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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules: -

THE GUJARAT COMPULSORY TEACHING AND LEARNING OF GUJARATI LANGUAGE BILL, 2023.

GUJARAT BILL NO. 3 OF 2023

A BILL

to provide and ensure teaching and learning of Gujarati as one of the languages in all Schools in the State of Gujarat.

WHEREAS a policy decision has been taken by the Government of Gujarat to ensure that all students studying in at least Lower and Upper primary standards in all schools in the State shall learn Gujarati as one of the languages in a phased manner from the academic year 2023-24.

It is hereby enacted in the Seventy-fourth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Compulsory Teaching and Learning of Gujarati Language Act, 2023.
- (2) It shall come into force on such date as the Government may, by notification, in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,
- (a) “Academic year” means the academic year commencing as per concerned Board;
- (b) “Competent authority” means the competent authority appointed by the Government under section 4;
- (c) “Government” means the State Government;
- (d) “Lower Primary” means Standard 3 to 5 as per National Educational Policy, 2020;
- (e) “prescribed” means prescribed by the rules;
- (f) “School” means,
- (i) any Primary School established and maintained by the Government or Local Bodies; or
- (ii) any Primary School established and administered or maintained by any private educational agency including minority school established and administered under clause (1) of article 30 of the Constitution of India, whether receiving aid out of the State fund or not; or
- (iii) such other Schools which are running in the State of Gujarat and have affiliation with any Board.

Explanation: - For the purpose of this clause,

- (1) A School having any of classes of Lower and/or Upper Primary standards as per above said definition is considered a School for the purpose of this Act.
- (2) Words and expressions used in this Act but not defined shall have the same meaning assigned to it in the Gujarat Primary Education Act, 1947.

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1947**

- (g) “State” means the State of Gujarat;
- (h) “Upper Primary” means Standard 6 to 8 as per National Educational Policy, 2020.

Gujarati as a compulsory language.

3. (1) Gujarati language shall be taught as a compulsory language in all schools in the State as an additional language, in the phased manner, as may be required.
- (2) In those Schools which are not teaching Gujarati as a language in the Lower and Upper Primary standards, shall introduce Gujarati as an additional language, at least from the Lower Primary from the academic year 2023-24 and extend at least up to the Upper Primary in the phased manner.
- (3) Every School shall follow textbooks prescribed by the Government for teaching Gujarati as an additional language.

Competent Authority.

4. (1) The Government may appoint, by notification, in the *Official Gazette*, any officer of the Education Department not below the rank of Deputy Director in the office of the Directorate of Primary Education, Government of Gujarat to be the Competent Authority for the purposes of carrying out the provisions of this Act and the rules made there under and different competent authorities may be appointed for different areas.
- (2) The Competent Authority shall exercise such powers and perform such functions as may be prescribed.

- 45 of 1860**
- 5.** The competent authority appointed under Section 4 shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860. **Competent Authority to be Public Servant.**
- 6.** (1) In case of students with domicile outside Gujarat, who are studying in School of Gujarat, exemption may be granted, from all or any of the provision of this Act. Such exemption may be granted by the concerned School where the student is enrolled, on written request of student's parent/guardian with valid reasons. **Exemption by school.**
- (2) The list of such students along with requisite details shall be intimated to the concerned District Education Officer / District Primary Education Officer as and when such decision has been taken by the School.
- 7.** The Education Department, Government of Gujarat may, subject to such conditions, as it may deem fit by general or special order, to be published in the *Official Gazette* other than the provisions of Section 6 of this Act, exempt any School or category of students from all or any of the provisions of this Act. **Exemption by Government.**
- 8.** (1) Any school, which contravenes the provisions of this Act or the rules made thereunder for a month for the first time, shall be liable for a penalty of rupees fifty thousand: **Penalty.**
- Provided that if such a school contravenes the provisions of this Act or the rules made thereunder for a month for the second time, then it shall be liable for a penalty of rupees one lakh:
- Provided further that if such a school contravenes the provisions of this Act or the rules made thereunder for a month for the third time and thereafter, then it shall be liable for a penalty of rupees two lakh.
- (2) The competent authority shall be competent to impose penalty under sub-section (1).
- (3) Where the Government is of the opinion that it is necessary or expedient to do so, it may, for reasons to be recorded in writing, suitably enhance or reduce any of the penalty as specified in sub-section (1).
- (4) If any School continues to make contraventions of the provisions of this Act or the rules made thereunder beyond a period of one year, the Government may, direct the Board or institution, as the case may be, to disaffiliate the School, to which such a School is affiliated.
- (5) No penalty as provided under sub-section (1) shall be imposed, unless the School concerned is given an opportunity of being heard.
- (6) An officer not below the rank of Deputy Director of the office of Directorate of Primary Education, Government of Gujarat may recover such penalty in such a manner, as may be prescribed.
- 9.** Save as otherwise provided in this Act, the provisions of this Act, or the rules made thereunder, shall have effect, notwithstanding anything inconsistent therewith contained in any other law enacted by the Gujarat State Legislature. **Overriding effect.**
- 10.** (1) The Government may, in the public interest, by order, direct the competent authority to make an enquiry or to take appropriate proceedings under this Act in any case specified in the Order and the competent authority shall report to the Government the result of the enquiry made or the proceedings taken by him within such period as may be prescribed. **Power of Government to give directions.**

- (2) On receipt of the report from the competent authority under sub-section (1), the Government shall give such direction as it deems fit and such direction shall be final and binding.

- Protection of action taken in good faith.** 11. No suit, prosecution or other legal proceedings shall lie against the competent authority, Government or its officers for anything which is in good faith done or intended to be done under this Act or any rule or order made there under.
- Power to make Rules.** 12. (1) The Government may, by notification in the *Official Gazette*, after previous publication, make rules to carry out the purposes of this Act.
- (2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be they are made, and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which they are so laid or the session immediately following.
- (3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.
- Power to remove difficulties.** 13. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, within a period of two years from the commencement of this Act, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of difficulty.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature.

STATEMENT OF OBJECTS AND REASONS

A policy decision has been taken by the Government of Gujarat to ensure that, all students studying in Lower and Upper Primary standards in all Schools in the State to be taught Gujarati language as one of the compulsory language in a phased manner from the academic year 2023-24 and it is considered necessary to appoint an officer not below the rank of Deputy Director in the office of the Directorate of Primary Education, Government of Gujarat to be the Competent Authority to implement this policy decision.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill: -

- Clause 1.-** This clause provides for the short title and commencement of the Act.
- Clause 2.-** This clause defines certain terms used in the Bill.
- Clause 3.-** This clause provides that the Gujarati language shall be taught as a compulsory language in all schools in the State as an additional language.
- Clause 4.-** This clause provides for appointment of competent authority for carrying out the purposes of this Act.
- Clause 5.-** This clause provides that the competent authority shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.
- Clause 6.-** This clause provides for the exemption to be granted in case of students with domicile outside Gujarat.
- Clause 7.-** This clause provides to exempt any School or category of students from all or any of the provisions of this Act, other than the provisions of section 6 of this Act.

- Clause 8.-** This clause provides for the penalty to be imposed by the competent authority on the school contravening the provisions of the Act.
- Clause 9.-** This clause provides that the provisions of this Act, or the rules made thereunder, shall have effect, notwithstanding anything inconsistent therewith contained in any other law enacted by the Gujarat State Legislature.
- Clause 10.-** This clause provides for power of the State Government to give directions as it deems fit and such directions shall be final and binding.
- Clause 11.-** This clause provides for usual indemnity for the action done or taken in good faith.
- Clause 12.-** This clause empowers the State Government to make rules to carry out the purposes of the Act.
- Clause 13.-** This clause empowers the State Government to remove difficulties arising within a period of two years from the commencement of the Act.

KUBERBHAI DINDOR,

FINANCIAL MEMORENDUM

The existing staff of Education Department will perform the functions to carry out the objects of the Act and as such, the Bill, if enacted and brought into force, would not involve any additional expenditure from the Consolidated Fund of the State.

KUBERBHAI DINDOR,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects: -

- Clause 1. -** Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.
- Clause 3. -** Sub-clause (3) of this clause empowers the State Government to prescribe, by rules, the text books which shall be followed by every school for teaching Gujarati as an additional language.
- Clause 4.-** (i) Sub-clause (1) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, any officer of the Education Department not below the rank of Deputy Director in the office of the Directorate of Primary Education, Government of Gujarat to be the Competent Authority;
- (ii) sub-clause (2) of this clause empowers the State Government to prescribe, by rules, the powers to be exercised and functions to be performed by the Competent Authority.
- Clause 7. –** This clause empowers the State Government to exempt, by general or special order, by publishing in the *Official Gazette*, any school or category of students from all or any of the provisions of this Act, other than the provisions of Section 6.
- Clause 8. -** Sub-clause (6) of this clause empowers the State Government to prescribe, by rules, the manner in which an officer not below the rank of Deputy Director of the office of Directorate of Primary Education, Government of Gujarat may recover the penalty as provided in this clause.
- Clause 10. -** Sub-clause (1) of this clause empowers the State Government to prescribe, by rules, the period within which the competent authority shall report to the State Government the result of the enquiry made or the proceedings taken by him.
- Clause 12.-** Sub-clause (1) of this clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.

Clause 13.- This clause empowers the State Government to remove difficulties, by an order published in the *Official Gazette*, arising within a period of two years from the commencement of the Act.

The delegation of legislative powers as aforesaid is necessary and is of normal character.

Dated the 22nd February, 2023.

KUBERBHAI DINDOR.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 22nd February, 2023.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

