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PART II
GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT
ORDERS BY THE GOVERNOR

NOTIFICATION

The 2nd June, 1994

No. LL(B).130/92/103 —The Meghalaya (taking over the District Council Lower Primary Schools) Act, 1993 is hereby published for general information.

MEGHALAYA ACT No.6 OF 1994

**THE MEGHALAYA (TAKING OVER OF DISTRICT COUNCIL
LOWER PRIMARY SCHOOLS) ACT, 1993**

(AS PASSED BY THE MEGHALAYA LEGISLATIVE ASSEMBLY)

Received the assent of the Governor on the 2nd June, 1994

Published in the *Gazette of Meghalaya* Extra-Ordinary issue dated 2nd June, 1994.

An

Act

**to provide for the taking over of Primary Schools of the
District Councils in Meghalaya by the State Government
and for matters connected therewith**

Be it enacted by the Legislature of the State of Meghalaya in the Forty-fourth Year of the Republic of India as follows:—

3.4 The Gazette of Meghalaya (Extraordinary), June 2, 1994

Short title and commencement.

- 1. (1) This Act may be called the Meghalaya (Taking over of District Council Lower Primary Schools) Act, 1993.
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different autonomous districts.

Definitions.

2. In this Act, unless there is anything repugnant to the context:—

- (a) "Act" means the Meghalaya (Taking over of District Council Lower Primary Schools) Act, 1993 ;
- (b) "appointed day" means the date appointed by the State Government under sub-section (2) of section 1 ;
- (c) "autonomous district" means the autonomous district, as the case may be, of Khasi Hills, Garo Hills or Jaintia Hills ;
- (d) "cut-off date" means the cut-off date referred to in section 4 ;
- (e) "DCLP School" means any Lower Primary School including a Junior Basic School managed by the District Council ;
- (f) "District Council" means a District Council in the State of Meghalaya constituted under the Sixth Schedule to the Constitution ;
- (g) "section" means a section of the Act ;
- (h) "State Government" means the Government of the State of Meghalaya ; and
- (i) "taking over" means the taking over of DCLP Schools by the State Government as referred to in section 3 ;

Taking over of
DCLP Schools.

3. (1) On and from the appointed day all DCLP Schools in the autonomous districts shall stand taken over by and vest in the State Government.

(2) On the taking-over of the schools under subsection (1) the liability on account of—

(a) salary and allowances, including any arrear thereof, of a teacher who immediately before the twentieth day of December, 1993 is a teacher of such school shall pass on to the State Government ; and

(b) gratuity and pensionary benefits of a DCLP school teacher, including any arrear thereof, for any period commencing from the cut-off date shall be borne by the State Government.

(3) The provisions of clauses (a) and (b) of subsection (2) shall also apply to a DCLP school teacher who is deputed or transferred by the State Government to serve in a school not being a DCLP school.

Cut-off date.

4. For calculating the length of service of a DCLP school teacher for the purpose of gratuity, pension, retirement benefits and for other purposes of this Act the State Government may by order fix a cut-off date which shall not be a date later than the twentieth day of December, 1993 and different cut-off dates may be fixed for different autonomous districts.

Conditions of
service of the teachers.

5. Notwithstanding anything contained in any Act or rules for the time being in force the State Government may, by notification in the Official Gazette, make rules to provide for the conditions of service of the teachers referred to in sub-sections (2) and (3) of section 3 and of such teachers who had at any time between the cut-off date and the appointed day retired or otherwise ceased to be in service otherwise than by resignation, dismissal or removal and such rules may provide for—

(a) leave and the grant of leave ;

(b) pay structure and the formula for fixation of pay, gratuity and pension ;

(c) criteria for fixing the seniority interse ;

(d) age of retirement ; and

(e) any other matter relating the conditions of service of the teachers.

Managing Committees.

6. (1) A managing committee consisting of not more than ten members may be constituted by a village authority or durbar and such a managing committee shall require approval of the State Government and, unless so approved, shall not be deemed to have been validly constituted.

(2) The State Government may nominate two of its officers to be *ex-officio* members of a managing committee referred to in sub-section (1).

(3) In case a managing committee is not constituted as referred to in sub-section (1) the State Government shall constitute such a committee with members as it may deem fit to nominate.

(4) Notwithstanding anything contained in this section the State Government may, in the interest of the school at any time dissolve and reconstitute or direct that a managing committee be reconstituted.

(5) The State Government may from time to time give directions to a managing committee for managing the affairs of the school and the committee shall comply with such directions.

(6) Subject to the provisions of sub-section (5) the properties, moveable and immovable, and other assets of a school so taken-over shall be managed and administered by the managing committee of the school.

(7) The State Government may delegate all or any of the powers under sub-sections (2), (3), (4) and (5) to an officer not below the rank of a Deputy Inspector of schools.

Act not to apply to minority and private schools.

7. For the removal of doubt, nothing in this Act shall apply to a minority school or a private school.

Provided that nothing in this section shall be construed as barring the enforcement in such schools of the rules, regulations or orders relating to the payment of salaries of the teachers and their educational qualifications, the maintenance of discipline and standard of education and observance of the conditions relating to grants as may be made by the State Government.

Explanation—In this section—

- (i) 'minority school' means a lower primary school established and managed by minorities whether religious or linguistic; and
- (ii) 'private school' means a lower primary school which is established and managed by a private individual or individuals or a body of them or by a village authority by whatever name called.

Power to
make rules.

8. Notwithstanding anything contained in section 5 the State Government may, by notification in the Official Gazette, make rules for generally carrying out the purposes of this Act.

E. W. MAIROM,
Joint Secretary to the Govt. of Meghalaya,
Law (B) Department.

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