

PUNJAB VIDHAN SABHA

BILL NO. 13-PLA-2020

THE PUNJAB EDUCATION (POSTING OF TEACHERS IN
DISADVANTAGEOUS AREA) BILL, 2021

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BILL

to provide for regulation to ensure availability of Teachers in educationally Disadvantageous Area and to ensure equitable demand based distribution of Teachers and other vocational staff across the State so as to ensure the equitable distribution of human resources in an optimal manner to protect academic interest of students and maximize job satisfaction amongst employees in a fair and transparent manner and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Seventy-second Year of the Republic of India, as follows:-

1. (1) This Act may be called the Punjab Education (Posting of Teachers in Disadvantageous Area) Act, 2021.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In this Act, unless the context otherwise requires,-

- (a) "actual vacancy" means a post not occupied by any Teacher, a post which shall become vacant due to retirement, promotion, voluntary retirement as per Pupil Teacher Ratio or otherwise as on the date of publication of vacancies by the Department provided that the posts occupied by the contractual employees shall not be considered as vacant;
- (b) "Appointing Authority" means the authority who is competent to make appointments in each cadre of Teachers;
- (c) "Competent Authority" means the Administrative Secretary of the Department of School Education;
- (d) "Department" means the Department of School Education;
- (e) "Disadvantageous Area" means all schools situated in the border districts i.e. Amritsar, Gurdaspur, Ferozepur, Fazilka, Pathankot and Tarn Taran and the educational blocks, where twenty per cent or more posts of Teachers remained during recruitment year;

Short title and commencement.

Definitions.

- (f) "Government" means the Government of Punjab in the Department of School Education;
- (g) "initial appointment" means an appointment of person by way of direct recruitment to the post of Teacher;
- (h) 'recruitment year' means a calendar year in which the process of recruitment of Teachers is initiated;
- (i) "School" means any Government run Primary including Pre-primary section, Middle, High and Senior Secondary School or any training institution situated in the State;
- (j) "State" means the State of Punjab;
- (k) "Teacher" means a person holding the post of Pre-primary School Teacher, Elementary Trained Teacher (ETT), Head Teacher (HT), Centre Head Teacher (CHT), Master or Mistress of different subjects, Sikhiya Provider or Education Providers or Education Volunteers, Education Guarantee Scheme (EGS) Volunteers, Alternative and Innovative Education (AIE) Volunteers and Special Training Resource (STR) Volunteers, Lecturer of various subjects and Vocational Lecturer and Vocational Master or Mistress; and
- (l) "transfer" means a transfer of a Teacher made by the appointing authority from one place to another place.

Applicability of the Act.

3. This Act shall be applicable to all initial appointments of Teachers.

Review of Disadvantageous Area.

4. The State Government shall review the Disadvantageous Area every year and may include or exclude any educational block from time to time depending upon the availability of vacancy position in such educational block based on computerized data kept by the Department.

Date of notification of list of Disadvantageous Area.

5. The State Government shall notify the list of Disadvantageous Area by 31st January of every calendar year.

Prohibition of request for transfer during probation period.

6. (1) No request of such appointees for their transfer during the course of their probation period shall be entertained except in case of widows or physically disabled persons and chronic diseases as defined

in the Teachers Transfer Policy framed by the Department as amended from time to time.

(2) Such appointees shall become eligible for making application for their transfer against vacant posts only upon completion of the probation period in case there are no posts in the Disadvantageous Area:

Provided that in case, the requisite number of vacancies falling in Disadvantageous Area is less than that of the available candidates for being appointed, then in such eventuality, equal number of candidates to the extent of shortage of vacancies in Disadvantageous Area, shall be offered appointment in area other than the Disadvantageous Area based on their merit position so as to curtail discomfort of meritorious candidates.

Method of calculation of vacancies.

7. The State Government shall follow the following method for calculating the vacancy :-

- (i) the total number of posts sanctioned in every block shall be multiplied by three hundred and sixty-five days;
- (ii) the number of teaching days shall be calculated by multiplying the number of Teachers who remained posted in a block and for the actual number of days during which the Teacher remain posted; and
- (iii) the percentage of vacancies shall be determined by dividing the number of days calculated in clause (ii) during which these posts remained vacant in a block divided by the total number of teaching days available in a block as calculated in clause (i).

Power to remove difficulties.

8. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as it deems to be necessary or expedient for removing the difficulty.

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STATEMENT OF OBJECTS AND REASONS

1.0 It is considered necessary to regulate posting of teachers upon their initial recruitment in order to ensure availability of teachers in educationally Disadvantageous Area and to ensure equitable demand based distribution of teachers across the state. Introducing transparency and inclusivity by regulation of posting of teachers upon their initial recruitment will help protect the academic interest of students and to improve job satisfaction amongst employees. Hence, the proposed Bill for enactment of the aforesaid proposed Act.

2.0 The following considerations constitute the rationale for this Act:

- (i) To ensure the availability of teachers in the Disadvantageous Area where usually posts of teachers remain vacant.
- (ii) Objective criteria for implementation of posting of teachers upon their initial recruitment.

3.0 The main features of the proposed Act are as follows:-

- (i) The proposed Act shall be applicable to initial appointments of the teachers made by the Department.
- (ii) Every teacher shall be posted initially in the Disadvantageous Area only till such teacher completes the probation period.
- (iii) Disadvantageous Area include all the border districts of the State i.e. Amritsar, Gurdaspur, Ferozepur, Fazilka, Pathankot and Tarn Taran and the educational blocks, where 20% or more posts of the teachers remained vacant during recruitment year.
- (iv) The State Government shall notify the list of Disadvantageous Area by 31st January of every calendar year.

- (v) The transfer of teachers from the Disadvantageous Area shall be made as per the Teacher Transfer Policy of the Department already approved by the Council of Ministers subject to amendments made in the Policy from time To time.

4.0 The Department invariably recruits teachers almost every year. The new teachers recruited are required to remain on a probation for a period of three years, which is extendable to four years, and such teachers need to be posted in Disadvantageous Area having shortage of teaches. As and when new recruitment happen, the teachers recruited earlier may be given an option to get themselves transferred and new teachers may go in these places. If implemented, such a mechanism would provide sustainability and availability of teachers in such schools which had been facing shortage of teachers in the past. Accordingly, a Bill to enact the Punjab Education (Posting of Teachers in Disadvantageous Area) Act, 2021 is being introduced in this Hon'ble House.

Vijay Inder Singla,
School Education Minister, Punjab.

CHANDIGARH:
THE 8TH MARCH, 2021

SHASHI LAKHANPAL MISHRA
SECRETARY.

N.B. – The above Bill was published in the Punjab Government Gazette (Extraordinary), dated the 8th March, 2021 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).