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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 EDUCATIONAL LAWS (AMENDMENT) BILL, 2010.

GUJARAT BILL NO. 3 OF 2010.

A BILL

further to amend the Bombay Primary Education Act, 1947 and the Gujarat Secondary and Higher Secondary Education Act, 1972 and to repeal the Gujarat Compulsory Primary Education Act, 1961 so as to facilitate to implement the provisions of the Right of Children to Free and Compulsory Education Act, 2009.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Educational Laws (Amendment) Act, 2010. Short title and commencement.
- (2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of 2.
section 2 of
Bom. LXI of
1947.

In the Bombay Primary Education Act, 1947 (hereinafter Bom. LXI of 1947. referred to as "the principal Act"), in section 2,--

- (i) after clause (7), the following clause shall be inserted, namely:-

"(7A) "Committee" means the State Staff Selection Committee constituted under section 23;"

- (ii) after clause (10A), the following clause shall be inserted, namely:-

"(10B) "Lower Primary Education" means education from first standard to fifth standard;"

- (iii) for clause (15), the following clause shall be substituted, namely :-

"(15) "Primary Education" means elementary education from first class to eighth class as defined in clause (f) of section 2 of the Right of Children to Free and Compulsory Education Act, 2009;" 35 of 2009.

- (iv) after clause (20), the following clause shall be inserted, namely:-

"(20A) "Upper Primary Education" means education from sixth standard to eighth standard;"

Substitution of 3. In the principal Act, for section 23, the following section shall be substituted, namely:-
section 23 of
Bom. LXI of
1947.

Constitution of
State Staff
Selection
Committee for
primary
education.

"23. (1) There shall be a State Level Staff Selection Committee constituted by the State Government for all District Education Committees and authorized municipalities, consisting of such number of members as may be determined by the State Government.

(2) The Director of Primary Education shall be the Chairman and the Deputy Director of Primary Education shall be the Secretary of the Committee.

(3) The Committee shall select candidates for appointments as Assistant Education Inspectors, Supervisors, *Vidhya Sahayaks* and Primary Teachers. The selection of candidates shall be made in accordance with the instructions issued by the State Government.

(4) The Committee shall also select the staff referred to in sub-section (3) for all District Education Committees and authorized municipalities and recommend the names of selected candidates for appointment as per their requisition.

(5) The District Education Committee or authorized municipality or, as the case may be, the Administrative Officer shall make appointments of the candidates so selected in accordance with the directions given by the Committee.”

Guj. 18 of 1973. 4. In the Gujarat Secondary and Higher Secondary Education Act, 1972 (hereinafter referred to as “the Secondary and Higher Secondary Education Act”), in section 2, - **Amendment of section 2 of Guj. 18 of 1973.**

(i) in clause (u), for the words “eighth standard”, the words “ninth standard” shall be substituted;

(ii) in clause (aa), the words and figures “the Gujarat Compulsory Primary Education Act, 1961 and” shall be deleted. **Guj. XLI of 1961.**

5. In the Secondary and Higher Secondary Education Act, in section 17, in clause (17), for the words “standards eight”, the words “standards nine” shall be substituted. **Amendment of section 17 of Guj. 18 of 1973.**

6. In the Secondary and Higher Secondary Education Act, for section 35, the following section shall be substituted, namely:- **Substitution of section 35 of Guj. 18 of 1973.**

Selection of teachers and headmasters, etc. “35. The procedure for selection of teachers and headmasters of registered private secondary and higher secondary schools shall be such as may be notified by the State Government by rules from time to time.”

Bom. LXI of 1947. 7. Notwithstanding anything contained in the Bombay Primary **Transitory provisions.**
Guj. 18 of 1973. Education Act, 1947 and the Gujarat Secondary and Higher Secondary
35 of 2009. Education Act, 1972 as amended by this Act, for carrying out the provisions of the Right of Children to Free and Compulsory Education Act, 2009, the State Government may allow to continue to impart education in eighth standard as a part of primary education in any secondary school till the period stipulated in section 6 of the Right of
35 of 2009. Children to Free and Compulsory Education Act, 2009.

Guj. XLI of 1961. 8. The Gujarat Compulsory Primary Education Act, 1961 is hereby **Repeal of Guj. XLI of 1961.**
repealed.

STATEMENT OF OBJECTS AND REASONS

It is provided in section 3 of the Right of Children to Free and Compulsory Education Act, 2009 that every child of the age of 6 to 14 years shall have a right to free and compulsory education till the completion of eighth class. The said Act provides for detail scheme for free and compulsory education to all children of the age of 6 to 14 years. In the State of Gujarat, there exists two State Acts, namely, the Bombay Primary Education Act, 1947 and the Gujarat Secondary and Higher Secondary Education Act, 1972 which deal with the subject being imparted in the primary education upto the standard seventh and in secondary education from standard eighth. On being enacted by the Parliament the said Central Act, these two State Acts are now required to bring in conformity with the provisions of the said Central Act and also to facilitate to impart free and compulsory education to the children between the age of 6 to 14 years.

For the aforesaid purpose, now the standard eighth is required to be covered under the Primary Education Act of the State and at the same time, secondary education would require to begin with the standard ninth. For giving effect to this object, it is considered necessary to amend the respective State Acts as suggested in the Bill. In the year 1961, the Gujarat Compulsory Primary Education Act, 1961 was enacted but in view of the Central Act of 2009, it seems that it has become redundant because Central Act would prevail in the matter. Therefore, it is considered necessary to repeal the said Act.

The definitions of 'lower primary education' and 'upper primary education' are provided in the Bill so as to empower the State Government to recruit teachers for upper primary class with higher educational qualifications and training as per the norms laid down by the Government of India from time to time.

It is also necessary to provide for some transitory period to bring the standard eighth gradually to shift from secondary schools to primary schools. This will facilitate the respective schools to impart primary education in standard eighth in their respective secondary schools also till the period stipulated in section 6 of the Central Act.

It is considered necessary to constitute the State Level Staff Selection Committee for primary education for recruitment of primary teachers through State level agency so as to avoid delay in recruitment harassment to candidates in applying to various districts and smoothen the process of recruitment and it is also proposed to notify by the State Government by rules, the procedure for selection of teachers and head masters of registered private secondary and higher secondary schools.

The Bill seeks to amend the said State Acts to achieve the aforesaid objects.

RAMANLAL VORA,

FINANCIAL MEMORANDUM

It has become necessary to shift Standard VIII from secondary education to primary education in consonance with the provisions of the Right of Children to Free and Compulsory Education Act, 2009. After the commencement of the said Central Act, Standard VIII would require to be shifted from secondary education to primary education in about 22,500 schools of the State over a period of three years for which an estimated amount of Rs. 825 crores on construction of one additional class room in each school would be involved.

Further Rs.75 crores per year would be needed considering the recruitment of 45,000 *Vidya Sahayaks* having B.Ed qualification and Rs. 450 crores per year, when they get regular scale. The above estimated expenditure would be incurred in implementing the provisions of the aforementioned Central Act if it is brought into force by the Central Government. The amendments suggested in the Bill are in view of the said Central Act and to facilitate to implement the provisions of the said Central Act.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects, namely: -

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 provisions of the Act shall come into force.

Clause 6.—Section 35 proposed to be substituted by this clause empowers the State Government to notify by rules the procedure for selection of teachers and headmasters of registered private secondary and higher secondary schools.

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

Gandhinagar,
Dated the 20th February, 2010.

RAMANLAL VORA,

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

Gandhinagar,
Dated the 20th February, 2010.

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