

**THE GUJARAT SECONDARY AND HIGHER SECONDARY
EDUCATION (AMENDMENT) BILL, 2020.**

GUJARAT BILL NO. 9 OF 2020.

A BILL

*further to amend the Gujarat Secondary and Higher Secondary
Education Act, 1972.*

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

1. (1) This Act may be called the Gujarat Secondary and Higher Secondary Education (Amendment) Act, 2020.

**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.

Amendment
of section 3 of
Guj. 18 of
1973.

2. In the Gujarat Secondary and Higher Secondary Education Act, 1972, in section 3, in sub-section (2),-

Guj. 18 of
1973.

(1) under the heading “**Class A-Ex Officio Members**” for clauses (i) to (xv), the following clauses shall be substituted, namely:-

- “(i) the Commissioner of Higher Education, Gujarat State;
- (ii) the Commissioner of School, Gujarat State;
- (iii) the Director of Primary Education, Gujarat State;
- (iv) the Director, Gujarat State Board of School Text Books;
- (v) the Director, Gujarat Council of Educational Research and Training;
- (vi) one officer of Education Department not below the rank of Deputy Secretary, nominated by the State Government;
- (vii) the Chairman, State Examination Board;
- (viii) the Director of Examination, Gujarat Secondary and Higher Secondary Education Board;
- (ix) the State Project Director, *Samagra Siksha Abhiyan.*”;

(2) under the heading “**Class B- Elected Members**” for clauses (i) to (x), the following clauses shall be substituted, namely:-

- (i) one member elected by the headmasters of registered schools other than post basic schools from amongst themselves;
- (ii) one member elected by the headmasters and the teachers of the post basic schools registered under this Act, from amongst themselves;
- (iii) one member elected by the teachers of registered schools other than post basic schools from amongst themselves;
- (iv) one member elected by the Principals of the Secondary Teachers Training Colleges and Graduate Basic Training Colleges from amongst themselves in such manner as may be prescribed;

- (v) one member elected by the non-teaching staff of registered private secondary schools, secondary and higher secondary schools, from amongst themselves;
- (vi) one member elected by the teaching staff of registered higher secondary schools from amongst themselves;
- (vii) one member elected from amongst teachers of Government secondary and higher secondary schools;
- (viii) one member elected by the representatives of the management of registered secondary and higher secondary schools registered under the Societies Registration Act, 1860 and the Gujarat Public Trusts Act, 1950 from amongst themselves in such manner as may be prescribed;
- (ix) one member elected by the Presidents of the Parents' Associations of registered private secondary schools and registered private higher secondary schools, from amongst themselves.

XXI of 1860.

Bom. XXIX of 1950.

Explanation. - In this clause, –

- (1) “Parents' Association” in relation to any registered private secondary schools shall mean an association of parents and guardians of students of that schools, formed and recognised by the headmaster of that school, whether before or after the appointed day.
- (2) (a) in relation to Parents' Association whose President is a headmaster, a teacher, a manager or a member of a governing body or other body in charge of the management of the school, “President” shall mean such member of that Association other than such headmaster, teacher, manager or, as the case may be, member, as may be authorised in writing by the Association; and
- (b) in a case where the President of a Parent's Association is himself absent or incapable of acting, the President shall, for the purpose of electing a member under this clause, mean such other member

of that Association as may be authorised in writing by the Association for that purpose.

- (c) A member of the Parents' Association shall cease to be such member on completion of his child's secondary or, as the case may be, higher secondary education.
- (x) two members elected by the Gujarat Legislative Assembly from amongst its members in accordance with the system of proportional representation by means of the single transferable vote:

Provided further that a person shall cease to hold office as a member of the Board if he ceases to be a headmaster or teacher of a registered school or the Principal of a Secondary Teachers Training College or a Graduate Basic Training College or a member of non-teaching staff of registered private secondary schools and registered private higher secondary schools or of teaching staff of registered higher secondary schools or a representative of the management of the registered schools or a President of a Parents' Association or, as the case may be, a member of the Gujarat Legislative Assembly.”;

(3) under the heading “**Class C- Nominated Members**”, the existing paragraph shall be numbered as clause (i) and after clause (i) as so numbered, the following clause shall be inserted, namely:-

- “(ii) The State Government shall nominate one member from amongst the members of the Academic Council of the Universities controlled by the State Government in Education Department.”.

STATEMENT OF OBJECTS AND REASONS

As per the existing provisions of the Gujarat Secondary and Higher Secondary Education Act, 1972, the Gujarat Secondary and Higher Secondary Education Board is constituted and entrusted the regulation of the secondary and higher secondary education in the State. The Board conducts the certificate examination for both the secondary school (i.e. 10th standard) and higher secondary school (i.e. 12th standard). The Board grants registration to the schools and grants permission to open new school in the State also. More particularly, the Board enjoys the powers and performs the duties as enumerated in sections 17 and 18 of the said Act.

The present total strength of the members (including the *ex-officio* members, the elected members and the nominated members) of the Board is 59 which is the highest of all the Boards constituted and functioning in the country for similar purposes. Most of the Boards have 11 to 26 members except the Board in the State of Maharashtra, Rajasthan, Madhya Pradesh and Uttarakhand which have 32 to 45 members.

The huge strength of the members of the Board hampers the functioning of the Board. Secondly, huge amount is incurred on the elections of the members of the Board and also on the payment of fees for the sittings of the Board and Committees appointed by the Board, travelling allowances to the members. It is therefore, considered necessary to amend sub-section (2) of section 3 of the said Act. *Clause 2* of the Bill provides for the same.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

BHUPENDRASINH CHUDASAMA,

MEMORENDUM REGARDING DELEGATED LEGISLATION

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

Clause 1.- Sub-clause (2) of this clause empowers the State Government, by notification in the *Official Gazette*, to appoint the date on which the provisions of the Bill shall come into force.

Clause 2.- (i) New clause (iv) under the heading “Class B- Elected Members” proposed to be substituted by sub-clause (2) of this clause empowers the State Government to prescribe by rules, the manner in which one member shall be elected by the Principals of the Secondary Teachers Training Colleges and Graduate Basic Training Colleges, from amongst themselves;

(ii) new clause (viii) under the heading “Class B- Elected Members” proposed to be substituted by sub-clause (2) of this clause empowers the State Government to prescribe by rules, the manner in which one member shall be elected by the representatives of the management of registered Secondary and Higher Secondary schools registered under the Societies Registration Act, 1860 and the Bombay Public Trusts Act, 1950, from amongst themselves.

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

Dated the 20th March, 2020.

BHUPENDRASINH CHUDASAMA.

ANNEXURE**EXTRACT FROM THE GUJARAT SECONDARY AND HIGHER
SECONDARY EDUCATION ACT, 1972.****(Guj. 18 of 1973)**

3. (1)	XXX	XXX	XXX	Constitution and incorporation of Board.
(2) The Board shall consist of a Chairman and a Deputy Chairman, both of whom shall be appointed by the State Government and of the following members that is to say-				

Class A-Ex-Officio Members

- (i) The Commissioner of Higher Education,
- (ii) The Commissioner of Schools and Mid-day meal,
- (iii) The Director of Technical Education,
- (iv) The Joint Director (10+2),
- (v) The Director of Primary Education,
- (vi) The Director, Gujarat State Board of School Text Book,
- (vii) The Director, Gujarat State Council of Educational Research and Training,
- (viii) The Director of Employment and Training,
- (ix) Two officers of Education Department not below the rank of Deputy Secretary as designated by the State Government,
- (x) The Chairman, State Board of Examination,
- (xi) The Chairman, Technical Education Board,

- (xii) The Secretary, Post Basic Education Board,
- (xiii) The Director of Examination, Gujarat Secondary and Higher Secondary Education Board,
- (xiv) The Director, Gujarat State Institute of Educational Technology,
- (xv) The Officer on Special Duty, Gujarat Secondary and Higher Secondary Education Board:

Provided that if there is no post having any of the designations mentioned above, the State Government may designate any officer holding a corresponding post, who deals with the matters that would be normally connected with such post.

Class B-Elected Members

- (i) One member elected from amongst themselves by the members of the Academic Council of each University and of the institutions recognised by the University Grants Commission or declared by the Central Government as Universities in accordance with the provisions of clause (f) of section 2 or of section 3, as the case may be, of the University Grants Commission Act, 1956:

Provided that where there is no Academic Council in any University or such institution recognised or declared as university, such authority of the University, or as the case may be, such institution as may be approved by the State Government in this behalf shall be deemed to be the Academic Council of such University, or as the case may be, institution, for the purpose of this clause.

- (ii) Five members elected by the headmasters of registered schools other than Post Basic Schools from amongst themselves.

(iii) One member elected by the headmasters of the post basic schools registered under this Act, from amongst themselves.

(iv) Five members elected by the teachers of registered schools other than Post Basic Schools from amongst themselves.

(v) One member elected by the teacher of Post Basic Schools registered under this Act, from amongst themselves.

(vi) One member elected by the Principals of the Secondary Teachers Training Colleges and Graduate Basic Training Colleges from amongst themselves in such manner as may be prescribed.

(vi-a) One member elected by the non-teaching staff of registered private secondary schools from amongst themselves.

(vi-ab) One member elected by non-teaching staff of registered secondary and higher secondary schools from amongst themselves.

Explanation.-The member elected under clauses (vi-a) and (vi-ab) shall not be eligible to be nominated as the member of the school staff selection committee for teachers and principals.

(vi-aa) three members elected by the teaching staff of registered higher secondary schools from amongst themselves.

(vi-aaa) One member elected from amongst teachers of Government secondary and higher secondary schools.

(vii) four members elected by the representatives of the management of registered Secondary and Higher Secondary Schools registered under the Societies Registration Act, 1860 and the Bombay Public Trusts Act, 1959 from amongst themselves in such manner as may be prescribed.

XXIX of 1860.

**Bom. XXIX of
1950.**

(viii) Deleted.

(ix) Three members elected by the Presidents of the Parents' Associations of registered private secondary schools and registered private higher secondary schools from amongst themselves.

Explanation.-In this clause,-

(1) "Parents' Association" in relation to any registered private secondary schools shall mean an association of parents and guardians of students of that school, formed and recognised by the headmaster of that school, whether before or after the appointed day.

(2) (a) in relation to a Parents' Association whose President is a headmaster, a teacher, a manager or a member of a governing body or other body in charge of the management of the school, "President" shall mean such member of that Association other than such headmaster, teacher, manager or, as the case may be, member, as may be authorised in writing by the Association; and

(b) in a case where the President of a Parents' Association is himself absent or incapable of acting, the President shall, for the purpose of electing a member under this clause, mean such other member of that Association as may be authorised in writing by the Association for that purpose.

(c) A member of the Parents' Association shall cease to be such member on completion of his child's Secondary or, as the case may be, higher secondary education.

(x) Five members elected by the Gujarat Legislative Assembly from amongst its members in accordance with the system of proportional representation by means of the single transferable vote :

Provided that for the purposes of clauses (ii) and (iv) of this Class the registered schools other than post basic schools in the State shall from time to time be so arranged by the State Government in five groups that the number of such schools in any one group shall be as near as possible to twenty per cent. of the total number of such schools in the State, and the headmasters or, as the case may be the teachers of such schools in each such group shall elect one member:

Provided further that for the purpose of clause (vi-aa), the State Government shall, by an order published in the *Official Gazette*, divide the State into three regions each having, as far as possible, an equal number of registered higher secondary schools within the areas comprised therein and the teaching staff of registered higher secondary schools in each such region shall elect one member:

Provided further that for the purpose of clause (ix) the State Government shall, by an order published in the *Official Gazette*, divide the State into three regions each having as far as possible an equal number of registered private secondary schools and registered private higher secondary schools within the areas comprised therein and the Presidents of Parents' Associations in each such region shall elect one member:

Provided further that a person shall cease to hold office as a member of the Board if he ceases to be a member of the Academic Council or of the institution which elected him, or ceases to be a headmaster or teacher of a registered school or the Principal of a Secondary Teachers Training College or a Graduate Basic Training College or a member of non-teaching staff of registered private secondary schools registered private higher secondary schools or of teaching staff of registered higher secondary schools or a representative of the management of the registered schools or a President of a Parents' Association or as the case may be, a member of the Gujarat Legislative Assembly:

Provided also that where the Board is constituted for the first time the members of this Class shall be nominated by the State Government from amongst persons qualified to be elected as members of this Class.

Class C- Nominated Members.

Three members nominated by the State Government from amongst persons who have special knowledge or practical experience in the field of Science, Industry or Commerce.

(3)

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GUJARAT LEGISLATURE SECRETARIAT

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Higher Secondary Education Act, 1972.*

**[SHRI BHUPENDRASINH CHUDASAMA,
MINISTER FOR EDUCATION]**

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Gazette of the 20th March, 2020)**

D.M.PATEL,
Secretary,
Gujarat Legislative Assembly.