

# New ordinance promulgated

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cal Education Authority constituted under this Ordinance;

(b) "local area" means a sub-division and includes the municipalities of Dacca, Chittagong, Khulna and Rajshahi;

(c) "managing committee" means a primary school managing committee constituted under this Ordinance;

(d) "prescribed" means prescribed by rules made under this Ordinance;

(e) "primary school" means a primary school established or maintained by the Government.

3. Local Education Authorities.—(1) There shall be a Local Education Authority for each local area.

(2) Each Authority shall consist of the following members, namely:—

(a) the Sub-divisional Officer having jurisdiction in the local area, ex-officio, who shall also be its Chairman;

(b) the Chairman of the Thana Development Committees in the local area, ex-officio;

(c) the Chairman of the Pourashavas in the local area, ex-officio;

(d) the Assistant Engineer of Primary Education Development Projects having jurisdiction in the local area, ex-officio;

(e) the Primary Education Officer having jurisdiction in the local area, ex-officio, who shall also be its Secretary;

(f) one Thana Education Officer of the local area to be nominated by the Government;

(g) one person interested in education to be nominated by the Government from each thana in the local area;

(h) one teacher of a primary school to be elected in the prescribed manner by the teachers of primary schools in each thana in the local area;

(i) one Gram Prodhan of Swanirvar Gram Sarkar to be elected in the prescribed manner by the Gram Prodhans of each thana in the local area;

(j) one woman member from each thana to be nominated by the Government;

Provided that in the case of the Authority for the municipality of Dacca, Chittagong, Khulna or Rajshahi—

(i) the Chairman of the Authority shall be appointed by the Government;

(ii) there shall be no members under clauses (a), (b) and (i);

(iii) such number of commissioners of the Corporation or Pourashava, not exceeding one third of their total number to be elected in the prescribed manner by the Corporation or Pourashava, as may be fixed by the Government shall also be members of the Authority.

(3) Each Authority shall elect from among its members a Vice-Chairman in such manner as may be prescribed.

(4) The Secretary of an Authority shall be its chief executive officer.

(5) A member of an Authority, other than an ex-officio member, shall hold office for a term of four years.

4. Executive Committee.—

(1) There shall be an Executive Committee for each Authority.

(2) An Executive Committee shall consist of the following members, namely:—

(a) the Chairman of the Authority, who shall also be its Chairman;

(b) the Secretary of the Authority, who shall also be its Secretary;

(c) the member of the Au-

thority mentioned in section 3(2)(d);

(d) one member to be elected by the Authority from among the members mentioned in section 3(2)(b);

(e) one member to be elected by the Authority from among members mentioned in section 3(2)(g);

(f) one member to be elected by the Authority from among the members mentioned in section 3(2)(h);

(g) one member to be elected by the Authority from among the members mentioned in section 3(2)(i);

Provided that in the case of the Executive Committee for the Authority of the municipality of Dacca, Chittagong, Khulna or Rajshahi—

(i) there shall be no members under clauses (d) and (g);

(ii) two members shall be elected by the Authority from among the members mentioned in clause (iii) of the proviso to section 3(2);

(3) The election of the members under clauses (d), (e), (f) and (g) of, and clause (iii) of the proviso to, sub-section (2) shall be held in such manner as may be prescribed.

(4) The minutes of every meeting of the Executive Committee shall be laid before the Authority for information at its meeting next following the meeting of the Committee.

(5) Subject to the general or special directions of the Authority, the Executive Committee may deal with any matter within the competence of the Authority.

5. Meetings.—(1) No business of an Authority or of an Executive Committee shall be transacted except at a meeting at which a quorum of fifteen members in the case of the Authority and three members in the case of the Executive Committee is present.

(2) The meetings of the Authority or of the Executive Committee shall be held at such times and places as may be determined by its Secretary in consultation with its Chairman.

(3) All meetings of the Authority or of the Executive Committee shall be presided over by its Chairman or, in the absence of the Chairman:—

(a) by its Vice-Chairman, in the case of the Authority; and

(b) by a member authorised by the Chairman, in the case of the Executive Committee.

(4) At the meetings of the Authority or of the Executive Committee each member shall have one vote and, in the event of equality of votes, the person presiding shall have a second or casting vote.

(5) No act or proceeding of the Authority or of the Executive Committee shall be invalid merely on the ground of existence of any vacancy in or any defect in the constitution of the Authority or of the Committee as the case may be.

6. Functions of Authorities.—(1) Subject to rules made and directions issued by the Government in this behalf each Authority shall—

(a) appoint teachers and other employees for primary schools; promote and transfer teachers and other employees of primary schools and take disciplinary action against them in accordance with the Government Servants (Discipline and Appeal) Rules, 1976;

(b) prepare development schemes and submit them to the Government for approval and execute them after such approval;

(c) supervise the functioning of primary schools;

(d) prepare annual budget and submit it to the Govern-

ment for approval;

(e) establish primary schools with the prior approval of the Government;

(f) maintain primary school premises and provide, them with all necessary facilities;

(g) regulate the work of primary school teachers;

(h) conduct primary school final examinations and award certificates;

(i) award scholarship:—

7. Powers of Government.—

(1) The Government shall—

(a) formulate overall policy relating to primary education;

(b) prescribe curriculum and syllabi for primary education and standard of education and examination for primary school students;

(c) approve text books for primary education;

(d) determine by rules the methods of recruitment of primary school teachers and the terms and conditions of their service;

(e) make all payments in respect of pay, allowance, pension, gratuity, and other allowances payable to a primary school teacher or employee;

(f) sanction primary schools and posts of primary school teachers;

(g) provide funds for establishment maintenance and development of primary schools.

(2) The Government may transfer a primary school teacher from one local area to another local area.

8. Funds of Authorities.—(1)

Each Authority shall have its own Fund which shall comprise—

(a) funds provided by the Government under section 7 (g);

(b) donations and endowments;

(c) receipts from such other sources as may be approved by the Government.

(2) The Fund of an Authority shall be administered in such manner as the Government may direct.

9. Audits and accounts.—(1)

Each Authority shall maintain its accounts in such manner as the Government may direct.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General in such manner as he deems fit.

(3) The Comptroller and Auditor-General shall, as soon as possible after the completion of the audit, send to the Authority his audit report and the Authority shall forward it with its comments thereon, to the Government.

10. Delegation of powers.—

Each Authority may, by general or special order, delegate to its Chairman or Secretary any of its functions subject to such conditions as it may think fit to impose.

11. Supersession of Authorities.—(1) If at any time it appears to the Government that an Authority has failed to exercise the powers or perform the functions conferred upon it by or under this Ordinance, the Government may by notification in the official Gazette, supersede the Authority for such period not exceeding four years as may be specified in the notification.

(2) On the publication of a notification under sub-section (1) —

(a) the persons holding office as Chairman, Secretary and members of the Authority shall cease to hold office; and

(b) all powers and functions of the Authority shall, during the period of supersession, be exercised and performed by such person in the service of the Republic as the Government may appoint in this behalf, as if such person were the Authority.

(3) The Authority shall be reconstituted in accordance with the provisions of this Ordinance for the exercise of its powers and performance of its functions on the expiry of the period specified in the notification under sub-section (1).

22. Primary school teachers and employees Government servants.—For the removal of doubts it is hereby declared that all persons serving in a primary school as teachers or other employees shall be Government servants.

13. Primary School Managing Committees.—(1) There shall be managing committee for each primary school.

(2) A managing committee shall consist of—

(a) the Gram Prodhan of Swanirvar Gram Sarkar of the

area where the school is situated, ex-officio;

(b) the head teacher of the school, ex-officio, who shall also be its Secretary;

(c) two persons interested in education to be nominated by the Thana Education Officer;

(d) one donor to be nominated by the Thana Education Officer;

(e) one benefactor to be no. Thana Education Officer;

(f) one woman member of the Gram Sarkar to be nominated by the Thana Education Officer;

(g) one representative of the teachers of the school to be elected from among themselves;

(h) four representatives of the parents and guardians of the students of the school to be elected from among themselves.

Provided that in the case of the managing committee of a primary school situated in the municipality of Dacca, Chittagong, Khulna or Rajshahi:—

(i) there shall be no members under clauses (a) and (f);

(ii) the commissioner of the Corporation or Pourashava from the ward where the school is situated shall be a member, ex-officio, of the committee;

(iii) one woman commissioner of the Corporation or Pourashava, to be nominated by the Thana Education Officer, shall also be a member of the committee.

(3) The members mentioned in clauses (g) and (h) of sub-section (2) shall be elected in such manner as the Thana Education Officer may direct.

(4) A managing committee shall elect from among its members a Chairman in such manner as the Thana Education Officer may direct.

(5) A member of a managing committee, other than an ex-officio member, shall hold office for a term of four years.

14. Functions of managing committees.—Subject to the directions issued by the Authority concerned, a managing committee shall —

(a) manage the affairs of the school;

(b) supervise the functioning of the school;

(c) execute the development schemes in respect of the school if so required by the Authority concerned;

(d) ensure regular attendance of students and teachers.

15. Power to make rules.—

The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

16. Transfer of primary schools in Dacca Municipality to Government.—(1) Notwithstanding anything contained in any other law for the time being in force, on the commencement of this Ordinance, —

(a) all primary schools in the Dacca Municipality and all their assets and property including lands, buildings and funds and all other rights and interests in, or arising out of, such property, and all records and other documents of whatever nature relating thereto, shall stand transferred to, and vested in, the Government;

(b) All persons serving in the said primary schools immediately before such commencement shall stand transferred to the Government and shall hold their service under the Government on the same terms and conditions as were applicable to them immediately before the commencement of the Primary Schools (Transfer to Dacca Municipal Corporation) Act, 1980 (XLIII of 1980).

(2) The Government may, for the purpose of removing any difficulty arising out of, or in connection with or in relation to, the transfer of the primary schools under sub-section (1), make such order as it considers expedient.

17. Repeals.—The Primary Schools (Transfer to Dacca Municipal Corporation) Act, 1980 (XLIII of 1980), and the Primary Education Ordinance, 1981 (I of 1981), are hereby repealed.

ZIAUR RAHMAN, SU,

LIEUTENANT GENERAL,

President.

## New ordinance

The Government on Friday promulgated an ordinance providing for better organisation of primary education and efficient administration and management of primary schools, reports BSS.

The ordinance to be called "the Primary Education Ordinance, 1981," provides for formation of local education authorities for each local area, an executive committee for each authority and managing committee for each primary school.

Primary school teachers and employees under the ordinance will be Government servants. It said "for the removal of doubts, it is hereby declared that all persons serving in a primary school as teachers or other employees shall be Government servants."

The following is the text of the ordinance:

### THE PRIMARY EDUCATION ORDINANCE, 1981

### ORDINANCE NO. II OF 1981

### AN ORDINANCE

To provide for the better organisation of primary education and efficient administration and

management of the affairs of primary schools.

WHEREAS it is expedient to provide for better organisation of primary education and efficient administration and management of the affairs of primary schools;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render immediate action necessary;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 93 of the Constitution, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Primary Education Ordinance, 1981.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "Authority" means a Lo-

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