* shall examine in detail the various records maintained by the schools at the time of annual examinations or inspections, special attention being paid to matters such as scrutiny of attendance register, collection of fees, disbursement of salaries, etc., and to the inspection of the articles of dead stock and school libraries. The *Educational Supervisors* will also certify in each register the date on which they examined it.

6. The Inspecting Officers should also pay special attention to those points in a school which bear upon the Rural Uplift Movement (see the Manual of Village Improvement, Manual of Instructions for Government Officers in connection with the Village Improvement Scheme, and the Circular issued by the Director of Public Instruction to the Presidents of Local Authorities and Chairmen of District School Boards in the Presidency).

7. When the examination or inspection of a school is over, and the children have been dismissed, the Inspecting Officer should take the opportunity of conferring with the Head Master and his Assistants, and of discussing the results of the examination, the scrutiny of the school records, the state of the school building, furniture and apparatus, and the improvements or additions needed, the work of the teachers during the past year and their method of teaching, their relations with the School Committee and with the inhabitants of the place generally, their difficulties both in the school and with the parents of the pupils, the qualifications and performances of the younger assistants and their selection for further training; the efforts made and to be made to increase the attendance.

*Explanatory Note.*—These and other kindred subjects will afford much important matter for discussion and for the Inspecting Officer's instruction and counsel. It is of vital importance to the masters of primary schools, many of whom occupy very isolated positions in the midst of an illiterate and indifferent population, that they should become personally acquainted with the *Educational Supervisor* of their beat, and should regard him as an instructor and friend as well as an official superior. Competent and industrious teachers will consider such conferences with the *Supervisor* as a privilege, and as something to look forward to; and incompetent or idle teachers, though they may dread an interview of censure or rebuke, have really few other chances of learning how to improve if the *Educational Supervisor* does not take them in hand.

In any case in which it is necessary to reprove a teacher, the *Educational Supervisor* should be careful not to do it in the presence of his pupils, nor should the Head Master of a school be reprovved in the presence of his assistants.

8. The *Educational Supervisors*, while assessing the work of the teachers, shall take into account—

- (a) the quality and quantity of work turned out by them during the period at their disposal;
- (b) their personal character and their moral influence over their pupils;
- (c) their capacity to administer school matters;
- (d) the interest evinced by them in their profession;
- (e) the various educational activities, such as Scouting, Girl Guides, Handwork, Singing, etc., carried on by them;
- (f) their relations with the School Committees and the leading villagers, due allowance being made for any local difficulties.

9. The *Educational Supervisors* shall recommend from time to time to the Administrative Officer, transfers of teachers with a view to bringing about suitable adjustments of trained, qualified and unqualified teachers in their respective beats. While doing so they shall in particular point out to the Administrative Officer, schools which are either understaffed or have teachers in excess of their requirements.

10. The *Educational Supervisors* shall be primarily responsible for keeping a close watch upon those schools, in their beat, which may show a tendency to deteriorate as regards average number on the rolls, average daily attendance and the average standard



of efficiency. They shall also pay periodical visits to such schools and note down the progress made by them as a result of their instructions to the teachers concerned and their appeal to the members of the local School Committees. They shall also keep the Administrative Officer informed of the measures adopted by them in respect of the improvement of such schools.

11. The *Educational Supervisors* shall ordinarily tour all round the year, the minimum number of days fixed being 240. They shall attend the office of the Administrative Officer during the periods of vacations and do such work as may be assigned to them. The Administrative Officer also should tour for at least 150 days in the year.

12. It is absolutely necessary for all *Educational Supervisors* to possess a thorough knowledge of the Primary Education Act and rules made thereunder and of various Departmental Codes, such as Grant-in-aid Code and Schedules and the Code of Regulations for Primary School Teachers and Training Institutions.

## II. *Improvement of Teachers*

1. If, under normal conditions, a teacher is found to show poor work, he shall, in the first instance, be given a warning by the Administrative Officer within a month from the date of the school examination or inspection, that he has failed in his legitimate duty and that his school will be re-visited by the *Educational Supervisor* after three months by which time the teacher should have made up the deficiencies pointed out to him by the Educational Supervisor.

2. The *Educational Supervisor* shall then re-inspect the school three months after the examination of the school and shall report to the Administrative Officer the result of the warning already administered to the teacher and re-assess his work.

3. If the teacher persists in showing poor work, the *Educational Supervisor* shall report the case to the Administrative Officer for necessary action. The Educational Supervisor in submitting his report on the work of the teacher shall give complete details of the teacher's indifference to duty, e.g. the inadequate portion done, the neglect of certain subjects, irregular holding of classes, bad behaviour, absence in method of work, his conduct towards the villagers, or his frequent absence from the village, etc.

4. The Administrative Officer shall decide whether the master be given another chance of improving himself.

5. If it is decided to give another chance to the teacher, the Administrative Officer shall direct the *Educational Supervisor* of the beat to see how far the teacher shows improvement in his work at the next annual examination of the school.

6. Failure to improve after warning should ordinarily be followed by stopping of an increment. If in the case of a Head Master this has no effect, he should, after due warning, be degraded to the position of an assistant, but care should be taken to see that a degraded Head Master is sent to serve in a school where there is a strong Head Master.

In the case of an Assistant Master if the stopping of increment has no effect, the Administrative Officer should issue a written warning to him that if he does not show improvement he will be recommended for dismissal. If such a warning has no effect the Administrative Officer should recommend to the School Board that the Assistant Master should be dismissed. The School Board should in no case, however, dismiss the Assistant Master without holding formal proceedings in accordance with the rules that might be prescribed by the Local Authority with the approval of Government.

*Explanatory Note.*—Transfer as a form of punishment particularly to a distant place is not advisable—it causes unnecessary disorganization and expense (involving usually two or three additional transfers) and usually merely means that the teacher continues to do bad work in another place and his capacity for evil is increased. Moreover, such transfers make a man discontented and cost him more than he can afford with the result that he is likely to get into debt and take up extraneous work. Transfers made to obviate disagreement between Assistant teacher and Head Master, Head Master and villagers, are, however, necessary. It should, however, be the aim of the authorities to keep teachers as near their native places as possible.

7. The Administrative Officer shall prepare a consolidated list of all poor workers every six months and report to the School Board the action taken from time to time in the matter of improvement of the poor workers, so also the results of disciplinary action taken previously by it.

## SCHEDULE J

MODEL RULES FOR SCHOOL COMMITTEES IN VILLAGES  
WHICH HAVE NO PANCHAYATS (*Vide* Rule 95)

1. *Constitution of School Committee.*—(1) In villages which contain a Local Board School, but in which no Panchayat has been constituted, the School Board shall, as soon as possible after the constitution of the said School Board, appoint a School Committee consisting of not less than three and not more than nine members, due representation being given to *Muhammadans* and to Intermediate classes, Scheduled classes, Aboriginal and Hill tribes, and other Backward communities where they form an appreciable portion of the population of the village.

(2) If in the opinion of the District Local Board the *Muhammadan* population of the village exceeds ten per cent of the total population of the village, and if no *Muhammadan* has been appointed to the Committee under sub-rule (1) the Committee shall co-opt a *Muhammadan* member from among the adult male *Muhammadan* residents of the village.

(3) If in the opinion of the District Local Board, the population of any of the following three classes in the village, namely (a) the Scheduled classes, (b) the Aboriginal and Hill tribes, and (c) the other Backward communities, exceeds 5 per cent of the total population of the village (and if no member of each of the said classes whose population exceeds 5 per cent of the total population of the said village) has been appointed to the Committee under sub-rule (1) the Committee shall co-opt one member from each of the said classes whose population exceeds 5 per cent of the total population of the village from among the adult male residents of each of the said such classes in the village.

2. *Term of office of School Committee.*—The term of the School Committee shall be co-extensive with the term of the School Board. Provided that the members of the School Committee shall continue in office till a new School Committee has been appointed and on the appointment of the new School Committee the said members shall be deemed to have vacated office.

3. *Casual vacancies in School Committee.*—In the event of any vacancy occurring (i) on account of the death, resignation or removal of a member of a School Committee appointed by a School Board or (ii) through a member of such committee becoming incapable of acting, previous to the expiry of his term of office, the vacancy shall be forthwith reported by the Chairman of the School Committee to the Chairman of the School Board who shall take steps to fill up the vacancy as soon as conveniently may be. The person so appointed shall hold office so long only as the member in whose place he is appointed would have held it if the vacancy had not occurred.

4. *Removal of a member of the School Committee.*—The School Board, if it thinks fit, may on the recommendation of the School Committee or of the Administrative Officer remove any member appointed on the School Committee, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct or has become incapable of performing his duties as a member; provided that before removing such member he shall be given a reasonable opportunity of showing cause why he should not be removed.

5. *Election of Chairman and Vice-Chairman.*—The School Committee shall elect a Chairman from among its own members. The Committee shall also elect a Vice-Chairman who shall carry on the duties of the Chairman in his absence.

6. *Duties of School Committee.*—The duties of the School Committee shall be the same as are given in rules 97 to 108 of the Bombay Primary Education Rules, 1924.

## SCHEDULE K

## LIST OF RECOGNIZED UNIVERSITIES.

(Vide Rule 149)

1. The University of Bombay.
2. Do. Calcutta.
3. Do. Madras.
4. Do. Punjab.
5. Do. Allahabad.
6. Do. Benares (Hindu).
7. Do. Patna.
8. Do. Dacca.
9. Do. Aligarh (Muslim).
10. Do. Rangoon.
11. Do. Lucknow.
12. Do. Delhi.
13. Do. Nagpur.
14. Do. Andhra.
15. Do. Agra.
16. Do. Annamalai.
17. Do. Mysore.
18. Do. Travancore.
19. The Osmania University.
20. The Gujarat Vidyapith.
21. The Tilak Maharashtra Vidyapith.
22. The S. N. D. T. Indian Women's University.

*Foreign Universities*

The Universities of Great Britain and Ireland and the Hongkong University.

## SCHEDULE L

(Vide Rule 150)

(1) The Returning Officer shall fix the date, hour and place for each of the following stages of the election, namely:—

- (a) receipt of nomination papers,
- (b) scrutiny of nomination papers, and
- (c) counting of votes.

(2) The notice of election stating the date fixed for (a) receipt of nomination papers (b) scrutiny of nomination papers, and (c) counting of votes shall be forwarded to all the School Boards concerned, and shall also be published in the *Official Gazette*, at least 8 weeks before the date fixed for the counting of the votes. The date fixed for the receipt of nomination papers shall be not less than six weeks before the date fixed for the counting of the votes.

(3) Any two members of a School Board may nominate as a candidate any person who has attained the age of twenty-one years and holding the requisite qualification by sending to, or delivering at the office of the Returning Officer a nomination paper in the following form—

*Form of Nomination Paper*

- |   |   |
|---|---|
| 1. School Board of  | <u>District Local Board.</u><br><u>Municipality.</u>  |
| 2. Description of the vacancy for which*<br>the candidate is nominated. | <ol style="list-style-type: none"> <li>(i) Representative of the School Boards in the Division.</li> <li>(ii) Representative of <i>Muhammadans</i> in the Province.</li> <li>(iii) Representative of the Backward communities in the Province.</li> </ol> |

3. Name of the candidate with surname, if any.
4. Father's name with surname, if any.
5. Age and sex ... ..
6. Address ... ..
7. Community to which the candidate belongs.
8. Educational qualifications with years of passing University examinations, and full particulars regarding the period of service and the name of the institution if the candidate is a Professor of a recognized college or a Head Master of a recognized secondary school in the Province of Bombay.
9. Name of the proposer † ... ..
10. Signature of the proposer... ..
11. Name of the seconder † ... ..
12. Signature of the seconder... ..

*Declaration by the Candidate*

I hereby signify my willingness to serve, if I am elected.

Date

Signature of the candidate.

\* What is not required should be scored out.

† The proposer and seconder must be members of the same School Board.

Note.—The representatives of *Muhammadans* and the Backward communities must themselves be members of those communities.

Signature and designation of the  
Attesting Officer.

Date

(4) A nomination paper shall be subscribed by the candidate himself as assenting to the nomination and by two members of any of the School Boards concerned as proposer and seconder. The signatures of the candidate and his proposer and seconder must be attested by a Magistrate, a Justice of Peace, a Gazetted Officer or by the Administrative Officer of a School Board. Nomination papers in the prescribed form shall be supplied by the Returning Officer to every candidate or any other person on his behalf asking for the same.

(5) In respect of any one election no member of a School Board shall subscribe, as proposer or seconder more than one nomination paper.

(6) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination and may either on such objection or on his own motion after such summary enquiry, if any, as he thinks necessary refuse any nomination on any of the following grounds:—

(i) that the candidate is ineligible for the vacancy for which he has been nominated; or

(ii) that the proposer or the seconder is not qualified for subscribing a nomination paper; or

(iii) that there has been a failure to comply with any of the prescribed provisions.

(7) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected he shall record in writing a brief statement of his reasons for such rejection and shall communicate his decision to the candidate concerned forthwith.

(8) An appeal may be made to the Provincial Government against an order of the Returning Officer rejecting the nomination paper within three days from the date of receipt of the order of the Returning Officer.

(9) The Provincial Government shall decide the appeal as soon as possible and shall communicate the decision to the Returning Officer forthwith. The decision of the Provincial Government in any such appeal shall be final.

(10) After the completion of the scrutiny of nominations and after the decision in the case of an appeal, if any, is received, the Returning Officer shall forthwith prepare a list of valid nominations and shall forward the same to all the School Boards concerned requesting them to hold the election. Each such School Board shall hold the election in accordance with the rules made by it in this behalf within three weeks of the receipt of the list and shall report to the Returning Officer the result of the election in the form given below:—

*Result of the Election of Members of the Provincial Board of  
Primary Education*

The School Board of

District Local Board  
Municipality

has elected the following persons for the seat mentioned against their names:—

1. Mr. \_\_\_\_\_ for the seat reserved for School Boards  
in the Division.
2. Mr. \_\_\_\_\_ for the seat reserved for *Muhammadans*  
in the Province.
3. Mr. \_\_\_\_\_ for the seat reserved for the Backward  
communities in the Province.

Date

Chairman,

District School Board.  
Municipality.

(11) The Returning Officer shall count the votes given to each candidate and when the counting of votes has been completed, he shall forthwith declare the candidate to whom the largest number of votes has been given to be elected. If there is an equal number of votes in favour of each of two or more candidates for one vacancy the election shall be determined by the Returning Officer by drawing lots.

(12) If a *Muhammadan* candidate or a candidate from the Backward communities is elected as a representative of his community as well as for a seat reserved for the School Boards in any Division, his election to the latter seat shall be void and the results of the elections shall be determined as if no votes had been recorded for him for that seat.

(13) The Returning Officer shall communicate the names of the persons elected to the Provincial Government.

## SCHEDULE M

**RULES FOR THE CONDUCT, DISCIPLINE, ETC. OF SCHOOL BOARD EMPLOYEES**  
(*vide* RULE 47-A)

1. (1) An officer or servant of a school board shall not, except with the previous sanction of the school board,—

(a) accept directly or indirectly on his own behalf or on behalf of any person, or

(b) permit any member of his family so to accept any gift, gratuity or reward or any offer of a gift, gratuity or reward from a person not a member of his family.

(2) Subject to any general or special order of the school board, any such officer or servant may accept a complimentary present of fruit or flowers or similar articles of trifling value, but all such officers and servants shall use their best endeavours to discourage the tender of such gifts.

(3) Any such officer or servant may accept, or permit any member of his family to accept, a gift from a personal friend, provided he is not in a position to confer any benefit upon the donor in the discharge of his official duties and has no reason to suppose that the gift is offered with any ulterior motive.

2. (1) An officer or servant of a school board shall not, except with the previous sanction of the Chairman of the school board,—

(a) receive any complimentary or valedictory address, accept any testimonial presented to him or attend any public meeting or entertainment held in his honour; or

(b) take part in the presentation of a complimentary or valedictory address or of a testimonial to any other officer or servant of the school board or to any person who has recently quitted the service of the school board, or attend a public meeting or entertainment held in honour of such other officer, servant or person.

(2) Notwithstanding anything contained in sub-rule (1) such officer or servant may attend a farewell entertainment of a substantially private and informal character held as a mark of regard to himself or to some other officer or servant of the school board or to a person who has recently quitted the service of the school board, on the occasion of the retirement from the service or departure from the district or station of himself or such other officer, servant or person.

3. An officer or servant of a school board shall not, save with the previous sanction of the Chairman of the school board, retain any trowel, key or other similar article presented to him at a ceremonial function such as the laying of a foundation stone or the opening of a public building.

4. An officer or servant of a school board shall not enter into any pecuniary arrangement for the resignation by one of them of any office under the school board for the benefit of the others. In case of a breach of this rule, any appointment consequent upon such resignation shall be cancelled and the school board shall take such disciplinary action as it may deem necessary against the parties to the arrangement who are still in its service.

5. An officer of a school board shall not lend money to any person possessing land within the local limits of the area for which the School Board has been constituted nor shall he, except in ordinary course of business with a Joint Stock Bank or a firm of standing, borrow money from, or otherwise place himself under a pecuniary obligation to any person subject to his official control or residing, possessing land, or carrying on business within the local limits of such area.

6. An officer or servant of a school board shall not purchase or bid either in person or by agent, or in his own name or in the name of another or jointly or in shares with others, for any property which may under the provisions of the Bombay Local Boards Act, 1933, or the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, or of any other law for the time being in force be sold by order of the Local Authority.

7. It shall be competent for an officer or servant of a school board or candidate for service under a school board to continue to hold any immovable property actually held by such officer, servant or candidate at the time of his entry into the service and thereafter to acquire any immovable property by succession, inheritance or bequest or, with the previous sanction of the school board, by purchase or gift.

8. Notwithstanding anything contained in rule 7, it shall be competent to an officer or servant of a School Board to hold or acquire immovable property in good faith for the purpose of residence.

9. Every officer or servant of a School Board or candidate for service under a School Board shall make, on appointment, to the authority having power to appoint him, through the usual channel, a declaration of all immovable property which is held by him or his wife or any member of his family living with him or in any way dependent on him, and shall annually on the 1st April notify the said authority of any change that has occurred in such declaration.

The declaration shall be prepared afresh and submitted decennially:

Provided that a School Board may exempt any class of ministerial servants from the scope of this rule.

10. An officer or servant of a School Board shall not make any investment other than an investment in immovable property permitted by rules 7 and 8 which gives him such private interest in the matters with which his public duties are connected as would be likely in the opinion of the School Board to embarrass or influence him in the discharge of his duties.

11. An officer or servant of a School Board shall not speculate in investments.

12. An officer or servant of a School Board whether on duty or on leave, shall not, without the special sanction of the School Board, take part in the promotion, registration, or management of any Bank or other company.

13. An officer or servant of a School Board shall not, without the previous sanction of the School Board, engage in any trade or undertake any employment other than his public duties.

No teacher shall undertake private tuition except with the previous written permission of the administrative officer. The Administrative Officer may grant such permission subject to such conditions as the School Board may prescribe.

It shall be competent to an officer or servant of a School Board to take up occasional work of a literary or artistic character, provided that his official duties do not suffer thereby, but the School Board may, in its discretion, at any time forbid him to undertake, or require him to abandon any employment which in its opinion is undesirable.

*Explanation.*—The secretaryship of a club does not constitute employment within the meaning of this rule, provided that it does not occupy so much time of the officer or servant concerned as to interfere with his official duties and that it is an honorary office, that is to say that it is not remunerated by any payment in cash or any equivalent thereof.

14. When an officer or servant of a School Board is adjudged or declared an insolvent, or when a moiety of the salary of such officer or servant is constantly being attached, or has been continuously under attachment for a period exceeding two years or is attached for a sum which, in ordinary circumstances, cannot be repaid within a period of two years, he shall be liable to dismissal.

In every case under this rule the burden of proving that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the debtor could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipated habits, shall be upon the debtor.

15. An officer or servant of a School Board shall not, unless generally or specially empowered by the school board in this behalf, communicate directly or indirectly to a member of the school board or to any other person who does not hold any office under the School Board the contents of any document or any information which has come into his possession in the course of his official duties or has been prepared or collected by him in the course of those duties whether from official sources or otherwise.

16. An officer or servant of a School Board shall not, without the previous sanction of the school board, become the proprietor in whole or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication. The School Board shall not grant such sanction except in the case of a newspaper or publication, solely devoted to educational matters.

17. An officer or servant of a School Board shall not, unless generally or specially empowered by the School Board in this behalf, communicate directly or indirectly to the Press the contents of any document or any information which has come into his

possession in the course of his official duties or has been prepared or collected by him in the course of those duties whether from official sources or otherwise. Subject to this provision an officer or servant of a school board may contribute anonymously to the Press, provided he confines himself within the limits of temperate and reasonable discussion; and, if his connection with the press is contrary to the public interest, the School Board may withdraw his liberty to contribute.

18. An officer or servant of a School Board shall not publish in his own name any statement of fact or opinion which may embarrass the relations between the School Board or the local authority and the people of the district or any sections of the people.

19. (1) An officer or servant of a School Board shall not take part in, subscribe in aid of, or assist in any way any political movement in India which tends directly or indirectly to excite disaffection against or to embarrass the Government as by law established or to promote feelings of hatred or enmity between different classes of His Majesty's subjects or to disturb the public peace, or which, by its activities or the officer's or servant's participation in them, tends to embarrass the School Board under which he is employed or interferes with the proper discharge of his duties under such School Board.

*Explanation.*—Mere attendance of officers and servants of School Boards at public political meetings organized by any political party, should not be regarded as a breach of this rule.

Provided that care is taken that they play no part in meetings which might suggest that they favour a particular party, no objection should be taken to School Board servants attending such meetings.

(2) No officer or servant of a School Board shall permit any person under his care or control to take part in, or in any way assist, any movement or activity which is, or tends directly or indirectly to be subversive of Government as by law established in India.

*Explanation.*—An officer or servant of a School Board shall be deemed to have permitted a person to take part in or assist a movement or activity within the meaning of this clause if he has not taken every possible precaution and done everything in his power to prevent such person from so acting or if, when he knows or has reason to suspect that such person is so acting, he does not at once inform the school board or the officer to whom he is subordinate of such activities.

(3) No officer or servant of a School Board shall canvass or otherwise interfere or use his influence in connection with or take part in any election:

Provided that such officer or servant, if qualified to vote at such election may exercise his right to vote, but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

*Explanation (1).*—The word "election" denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election.

*Explanation (2).*—An officer or servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or a prospective candidate for an election, shall be deemed to take part in an election.

30. (1) No officer or servant of a School Board, who has been convicted and sentenced by criminal court to imprisonment for any offence committed by such officer or servant while on duty or on leave, shall be allowed while in jail to draw any pay or allowance from the School Board;

Provided that the School Board may, if it so decides pay him a subsistence allowance from the date of his apprehension to the date of his conviction on the analogy of rule 156 of the Bombay Civil Services Rule.

(2) The School Board shall not—

(i) reinstate such officer or servant on the expiry of his sentence, or

(ii) employ any person who has been convicted and sentenced to imprisonment for an offence by a criminal court,

unless the School Board decides by a majority of two-thirds of the whole number of members that there are extenuating circumstances justifying such action.

21. A School Board shall not without the express sanction of the Commissioner in writing, employ in its service any person dismissed from Government service or from the service of any other local body.



## APPENDICES

## APPENDIX A

(Vide rule 125)

Census Form

Register of boys in  
girls

1	2	3	4	5	6	7	8	9	10	11
Serial No.	Name of village or ward of a Municipality in a town or village.	Name of <u>boy</u> with father's name and surname, if any.	Caste.	Mother tongue.	Date of Birth.	Date of attaining 6 years.	Date of attaining 11 years.	Date of attaining 14 years.	Name and address of parent or guardian or other person who has actual custody of the child.	Remarks *

\* Here the name of the school to which the child is to be sent should be entered; or if the child is exempted, a note to that effect should be made.

## APPENDIX B

(Vide rule 127)

To

Sir,

Madam,

As your son daughter ward will attain attained the age of 6 years on you are required under the provisions of Section 18\* of the Bombay Primary Education Act, 1923, to see that he she attends school regularly from . If you wish him her to attend a school other than the above, you should apply to me stating the school which you wish him her to attend. If you consider that you have a reasonable excuse under section 19\* of the Act for not sending your son daughter to school you should apply to me within one month showing cause why he she should be exempted from attending school.

Dated

School Board Administrative Officer,

Municipality.

(In the case of Municipalities which are Local Authorities.)

Chairman,

Schools Committee.

(In the case of District Local Boards and Municipalities which are not Local Authorities.)

## APPENDIX C

(Vide rule 133)

Number of children to be provided for (District Local Boards).

[Two tables should be prepared for each Taluka, one for boys and one for girls.]

Taluka,

District.

	a	b	c	Total.
	With population over 1,000.	With population of 500—1,000.	With population under 500.	
1. Number of villages ...				
2. Total $\frac{\text{male}}{\text{female}}$ population of such villages ...				
3. Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age at 15 per cent of population ...				
4. Number of villages with Local Board schools on 31st March 1924 ...				
5. Average monthly number on rolls of such Local Board schools on 31st March 1924 ...				
6. Average monthly number of $\frac{\text{boys}}{\text{girls}}$ attending other approved schools on 31st March 1924 ...				
7. Total number of $\frac{\text{boys}}{\text{girls}}$ at school on 31st March 1924.				
8. Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age at school at $\frac{3}{8}$ of total (7) on 31st March 1924 ...				
9. Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age to be provided for [ $3 \text{ minus } 8$ ] ...				
10. Deductions * ...				
11. Net total number of $\frac{\text{boys}}{\text{girls}}$ to be provided for ...				

\* Deductions may be made for small villages where the number of children will not justify a school being opened. Possibly half the children in villages of less than 500 will be thus excluded. Deductions may also be made for areas and classes which it is proposed to exempt from compulsion.

## APPENDIX D

(Vide rule 133)

Number of children to be provided for (Municipalities).

[Two tables should be prepared for each Municipality, whether a Local Authority or not, one for boys and one for girls.]

	Municipality _____	District _____
1. Total $\frac{\text{male}}{\text{female}}$ population	...	
2. Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age	...	
3. Average monthly number of $\frac{\text{boys}}{\text{girls}}$ on rolls of Municipal Primary Schools on 31st March 1924	...	
4. Average monthly number of $\frac{\text{boys}}{\text{girls}}$ on rolls of other approved schools on 31st March 1924	...	
5. Total number of $\frac{\text{boys}}{\text{girls}}$ at school [3 plus 4] on 31st March 1924	...	
6. * Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age at school on 31st March 1924	...	
7. Number of $\frac{\text{boys}}{\text{girls}}$ to be provided for [2 minus 6]	...	
8. † Deductions	...	
Net total number of $\frac{\text{boys}}{\text{girls}}$ to be provided for	_____	_____

\* This figure may be obtained from the schools.

† Deductions may be made on account of classes which it is proposed to exempt.

## APPENDIX E

(Vide rule 133)

## Consolidated Table for District Local Boards

District

		Number of boys to be provided for.	Number of girls to be provided for.
Taluka	...		
	Total	...	...
Municipality	...		
	Total	...	...
	Grand Total	...	...

## APPENDIX F

(Vide rule 133)

[Two tables should be prepared for each District Local Board or Municipality, one for boys and one for girls.]

*Distribution of pupils by caste*

District Local Board.

Municipality

	Advanced Hindus.	Jains.	Intermediate Hindus.*	Backward Hindus.*	Muslims.	Christians.	Others.	Total.
1. Total $\frac{\text{male}}{\text{female}}$ population ...								
2. Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age ...								
3. Average monthly number of $\frac{\text{boys}}{\text{girls}}$ on rolls of primary schools on 31st March 1924								
4. †Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age at school on 31st March 1924 ...								
5. Percentage of $\frac{\text{boys}}{\text{girls}}$ of school-going age at school $\left[ \frac{(\dagger) \times 100}{(2)} \right]$ on 31st March 1924.								

\*For the definition of these classes see schedules A and AA to these rules.

†If this figure cannot be readily obtained from the school, two-thirds of the total number of children attending school may be taken as of school-going age.

## APPENDIX G

(Vide rule 131)

*Estimated additional cost of the programme in the year 194*

1. Separate statements should be prepared for boys and for girls.

2. In the case of District Local Boards separate statements should be prepared for each Municipality whose schools are managed by the District Local Board.

District

Municipality

	Pupils.	Rupces.
1. Number of new schools to be opened ...		
2. Estimated number of $\frac{\text{boys}}{\text{girls}}$ who will attend new schools ...		
3. Estimated increase of $\frac{\text{boys}}{\text{girls}}$ attending existing schools ...		
4. Estimated total increase of $\frac{\text{boys}}{\text{girls}}$ ...		
5. Estimated recurring cost at Rs. per $\frac{\text{boy}}{\text{girl}}$ (including all charges) ...		
6. Estimated increase of $\frac{\text{boys}}{\text{girls}}$ attending other approved schools ...		
7. Estimated cost at Rs. per $\frac{\text{boy}}{\text{girl}}$ on account of grant-in-aid ...		
8. Estimated non-recurring cost* ...		
9. Total ...		

\*The non-recurring cost should include buildings, furniture, equipment, expenditure on a census, etc.

## APPENDIX H

(Vide rule 134)

*Estimated increase of pupils*

[Separate tables should be prepared for boys and for girls.]

Year.	Pupils in schools of Local Authorities in previous year.	Pupils in other schools in previous year.	Total number of pupils in previous year.	Increase of pupils in schools of Local Authorities.	Increase of pupils in other schools.	Total increase.	Grand Total.
1923-24 (Actuals)* } 1924-25 1925-26 1926-27 1927-28 1928-29 1929-30 1930-31 1931-32 1932-33 1933-34							

\* For 1923-24 the actual number of pupils in that year should be entered under the heading "Grand Total". The other columns should not be filled up.

## APPENDIX I

(Vide rule 134)

*Estimated cost of the Programme*

Year.	Expenditure of previous year.	Additional recurring expenditure.	Total recurring expenditure.	Non-recurring expenditure.	Provincial grant recurring.	Provincial grant non-recurring.	Fees and other receipts.	Municipal contribution. †	Amount to be provided by local Authority.
1923-24 (Actuals)* } 1924-25 1925-26 1926-27 1927-28 1928-29 1929-30 1930-31 1931-32 1932-33 1933-34									

\* Actual figures should be entered for 1923-24. The first two columns should not be filled in.

† This refers only to the contribution of Municipalities whose schools are managed by a District Local Board.

## APPENDIX J

(Vide rule 135)

*Detailed scheme for the year 194 for the introduction of compulsory elementary education*

A statement should be prepared for each area of compulsion and also for each municipality, whether a Local Authority or not.

Separate statement should be prepared for boys and for girls, if it is proposed to provide for the latter.

1. Name of area to which it is proposed to apply compulsion—
2. Area in square miles—
3. Population—

Male  
Female

		Population over 1,000,	Population between 500 and 1,000.	Population under 500.			
4. * No. of villages	...						
5.	...	(a) Advanced Hindus.	(b) Inter-mediate Hindus.	(c) Backward Hindus.	(d) Muslims.	(e) Christians.	(f) Others.
Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age according to census	...						
Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age already attending approved schools	...						
Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age to be exempted	...						
Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age to be provided for	...						

\* Omit in case of Municipalities.

6.		(a) Marathi.	(b) Gujarati.	(c) Kannada.	(d) Sindhi.	(e) Urdu.	(f) English.	(g) Others.
Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age whose vernacular according to census is	...							
Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age already attending approved schools	...							
Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age to be exempted	...							
Number of $\frac{\text{boys}}{\text{girls}}$ of school-going age to be provided for	...							

## 7. Existing schools and pupils—

	Managed by Local Authority.		Approved by Local Authority		Total.	
	Number of schools.	Average number of pupils on rolls.	Number of schools.	Average number of pupils on rolls.	Number of schools.	Average number of pupils on rolls.
Ordinary primary schools ...						
Urdu schools ...						
Others* ...						
Total ...						

## 8. Proposed new schools—

	Managed by Local Authority.		Approved by Local Authority.		Total.	
	Number of schools.	Estimated number of pupils.	Number of schools.	Estimated number of pupils.	Number of schools.	Estimated number of pupils.
Ordinary primary schools ...						
Urdu schools ...						
Others* ...						
Total ...						

## 9. Estimated additional attendance in existing schools—

	Managed by Local Authority.	Approved by Local Authority.	Total.
	Estimated additional number of pupils.	Estimated additional number of pupils.	
Ordinary primary schools ...			
Urdu schools ...			
Others* ...			
Total ...			

\* This refers to schools in which instruction is given in a vernacular other than the vernacular of the district.

## 10. Present staff in schools managed by Local Authority (in area of compulsion)—

Number of teachers.

Third-year trained	...
Second do.	...
First do.	...
Qualified	...
Unqualified	...
Student teachers	...
Pupil teachers	...

## 11. Proposed additional staff in schools managed by Local Authority—

	Number of teachers.		Total.	Average cost per mensem of a teacher.	Total cost per annum.
	In new schools.	In existing schools.			
				Rs.	Rs.
Third-year trained	...				
Second do.	...				
First do.	...				
Qualified	...				
Unqualified	...				
Student teachers	...				
Pupil teachers	...				
Total	...				

## 12. Additional expenditure—

	Recurring (per annum).	Non-recurring.
(1) In schools managed by Local Authority	...	
(a) Additional staff as above	...	
(b) Pension contribution (when pension is to be paid by Government)	...	
(c) Provident Fund	...	
(d) Rent and taxes	...	
(e) Contingencies	...	
(f) Furniture, equipment, etc.	...	
(g) Other expenditure	...	
(2) On approved schools	...	
Grants	...	
(3) Additional supervising staff (in detail)	...	
Grand Total	...	



19.

	Recurring.	Non-recurring.
Total additional expenditure .....		
Estimated savings, if any, in expenditure on existing schools .....		
Net additional expenditure .....		
Estimated Provincial grant at $\frac{1}{3}$ or $\frac{2}{3}$ .....		
Balance .....		
Remission of fees .....		
Total amount to be provided by Local Authority ...		

14. How the Local Authority proposes to meet its share of the additional expenditure. (If the area of compulsion is a municipality, whose schools are managed by a District Local Board, one-third of the additional expenditure will have to be provided by the Municipality.)

#### APPENDIX K

(Vide rule 139)

*Detailed scheme for the year 194 for the expansion of primary education on a voluntary basis*

A statement should be prepared for each taluka and also for each Municipality, whether a Local Authority or not.

Separate statement should be prepared for boys and for girls.

The form in Appendix J may be used, the heads Nos. 8 to 14 only being filled up. Under head No. 10, the existing staff for non-compulsory areas should be given.