



## 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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# The Gujarat Government Gazette

## EXTRAORDINARY

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### 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

Repeal of  
Guj. Ord.  
No. 11 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 The Bombay Primary Education (Gujarat Amendment) Ordinance, 1962 is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.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.  
11 of  
1962.  
Bom. A  
1 of  
1904.



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### 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. LXXI 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. LXXI of 1947.

(a) 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 Schedule 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, 1879 to the Saurashtra area of the State by the Bombay Land Revenue Code (Extension 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—

Bom. V of 1879. Bom. Ord. No. II of 1959.

(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

69. (1) The Saurashtra Primary Education Act, 1956 is hereby repealed.

Sau. Act XXX-III of 1956.

and saving.

(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)

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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."

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**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 Amend-Short title. ment) 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."



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### 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.



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**P A R T I V**

**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,—

(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.

(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).

Bom.  
LXI  
of  
1947.

Guj.  
of  
1986.

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 case the 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 reduction  
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













