

PRS

The Bombay Primary Education (Gujarat Amendment) Act, 1962

20 of 1962

Keyword(s):

Primary Education, Schools, Teachers

Amendments appended: 13 of 1963, 42 of 1963, 55 of 1963, 24 of 1986, 3 of 2003

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Extra No. 20

REGISTERED No. G-448



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. III] WEDNESDAY, AUGUST 8, 1962 / SRAVANA 17, 1884

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

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M. G. MONANI,

Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. XX OF 1962

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 8th August 1962).

An Act further to amend the Bombay Primary Education Act, 1947.

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

1. (1) This Act may be called the Bombay Primary Education (Gujarat Amendment) Act, 1962. Short title and commencement.

(2) It shall come into force at once.

2. In section 59A of the Bombay Primary Education Act, 1947, in sub-section (3) for the figures, letters and words "30th day of April 1962," the figures, letters and words "31st day of December 1963" shall be substituted. Amendment of section 59A of Bom LXI of 1947



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Repeal of
Guj. Ord.
No. II of
1962.

3. The Bombay Primary Education (Gujarat Amendment) Ordinance, 1962 is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.

Guj
Ord.
No. II of
1962.
Bom. A
1 of
1904.



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. IV] SATURDAY, MARCH 30, 1963/CHAITRA 9, 1885

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 30th March 1963 is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. XIII OF 1963.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 30th March 1963).

An Act to amend the Bombay Primary Education Act, 1947, for the purpose of extending it to, and bringing it into force in, the rest of the State of Gujarat and for certain other purposes.

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

1. (1) This Act may be called the Bombay Primary Education (Gujarat Extension and Amendment) Act, 1963.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Bom. LXI of 1947. 2. In section 1 of the Bombay Primary Education Act, 1947 (hereinafter referred to as "the principal Act"),—

Amendment of section 1 of Bom. LXI of 1947.

(i) for sub-section (2), the following shall be substituted, namely :—



"(2) It extends to the whole of the State of Gujarat." ;

(ii) to sub-section (3), the following proviso shall be added, namely :—

"Provided that in the areas to which this Act is extended by the Bombay Primary Education (Gujarat Extension and Amendment) Act, 1963 this Act and the rules made thereunder shall come into force on the date on which the Bombay Primary Education (Gujarat Extension and Amendment) Act, 1963 comes into force.".

Guj.
XIII of
1963.

Guj.
XIII of
1963.

Amendment
of section 2
of Bom. LXI
of 1947.

3. In section 2 of the principal Act,—

(i) in clause (9), after the figures "1879", the words "or, as the case may be, that Code as extended to the Kutch area of the State of Gujarat" shall be inserted;

(ii) for the words and figures "and section 19" the words and figures "section 19 and section 68" shall be substituted.

Amendment
of section 5
Bom. LXI
of 1947.

4. In section 5 of the principal Act, clause (a) shall be renumbered as clause (aa) and before the clause so renumbered the following clause shall be inserted namely:—

"(a) is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to State, or."

Amendment
of section 12
of Bom. LXI
of 1947.

5. In section 12 of the principal Act, after sub-section (3) following sub-section shall be inserted namely :—

(4) In the Kutch area of the State, the foregoing provisions of this section shall have effect subject to the following modifications, namely:—

(i) in sub-section (1), for the words "on the date of the coming into force of this Act" the words "on such date as the State Government may, by notification in the *Official Gazette*, specify" shall be substituted ;

(ii) after the words "district local board" wherever they occur, the words "or, as the case may be, the State Government" shall be inserted.

Amendment
of section 16
of Bom. LXI
of 1947.

6. In section 16 of the principal Act, in sub-section (1), after the figures "1925" the words "or under any other corresponding law" shall be inserted.

Amendment
of section 22
of Bom. LXI
of 1947.

7. In section 22 of the principal Act, after the figures "1925" the words "or that Act as adapted and applied to the Saurashtra area of the State" shall be inserted.

Amendment
of section 28
of Bom. LXI
of 1947.

8. In section 28 of the principal Act, in sub-section (2).—

(i) after the figures "1923", the words and figures "or under the Saurashtra Primary Education Act, 1956" shall be inserted; and

(ii) after the words "this Act", the words "in the relevant area" shall be inserted.

Sau.
Act
XXX-
III of
1956.

Amendment
of section 44
of Bom. LXI
of 1947.

Ahmedabad
of Section 44
of Bom. LXI
of 1947.

9. In section 44 of the principal Act, in clause (a) of sub-section (2), after the figure "1923" the words and figures "or section 37 of the Saurashtra Primary Education Act, 1956, as the case may be" shall be inserted.

Sau.
Act
XXX-
III of
1956.



10. After section 47 of the principal Act, the following new section shall be inserted, namely:—

Insertion of
section 47A
in Bom.LXI
of 1947.

"47A. (1) The accounts of a school board shall be examined and audited at such intervals, in such manner and by such agency as may be prescribed.

Audit.

(2) Every school board shall publish the audit notes with the replies thereto in its administration report."

11. In section 58 of the principal Act,—

Amendment
of section 58
of Bom.LXI
of 1947.

(1) in sub-section (1), for the word—

(i) "twelve" the word "sixteen",

(ii) "six" where it occurs at two places, the word "eight", and

(iii) "three" the word "four"

shall be substituted.

(2) in sub-section (6), in clause (b), for the words "Bombay area of the State of Gujarat" the words "State of Gujarat" shall be substituted.

12. In section 59A of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely :—

Amendment
of section
59A of Bom.
LXI of 1947.

"(6) Notwithstanding anything contained in sub-section (1) on the date of the coming into force of this Act in the Saurashtra area and the Kutch area of the State, the Board constituted under this section and existing on the said date shall be deemed to be constituted for the whole of the State :

Provided that, having regard to the extension of the jurisdiction of the Board as aforesaid, the State Government may nominate such number of additional members on the Board as it may think fit."

13. In section 63 of the principal Act, after sub-section (3), the following sub-section shall be added, namely :—

Amendment
of section 63
of Bom.LXI
of 1947.

"(4) All rules made under this Act shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following. The modifications so made shall be published in the *Official Gazette* and shall thereupon take effect".

14. In section 65 of the principal Act, after the figures "1925" the words "or any other corresponding law" shall be inserted.

Amendment
of section 65
of Bom.LXI
of 1947.

15. Section 66 of the principal Act shall be deleted.

Repeal of
section 66 of
Bom.LXI of
1947.

16. After section 67 of the principal Act, the following sections and Schedule shall be inserted, namely:—

Insertion of
sections 68,
69 and Sched-
ule in Bom.
LXI of 1947.

Validating provisions in respect of certain district school boards.

"68. (1) If by virtue of the extension of the Bombay Land Revenue Code, Bom. 1879 to the Saurashtra area of the State by the Bombay Land Revenue Code (Ex- V of 1879. Bom. Ord. No. II of 1959. tension to Saurashtra area) Ordinance, 1959 and reconstitution of the districts specified in column 2 of the Schedule under Government of Bombay Revenue, Department Resolution No. TLC 3858-C, dated the 19th June 1959 any scheduled district school board has transferred—

(a) any primary schools and other properties, movable and immovable, which were vested in or held by it or were under its control before such reconstitution,

(b) any primary school teachers and other persons as were employed by or under it before such reconstitution,

(c) any of its assets and liabilities held or incurred before such reconstitution,

to any other scheduled district school board and the latter has taken over the primary schools, properties, primary teachers, persons, assets and liabilities so transferred, such transfer and taking over shall be valid and shall be deemed always to have been valid and shall not be called in question merely on the ground that such transfer and taking over was not authorised under the provisions of this Act, or the Saurashtra Primary Education Act, 1956, as then in force; and accordingly all jurisdiction and powers exercised, functions performed and duties discharged and any other thing done or action taken before the coming into force of the Bombay Primary Education (Gujarat Extension and Amendment) Act, 1963, by a scheduled district school board in respect of such primary schools, properties, primary teachers, persons assets and liabilities shall be valid and shall not be called in question merely on the ground aforesaid: Sau. Act. XXX-III of 1956. Guj. of 1963.

Provided that in the case of primary teachers and persons so taken over, nothing in this sub-section shall affect the terms and conditions of service as were applicable to them immediately before such taking over.

(2) Notwithstanding anything contained in this Act or the Saurashtra Primary Education Act, 1956, each of the scheduled district school boards shall be deemed to have been validly constituted for the district specified against it in column 2 of the Schedule from the date of the reconstitution of the district under the aforesaid notification and the terms of office of the members thereof holding office immediately before the date of the commencement of the Bombay Primary Education (Gujarat Extension and Amendment) Act 1963, shall continue under this Act until the scheduled district school Board is constituted under section 4 or the expiry of one year from the said date, or the coming into force of section 155 of the Gujarat Panchayats Act, 1961, whichever is earlier. Sau. Act. XXX-III of 1956. Guj. of 1963. Guj. VI of 1962.

Explanation.—For the purpose of this section, a scheduled district school board means a district school board specified in column 1 of the Schedule."

Repeal of Saurashtra Act, XXXIII of 1956 and saving.

69. (1) The Saurashtra Primary Education Act, 1956 is hereby repealed. Sau. Act. XXX-III of 1956.

(2) Save as otherwise expressly provided in this Act, anything done or action taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under this Act and shall continue in force until it is superseded by anything done or action taken under this Act.



SCHEDULE

(See section 68)

Name of the District School Board.	Name of the District.
1	2
1. The District School Board of Ahmedabad.	Ahmedabad.
2. The District School Board of Jamnagar.	Jamnagar.
3. The District School Board of Rajkot.	Rajkot.
4. The District School Board of Bhavnagar.	Bhavnagar.
5. The District School Board of Junagadh.	Junagadh.
6. The District School Board of Amreli.	Amreli.
7. The District School Board of Surendranagar.	Surendranagar."



Extra No. 44

REGISTERED No. G-448



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. IV] FRIDAY, NOVEMBER 8, 196 /KARTIKA 17, 1885

Separate paging is given to this part in order that it may be
filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 5th November 1963 is hereby published for general information.

AKBAR S. SARELA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. XLII OF 1963.

[First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 8th November 1963].

An Act further to amend the Bombay Primary Education Act, 1947.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Primary Education (Gujarat Amendment) Act, 1963.

2. In section 42 of the Bombay Primary Education Act, 1947, for sub-section (1), the following shall be substituted, namely :—

Bom.
LXI
of
1947.

Amendment
of section 42
of Bom. LXI
of 1947.

"(1) Where a scheme submitted by an authorised municipality is sanctioned under section 28, the State Government shall bear the additional recurring and non-recurring annual cost of the scheme as estimated by the municipality to the following extent, namely :—

(a) sixty per cent. of the cost, if the population of the authorised municipality is less than fifty thousand, and

(b) fifty per cent. of the cost, in any other case :

Provided that where such scheme is sanctioned after the commencement of the Bombay Primary Education (Gujarat Amendment) Act, 1963, the extent of the cost to be borne by the State Government shall, for the first year of the scheme, be eighty per cent. in the case of a municipality to which clause (a) applies and seventy-five per cent. in the case of a municipality to which clause (b) applies and for the next three years it shall be gradually reduced to the amount permissible under clause (a) or clause (b), as the case may be, by such percentage as the State Government may by order determine : Guj. XLII of 1963.

Provided further that in the case of a municipality which immediately before the 1st April 1963 was liable under sub-section (2) of section 41 to pay contribution to a district school board or authorised municipality, the cost to be borne by the State Government under the aforesaid proviso shall, having regard to contribution so payable, be reduced by such amount as the State Government may by order determine."

Extra No. 57

REGISTERED NO. G-448



The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

 Vol. IV] TUESDAY, DECEMBER 31, 1963/PAUSA 10, 1885

Separate paging is given to this part in order that it may be
filed as a separate compilation

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th December 1963 is hereby published for general information.

B. V. PARANJAPE,
Joint Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. LV OF 1963.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 31st December 1963).

An Act, further to amend the Bombay Primary Education Act, 1947.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Primary Education (Gujarat Second Amendment) Act, 1963. Short title.

2. In section 59A of the Bombay Primary Education Act, 1947, in sub-section (3), for the figures, letters and words "31st day of December 1963" the figures, letters and words "31st day of December 1964" shall be substituted. Amendment of section 59 A of Bom. LXI of 1947.

Bom.
LXI
of
1947.

Extra No. 34

REGISTERED NO. G/GNR/2



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVII] SATURDAY, SEPTEMBER 13, 1986/BHADRA 22, 1908

Separate paging is given to this Part in order that it may
be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the
President on the 11th September, 1986 is hereby published for general information.

J. P. VASAVADA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 24 OF 1986.

(First published after having received the assent of the President in the
"Gujarat Government Gazette" on the 13th September, 1986.

AN ACT

further to amend the Bombay Primary Education Act, 1947.

It is hereby enacted in the Thirty-seventh year of the Republic of India
as follows :—

1. (1) This Act may be called the Bombay Primary Education (Gujarat
Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 22nd May, 1986.

Amendment
of section
2 of Bom.
LXI of
1947.

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

Bom.
LXI
of
1947.

(1) in clause (2), for the portion beginning with the words "or which is" and ending with the words "in this behalf" the following shall be substituted, namely :—

"and includes a private primary school recognised under section 40A;"

(2) after clause (18), the following clause shall be inserted, namely :—

"(18A) "private primary school" means a private primary school which is not maintained by the State Government or by a School Board or by an authorised municipality;"

Deletion of
section
39 of Bom.
LXI of
1947.

3. In the principal Act, section 39 shall be deleted.

Insertion
of new
Chapters
VIIA and
VIIB in
Bom. LXI
of 1947.

4. In the principal Act, after Chapter VII, the following Chapters shall be inserted, namely :—

"CHAPTER VII-A.

RECOGNITION OF PRIVATE PRIMARY SCHOOLS.

Prohibition
against im-
parting
primary
education
by private
primary
schools
without
recognition.

40A (1) On and after the commencement of the Bombay Primary Education (Gujarat Amendment) Act, 1986, no person other than the State Government, a School Board or an authorised municipality shall impart primary education through a school unless such school is recognised under this section.

Guj.
of
1986.

(2) Every person to whom sub-section (1) applies and who desires to impart primary education by establishing a primary school shall, on an application made to the Director of Primary and Adult Education, Gujarat State (hereinafter referred to as "the Director") or any other officer authorised by the State Government in this behalf (hereinafter referred to as "the authorised officer") in such form and on payment of such fees as may be prescribed and, subject to the provisions of sub-section (4), be entitled to have the school recognised on the fulfilment of such conditions as may be prescribed for such recognition.

(3) Notwithstanding anything contained in sub-section (2) every private primary school which on the commencement of the Bombay Primary Education (Gujarat Amendment) Act, 1986, stands recognised as an approved school by a school board or by the State Government or by an officer authorised by it in this behalf shall be deemed to have been recognised under this section from the date of such commencement and shall continue to be so recognised until such recognition is withdrawn under sub-section (7).

Guj.
of
1986.

(4) On receipt of the application made under sub-section (2), the Director or, as the case may be, the authorised officer shall consider and make an inquiry in respect of such application in such manner as may be prescribed and then decide within a period of three months from the date of receipt of the application as to whether the school may be recognised or the application for recognition be rejected.

(5) The Director or the authorised officer may while recognising a school, impose such of the prescribed conditions on the management of the school as he thinks fit.

(6) Every recognised school shall be given a certificate of recognition in the prescribed form.

(7) Where any person in charge of the management of a recognised school has been after due inquiry in the prescribed manner by the Director or the authorised officer, found to have committed default in carrying out any of the obligations imposed on such person under this Act or the rules made under this Act or any instructions issued to him by the State Government, the Director or, as the case may be, the authorised officer shall after giving such person an opportunity of being heard, direct that the recognition of the school be withdrawn for such period as may be specified in the direction or be withdrawn permanently.

(8) Any person aggrieved by the decision of the Director or the authorised officer under sub-section (4) or sub-section (7) may within a period of one month from the date on which the decision is communicated to him, appeal to the State Government, and the State Government shall decide the appeal within two months from the date of the presentation of the petition of appeal and the decision in such appeal shall be final.

(9) The State Government may, on sufficient cause being shown, direct at any time that the recognition of the school which has been withdrawn, may be restored on such conditions and on payment of such fees as may be prescribed and on such further conditions, as the State Government may deem fit to impose.

(10) Where the recognition of a school is withdrawn under sub-section (7) the certificate of recognition issued to the person in charge of the management thereof shall be deemed to have been cancelled and such person shall forthwith surrender the certificate of recognition to the Director or the authorised officer. The cancellation of certificate of recognition shall be published by the Director or, as the case may be, the authorised officer in the *Official Gazette* and in such news papers as the Director or the authorised officer may select.

CHAPTER VII—B.

PROCEDURE FOR IMPOSITION OF PENALTY ON TEACHERS OF RECOGNISED
PRIVATE PRIMARY SCHOOLS.

Dismissal,
removal
or reduc-
tion in
rank of
teachers.

40B. (1) (a) No teacher of a recognised private primary school shall be dismissed or removed or reduced in rank nor his service be otherwise terminated until—

(i) he has been given by the manager an opportunity of showing cause against the action proposed to be taken in regard to him; and

(ii) the action proposed to be taken in regard to him has been approved in writing by the administrative officer of the school board in the jurisdiction of which the private primary school is situate :

Provided that nothing in this clause shall apply to a teacher who is appointed temporarily for a period less than a year or a teacher appointed temporarily on a leave vacancy for a period less than a year.

Explanation.— A teacher who is appointed temporarily for a period of less than a year or a teacher who is appointed temporarily on a leave vacancy for a period of such vacancy shall not be deemed to be a teacher appointed temporarily for such period, if he has at any time prior to such appointment served as a teacher either in the same private primary school or in another private primary school under the same management and the aggregate of the period of such past service and the period of service for which he is appointed exceeds one year.

(b) The administrative officer shall communicate to the manager of the school in writing his approval or disapproval of the action proposed, within a period of forty five days from the date of the receipt by the administrative officer of such proposal.

(2) Where the administrative officer fails to communicate either approval or disapproval within a period of forty five days specified in clause (b) of sub-section (1), the proposed action shall be deemed to have been approved by the administrative officer on the date of the expiry of the said period.

(3) No penalty (being the penalty other than that referred to in sub-section (1)) shall be imposed on a teacher of the private primary school unless such teacher has been given reasonable opportunity of being heard.

(4) Where a teacher of a private primary school is suspended by the manager of the school pending any inquiry proposed to be held against him, the fact of his suspension together with the grounds therefor shall be communicated within a period of seven days, after such suspension by the manager to the administrative officer of the school board in the jurisdiction of which the school is situate, and such suspension shall be subject to ratification by the administrative officer

within a period of forty five days from the date of receipt of communication in this behalf by the administrative officer and if such ratification is not communicated to the manager by the administrative officer within such period, the suspension of such teacher shall cease to have effect on the expiry of the said period.

(i) Provided that a teacher shall, during the period of suspension, be entitled to such subsistence allowance, and on such terms and conditions as may be prescribed.

(5) Any teacher aggrieved by the order of the administrative officer under sub-clause (ii) of clause (a) of sub-section (I) may make an appeal to the Tribunal within a period of thirty days from the date on which the administrative officer has approved or deemed to have approved the action.

Explanation.—For the purposes of this section, and section 40C,—

(a) “manager” in relation to a private primary school means a person or body of persons in charge of the control or of management of the school;

(b) “teacher” means a teacher of a recognised private primary school;

(c) “Tribunal” means a Tribunal constituted under section 40F.

40C. If a teacher desires to tender his resignation he shall tender the same in person to the administrative officer of the school board in jurisdiction of which the school is situate and the resignation of a teacher shall not be accepted by the manager unless it is so tendered and forwarded to the manager by the administrative officer duly endorsed. The acceptance of any resignation tendered in contravention of this section shall be ineffective.

Resignation
of a
teacher.

40D. (a) Every contract between a recognised private primary school and a teacher in service of such school whether made before or after the commencement of the Bombay Primary Education (Gujarat Amendment) Act, 1986, and

Certain
contracts
etc. to be
null and
void.

(b) any term or condition of service of such teacher whether employed before or after such commencement,

shall, to the extent to which it takes away any right conferred on such teacher by or under this Act be null and void.

40E. Where there is any dispute between the manager of a recognised private primary school and teacher in service of such school, which is connected with the conditions of service of such teacher, the manager or, as the case may be, the teacher may make an application to the Tribunal constituted under section 40F for the decision of the dispute.

Dispute
to be
decided by
Tribunal.

Tribunal.

40F. (1) There shall be constituted by the State Government by an order published in the *official Gazette* one or more Tribunals for the purpose of this Chapter.

(2) A Tribunal shall have jurisdiction for such area as may be specified by the State Government in the order referred to in sub-section (1).

(3) The State Government shall appoint a District Judge or a person who has been or is qualified to be a Judge of a High Court or to be a District Judge to be the Tribunal.

(4) It shall be the duty of the Tribunal to entertain and decide disputes of the nature referred to in section 40E and to deal with and decide all applications and proceedings made or transferred to it under sub-section (2) of section 40G and also to entertain and decide appeal made under sub-section (5) of section 40B.

(5) The Tribunal shall follow such procedure as the State Government may by general order direct.

(6) The Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit, in respect of the following matters, namely :—

V of
1908.

(a) enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents and material objects;

(c) issuing commissions for the examination of witnesses;

(d) such other matters as may be prescribed;

and every inquiry or investigation by the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

XIV
of
1900.

(7) The Tribunal shall be deemed to be a court for the purpose of section 5 of the Limitation Act, 1963.

28 of
1963.

(8) The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by it.

(9) Where any order of dismissal, removal or reduction in rank of a teacher of a recognised private primary school is decided by the Tribunal to be wrong, unlawful or otherwise unjustified, the Tribunal may pass an order directing that the teacher concerned shall be reinstated in service or, as the case may be, restored to the rank which he held immediately before his reduction in rank, by the manager, and the manager shall forthwith comply with such direction.

40G (1) No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Chapter required to be settled, decided or dealt with by the Tribunal.

Bar of jurisdiction of courts.

(2) All suits and proceedings between the manager of a recognised private primary school and a teacher in service, of such school relating to disputes connected with the conditions of service of such teacher, which are pending in any civil court on the date of the commencement of the Bombay Primary Education (Gujarat Amendment) Ordinance, 1986 shall be transferred to and continued before the Tribunal:

Guj.
Ord. 6
of
1986.

Provided that nothing in this section shall apply to execution proceedings and appeals arising out of decrees or orders passed by such court before the commencement of the Bombay Primary Education (Gujarat Amendment) Ordinance, 1986, and such execution proceedings and appeals shall be decided and disposed of as if the Bombay Primary Education (Gujarat Amendment) Act, 1986 had not been passed.

Guj.
Ord. 6
of
1986.

Guj.
of 1986.

40H. Nothing contained in sub-clause (ii) of clause (a) and clause (b) of sub-section (1) and sub-sections (2), (4) and (5) of section 40B and section 40C shall apply to any recognised private primary school established and administered by a minority, whether based on religion or language."

Savings.

3. (1) The Bombay Primary Education (Gujarat Amendment) Ordinance, 1986 is hereby repealed.

Guj.
Ord. 6
of
1986.

Repeal
and
savings.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.



सत्यमेव जयते

The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLIV] MONDAY, MARCH 3, 2003/PHALGUNA 12, 1924

Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented
to by the Governor on the 1st March, 2003 is hereby published for general
information.

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

GUJARAT ACT NO. 3 OF 2003.

(First published, after having received the assent of the Governor in
the "Gujarat Government Gazette", on the 3rd March, 2003).

AN ACT

further to amend the Bombay Primary Education Act, 1947.

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

1. (1) This Act may be called the Bombay Primary Education (Gujarat Amendment)
Act, 2003.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 11th June, 1998.

Bom. LXI OF
1947.

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

Amendment
of section 2 of
Bom. LXI of
1947.

(i) after clause (5), the following clause shall be inserted, namely:—

"(5A) "Authorised Officer" means such officer as the State Government
may, by order appoint;"

(ii) after clause (19), the following clauses shall be added, namely :-

“(20). “Teacher” means primary school teacher;

(21) “*Vidyasahayak*” means a person appointed on contract to assist a teacher and pupils (students) in a primary school under the supervision and control of the head-teacher.”.

Amendment
of section 13
of Bom.LXI
of 1947.

3. In the principal Act, in section 13, in sub-section (2), after clause (d), the following clause shall be inserted, namely :-

“(dd) to maintain such number of *Vidyasahayaks* as may, in the opinion of the State Government or an authorised officer, as the case may be, be necessary;”.

Amendment
of section 17
of Bom. LXI
of 1947.

4. In the principal Act, in section 17, in sub-section (1), after clause (c), the following clause shall be inserted, namely :-

“(cc) to maintain such number of *Vidyasahayaks* as may, in the opinion of the State Government, be necessary;”.

Amendment
of section 20
of Bom. LXI
of 1947.

5. In the principal Act, in section 20,-

(1) after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) Every district school board, and every authorised municipality and recognised private primary school shall, with the approval of the State Government or of an authorised officer, maintain such number of *Vidyasahayaks* as may, in the opinion of the State Government or an authorised officer, as the case may be, be necessary.”.

(2) after sub-section (4), the following new sub-sections shall be added, namely:-

“(5) The State Government may constitute State Level Committee, namely *Vidyasahayak* Committee to exercise such powers and perform such functions as may be prescribed.

(6) The State Government may constitute Village Education Committee and Village School Construction Committee to exercise such powers and perform such functions as may be prescribed.”.

Insertion of
new section
23A in Bom.
LXI of 1947.

Selection of
Vidya Sahayaks

6. In the principal Act, after section 23, the following new section shall be inserted, namely :-

“(23A). (1) For selection of *Vidyasahayaks* there shall be a Selection Committee-

(a) for every district, consisting of such persons as may be prescribed;

(b) for the area of every authorised municipality, consisting of such persons as may be prescribed;

(c) for recognised private primary schools consisting of such persons as may be prescribed;

(2) The qualifications for appointment of *Vidyasahayak* shall be such as may be prescribed.

(3) The Selection Committee shall select candidates for appointment as *Vidyasahayak* on such criteria and in such manner, as may be prescribed.

(4) A District Primary Education Officer or an Administrative Officer of the Municipal School Board or the managing trustee in private primary grant-in-aid school with the approval of the District Primary Education Officer, as the case may be, may make appointments of the candidates in accordance with the directions given by the Selection Committee and subject to such terms and conditions as laid down in *Vidyasahayak* Scheme as may be prescribed.

(5) No person shall be appointed as *Vidyasahayak* unless he has entered into a contract with the District Primary Education Officer or the Administrative Officer of the Municipal School Board or the management in case of recognised grant-in-aid private primary school with the approval of the District Primary Education Officer/District Education Officer, as the case may be, in such form and subject to such terms and conditions, as may be prescribed.

(6) The duties of *Vidyasahayak* shall be such as may be prescribed.

(7) The provisions of this section shall have effect, notwithstanding anything to the contrary contained in sections 20 and 23 of this Act and in any provision of the Gujarat Panchayats Act, 1993.

Guj. 18 of
1993.

7. In the principal Act, in section 63, -

Amendment
of section 63
of Bom. LXI
of 1947.

(1) in sub-section (2), after clause (fa), the following clauses shall be inserted, namely :-

- “(fb) the powers and functions to be performed by the State Level Committee, namely *Vidyasahayak* Committee;
- (fc) the powers and functions to be performed by the Village Education Committee and Village School Construction Committee;
- (fd) the persons of which Selection Committees shall consist of;
- (fe) the qualifications for appointment as *Vidyasahayak*;
- (ff) the manner and criteria for selection of candidates for appointment as *Vidyasahayak*;
- (fg) making of *Vidyasahayak* Scheme from time to time;
- (fh) the form of contract of appointment to be entered into by a *Vidyasahayak* and terms and conditions of such appointment to be contained in such contract;
- (fi) the duties of *Vidyasahayak*.”

(2) to sub-section (3), the following proviso shall be added, namely:-

“Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with previous publication of any rules to be made under this section.”