

Extra No. 4



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LXIV] FRIDAY, MARCH 3, 2023 / PHALGUNA 12, 1944

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

PART IV

**Acts of 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 2nd March, 2023 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2023.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 3rd March, 2023).

AN ACT

to provide and ensure teaching and learning of Gujarati as one of the
languages in all Schools in the State of Gujarat.

WHEREAS a policy decision has been taken by the Government of Gujarat to ensure that all students studying in the school imparting elementary education in the State shall learn Gujarati as one of the languages in a phased manner from the academic year 2023-24.

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

Short title and commencement.

1. (1) This Act may be called the Gujarat Compulsory Teaching and Learning of Gujarati Language Act, 2023.
- (2) It shall come into force on such date as the Government may, by notification, in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,
 - (a) “Academic year” means the academic year commencing as per concerned Board;
 - (b) “Competent authority” means the competent authority appointed by the Government under section 4;
 - (c) “elementary education” means the education from first class to eighth class as defined in clause (f) of section 2 of the Right of Children to Free and Compulsory Education Act, 2009;
 - (d) “Government” means the State Government;
 - (e) “prescribed” means prescribed by the rules;
 - (f) “School” means,
 - (i) any school imparting any class of elementary education, established and maintained by the Government or Local Bodies; or
 - (ii) any school imparting any class of elementary education, 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 of India, whether receiving aid out of the State fund or not; or
 - (iii) such other Schools which are running in the State of Gujarat and have affiliation with any Board;
 - (g) “State” means the State of Gujarat;

35 of 2009.

Gujarati as a compulsory language.

3. (1) Gujarati language shall be taught as a compulsory language in all schools in the State as an additional language, in the phased manner, as may be required.
- (2) In those Schools which are not teaching Gujarati as a language, shall introduce Gujarati as an additional language, from the first standard from the academic year 2023-24 and extend up to eighth standard in the phased manner.
- (3) Every School shall follow textbooks prescribed by the Government for teaching Gujarati as an additional language.

Competent Authority.

4. (1) The Government may appoint, by notification, in the *Official Gazette*, any officer of the Education Department not below the rank of Deputy Director in the office of the Directorate of Primary Education, Government of Gujarat to be the Competent Authority for the purposes of carrying out the provisions of this Act and the rules made there under and different competent authorities may be appointed for different areas.
- (2) The Competent Authority shall exercise such powers and perform such functions as may be prescribed.

Competent Authority to be Public Servant.

5. The competent authority appointed under Section 4 shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860.

45 of 1860

Exemption by school.

6. (1) In case of students with domicile outside Gujarat, who are studying in School of Gujarat, exemption may be granted, from all or any of the provisions of this Act. Such exemption may be granted by the concerned School where the student is enrolled, on written request of student’s parent/guardian with valid reasons.

- (2) The list of such students along with requisite details shall be intimated to the concerned District Education Officer / District Primary Education Officer as and when such decision has been taken by the School.
- 7.** The Education Department, Government of Gujarat may, subject to such conditions, as it may deem fit by general or special order, to be published in the *Official Gazette* other than the provisions of Section 6 of this Act, exempt any School or category of students from all or any of the provisions of this Act. **Exemption by Government.**
- 8.** (1) Any school, which contravenes the provisions of this Act or the rules made thereunder for a month for the first time, shall be liable for a penalty of rupees fifty thousand: **Penalty.**
- Provided that if such a school contravenes the provisions of this Act or the rules made thereunder for a month for the second time, then it shall be liable for a penalty of rupees one lakh:
- Provided further that if such a school contravenes the provisions of this Act or the rules made thereunder for a month for the third time and thereafter, then it shall be liable for a penalty of rupees two lakh.
- (2) The competent authority shall be competent to impose penalty under sub-section (1).
- (3) Where the Government is of the opinion that it is necessary or expedient to do so, it may, for reasons to be recorded in writing, suitably enhance or reduce any of the penalty as specified in sub-section (1).
- (4) If any School continues to make contraventions of the provisions of this Act or the rules made thereunder beyond a period of one year, the Government may, direct the Board or institution, as the case may be, to disaffiliate the School, to which such a School is affiliated.
- (5) No penalty as provided under sub-section (1) shall be imposed, unless the School concerned is given an opportunity of being heard.
- (6) An officer not below the rank of Deputy Director of the office of Directorate of Primary Education, Government of Gujarat may recover such penalty in such a manner, as may be prescribed.
- 9.** Save as otherwise provided in this Act, the provisions of this Act, or the rules made thereunder, shall have effect, notwithstanding anything inconsistent therewith contained in any other law enacted by the Gujarat State Legislature. **Overriding effect.**
- 10.** (1) The Government may, in the public interest, by order, direct the competent authority to make an enquiry or to take appropriate proceedings under this Act in any case specified in the Order and the competent authority shall report to the Government the result of the enquiry made or the proceedings taken by him within such period as may be prescribed. **Power of Government to give directions.**
- (2) On receipt of the report from the competent authority under sub-section (1), the Government shall give such direction as it deems fit and such direction shall be final and binding.
- 11.** No suit, prosecution or other legal proceedings shall lie against the competent authority, 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 there under. **Protection of action taken in good faith.**
- 12.** (1) The Government may, by notification in the *Official Gazette*, after previous publication, make rules to carry out the purposes of this Act. **Power to make Rules.**

- (2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be they are made, and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which they are so laid or the session immediately following.
- (3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

**Power to
remove
difficulties.**

- 13.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, within a period of two years from the commencement of this Act, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of difficulty.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature.

