

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 9th January 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 10 OF 2010

A Bill to provide for Uniform System of School Education in the State of Tamil Nadu and matters connected therewith and incidental thereto.

WHEREAS at present there are four streams of school education in the State under the control of the State Government, namely, State Board Schools, Matriculation Schools, Oriental Schools and Anglo-Indian Schools and these schools have separate syllabus, text books and scheme of examination and are under the control of different Boards. As a result, the standard of education in these schools are not uniform;

AND WHEREAS the Government are of the view that it is indispensable to evolve a uniform system of school education in the State to ensure social justice and provide quality education in the schools in the State;

AND WHEREAS the Government constituted a committee under the Chairmanship of Thiru Muthukumaran, former Vice-Chancellor of Bharathidasan University to examine the implementation of uniform system of school education. The said committee examined all the issues and submitted its recommendations to the Government;

AND WHEREAS a one man committee was constituted with Thiru.M.P.Vijayakumar, I.A.S. (Retired) to look into the recommendations of Thiru.Muthukumaran Committee;

AND WHEREAS the said one man committee looked into the recommendations of Thiru Muthukumaran Committee and submitted its recommendations to the Government;

AND WHEREAS a team of educationists under the Chairmanship of Thiru. M.P.Vijayakumar, I.A.S. (Retired) visited the States of Kerala, Karnataka, Gujarat and Maharashtra and reviewed the education system in vogue in those States and the said team submitted its report on the administrative setup of the School Education department and Boards of Education, examination systems and evaluation methods adopted by those States;

AND WHEREAS the Government after much deliberations, accepted the idea that all the Government schools, Government aided schools and private schools including Matriculation Schools, Anglo-Indian Schools and Oriental Schools in the State, having the common syllabus, text books and examination system will ensure social justice and provide quality education. Accordingly, the Government have decided to implement the uniform system of school education in the State;

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Uniform System of School Education Act, 2010.

Short title and commencement.

(2) It shall be deemed to have come into force on the 30th day of November 2009.

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

Definition.

(a) "academic year" means the year commencing on the first day of June;

(b) "Anglo-Indian School" means a school approved as such under the Code of Regulations for Anglo-Indian Schools;

(c) "Board" means the State Common Board of School Education constituted under section 5;

(d) "competent authority" means any authority, officer or person authorized by the Government, by notification, to perform the functions of the competent authority for such area or in relation to such class of private school, as may be specified in the notification;

(e) "Government" means the State Government;

(f) "matriculation school" means a school approved as such under the Code of Regulations for Matriculation Schools;

(g) "oriental school" means a school approved as such by the Director of School Education;

(h) "prescribed" means prescribed by rules;

(i) "school" means,—

(i) any primary school, middle school, high school or higher secondary school maintained by the State or any local authority; or

(ii) any primary school, middle school, high school or higher secondary 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, whether receiving aid out of the State fund or not; or

(iii) any matriculation school, Anglo-Indian school or oriental school including minority school established and administered under clause (1) of Article 30 of the Constitution, whether receiving aid out of the State fund or not, but does not include a school affiliated to the Central Board of Secondary Education.

Explanation.—For the purpose of this clause,—

(1) "local authority" means—

(i) the Municipal Corporations of Chennai, Madurai, Coimbatore, Salem, Tiruchirappalli, Tirunelveli, Erode, Tiruppur, Vellore, Thoothukudi or any other Municipal Corporation that may be constituted under any law for the time being in force; or

(ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920; or

(iii) a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994;

Tamil Nadu
Act V of
1920.

Tamil Nadu
Act 21 of
1994.

(2) (i) primary school shall consist of Standards I to V;

(ii) middle school shall consist of Standards I to VIII or Standards VI to VIII;

(iii) high school shall consist of Standards I to X or Standards VI to X or Standards IX and X;

(iv) higher secondary school shall consist of Standards I to XII, Standards VI to XII or Standards XI and XII;

(j) "State" means the State of Tamil Nadu.

Schools to
follow
common
syllabus and
text book.

3. (1) Every school in the State shall follow the common syllabus and text books as may be specified by the Board for each subject,-

(a) in Standards I and VI, commencing from the academic year 2010-2011;

(b) in Standards II to V and Standards VII to X from the academic year 2011-2012.

(2) Subject to the provisions of sub-section (1), every school in the State shall,-

(a) follow the norms fixed by the Board for giving instruction in each subject;

(b) follow the norms for conducting examination as may be specified by the Board.

Medium of
instructions.

4. All the subjects, other than languages, may be taught in Tamil or English or in any other language as may be decided by a school with the approval of the competent authority.

Constitution of
Board.

5. (1) The Government shall, by notification, constitute a Board to be called as the State Common Board of School Education for the purpose of implementing the policy of the

Government to provide uniform school education in the State. The Board shall exercise the powers conferred, and perform the functions assigned to it, under this Act.

(2) The Board shall consist of the following members, namely:—

Ex-officio Members.

- (a) The Director of School Education, who shall be the Chairperson;
- (b) The Additional Secretary to Government, School Education Department;
- (c) The Director of Government Examinations;
- (d) The Director of Matriculation Schools;
- (e) The Director of Elementary Education;
- (f) The Director, Teacher Education, Research and Training;
- (g) The Joint Director of School Education (Secondary Education), who shall be the Member-Secretary.

Other Members.

- (a) Three members nominated by the Government from among the academic experts and eminent educationists;
- (b) One member nominated by the Government from among the teachers of matriculation schools;
- (c) One member nominated by the Government from among the teachers of the oriental schools;
- (d) One member nominated by the Government from among the teachers of the Anglo-Indian schools.

(3) The headquarters of the Board shall be located at Chennai.

(4) The Board shall meet, as often as may be necessary, at such time and place and observe such rules of procedure as may be prescribed:

Provided that the Board shall meet at least twice in a year.

(5) The Chairperson shall preside over the meeting of the Board.

(6) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of, the Board.

6. (1) The nominated members shall hold office for a term of three years and shall be eligible for re-nomination for a further term of three years:

Provided that for the purpose of this sub-section, a person who has held office as a nominated member in a casual vacancy for a period of not less than one year shall be deemed to have held office for a full term of three years.

(2) A nominated member may, by writing under his hand addressed to the Government, resign his office but he shall continue to hold office until his resignation is accepted by the Government.

(3) The nominated members shall be eligible to draw such rate of sitting fee and travelling allowance as may be applicable to a First Class Committee.

7. If, at any time, it appears to the Government that a nominated member has shown himself to be unsuitable for office or has been guilty of misconduct or neglect which renders his removal expedient, the Government may, after giving the nominated member a reasonable opportunity of showing cause, by notification, remove the nominated member, from the office.

8. If a casual vacancy occurs in the office of a nominated member, either by reason of his death, resignation, removal or otherwise, such vacancy shall be filled up, as soon as may be, by the Government and the nominated member shall hold office only for the remainder of the term for which the person whose place he fills would have been a nominated member.

Terms and conditions of service of nominated members of the Board.

Removal from membership of Board.

Filling up of casual vacancy.

Powers and functions of Board.

9. It shall be the duty of the Board to take all such steps as it may think fit for ensuring uniform system of school education in the State. The Board shall,-

- (a) prescribe the common syllabus and text books for each Standard and each course of study in the school;
- (b) prescribe the norms for conducting the examinations and the minimum standards for the award of certificate;
- (c) evaluate the standard of school education and suggest recommendations for improvement of school education;
- (d) constitute such number of committees as it may think fit, for the consideration of any business;
- (e) advise the Government upon the action to be taken for the purpose of implementing the uniform system of school education; and
- (f) perform such other functions as may be prescribed.

Power to constitute committees.

10. (1) The Board may, at any time, constitute a committee or committees consisting of such number of members as it may think fit or resolve itself into a committee for the consideration of any business.

(2) The committee shall have the powers to co-opt additional member or members with prior approval of the Chairperson of the Board.

(3) The committee shall submit its report to the Board within such time as may be directed by the Board.

Penalties.

11. If any person wilfully contravenes the provisions of this Act or any rules made thereunder, he shall be punishable with fine which may extend to twenty-five thousand rupees and in the case of continuing contravention, with an additional fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

Offences by companies.

12. (1) Where an offence against any of the provisions of this Act have been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

- (a) "company" means any body corporate and includes a trust, a firm, a society or other association of individuals, and
- (b) "director" in relation to—
 - (i) a firm, means a partner in the firm;
 - (ii) a society, a trust or other association of individuals, means the person who is entrusted under the rules of the society, trust or other association with the management of the affairs of the society, trust or other association, as the case may be.

Cognizance of offences.

13. No court shall take cognizance of any offence under this Act except with the sanction of the Government or such officer as the Government may authorize in this behalf.

14. (1) The Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy, as the Government may give in writing to it, from time to time.	Directions by the Government.
(2) The decision of the Government as to whether a question is one of policy or not shall be final.	
15. No suit, prosecution or other legal proceedings shall lie against the Board, 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 thereunder.	Protection of action taken in good faith.
16. (1) The Government may, in the public interest, by order, direct the Board to make an enquiry in any case specified in the order, and the Board shall report to the Government the result of the enquiry made by it within such period as may be prescribed.	Power of Government to give direction.
(2) On receipt of the report from the Board under sub-section (1), the Government shall give such direction as they deem fit and such direction shall be final and binding.	
17. (1) The Government may make rules for carrying out the purposes of this Act.	Power to make rules.
(2) Every rule made or notification or order issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly and if, before the expiry of session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.	
18. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the <i>Tamil Nadu Government Gazette</i> , make such provisions, not inconsistent with the provisions of this Act as appears to them to be necessary or expedient for removing the difficulty:	Power to remove difficulties.
Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.	
19. (1) The Tamil Nadu Uniform System of School Education Ordinance, 2009 is hereby repealed.	Repeal and saving.
(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.	

Tamil Nadu
Ordinance 4
of 2009.

THANGAM THENNARASU,
Minister for School Education.

STATEMENT OF OBJECTS AND REASONS.

At present, there are four streams of school education in the State under the control of the State Government, namely, State Board Schools, Matriculation Schools, Oriental Schools and Anglo-Indian Schools and these schools have separate syllabus, text books and scheme of examination and are under the control of different Boards. As a result, the standard of education in these schools are not uniform. Hence, the Government are of the view that it is indispensable to evolve a uniform system of school education in the State to ensure social justice and provide quality education in the schools in the State. The Government have, therefore, decided to implement the Uniform System of School Education in the State, by undertaking suitable legislation for the purpose. Accordingly, the Tamil Nadu Uniform System of School Education Ordinance, 2009 (Tamil Nadu Ordinance 4 of 2009) was promulgated by the Governor on the 27th November 2009 and the same was published in the *Tamil Nadu Government Gazette Extraordinary*, dated the 30th November 2009.

2. The Bill seeks to replace the said Ordinance.

THANGAM THENNARASU,
Minister for School Education.

MEMORANDUM REGARDING DELEGATED LEGILSATION.

Clauses 2(d), 5(1) and (4), 7, 9, 16, 17(1), 18 of the Bill authorise the Government to issued notifications or orders or to make rules, as the case may be, for the purposes specified therein .

2. The powers delegated are normal and not of an exceptional character.

THANGAM THENNARASU,
Minister for School Education.

FINANCIAL MEMORANDUM

Clause 6(3) of the Bill provides for payment of sitting fee and traveling allowance to the nominated members of the State Common Board of School Education.

2. The Bill when enacted would therefore, involve expenditure from the Consolidated Fund of the State. It is however not possible at this stage to estimate with any degree of accuracy, the expenditure to be incurred, as a result of the proposed legislation.

THANGAM THENNARASU,
Minister for School Education.

M. SELVARAJ,
Secretary.