



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. L]

THURSDAY, FEBRUARY 12, 2009/MAGHA 23, 1930

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

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT EDUCATIONAL INNOVATIONS COMMISSION

BILL, 2009.

GUJARAT BILL NO. 3 OF 2009.

A BILL

to promote conception, experimentation and implementation of educational innovations in the State of Gujarat and for that purpose, to establish the Gujarat Educational Innovations Commission and for the matters connected therewith and incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Educational Innovations Commission Act, 2009. Short title and commencement.
- (2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires,- Definitions.
 - (i) "Chairperson" means the Chairperson of the Commission;
 - (ii) "Commission" means the Gujarat Educational Innovations Commission established under section 3;

- (iii) "Committee" means a Committee appointed under section 23;
- (iv) "Council" means a Council constituted under section 22;
- (v) "Executive Chairperson" means the Executive Chairperson of the Commission;
- (vi) "Fellow" means a person duly appointed as a fellow of the Commission under section 24;
- (vii) "Fund" means the Fund of the Commission;
- (viii) "member" means a member of the Commission;
- (ix) "regulations" means regulations made under section 33;
- (x) "rules" means rules made under section 32;
- (xi) "Vice-Chairperson" means the Vice-Chairperson of the Commission.

CHAPTER II

ESTABLISHMENT, INCORPORATION AND COMPOSITION OF GUJARAT EDUCATIONAL INNOVATIONS COMMISSION

**Establishment and
incorporation of
Commission.**

3.(1) For the purpose of promoting conception, experimentation and implementation of educational innovations in the State, the State Government shall, by notification in the *Official Gazette*, establish a Commission by the name of the Gujarat Educational Innovations Commission with effect from such date as may be specified in the notification.

(2) The Commission shall be a body corporate with perpetual succession and common seal and may sue or be sued in its corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold and dispose of property, both movable and immovable, and to contract and do all things necessary for the purposes of this Act.

**Headquarters of
Commission.**

4. The headquarters of the Commission shall be at Gandhinagar or at such other place, as the State Government may, by notification in the *Official Gazette*, specify.

**Composition of
Commission.**

5. (1) The Commission shall consist of the Chairperson and twelve other members as follows, namely :-

- (a) the Chief Minister of the State, *ex-officio* Chairperson;
- (b) the Minister for Education, *ex-officio* Vice-Chairperson;
- (c) the Executive Chairperson appointed or nominated under sub-section (2);
- (d) the Secretary to the Government of Gujarat, Education Department, *ex-officio* member;
- (e) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* member;
- (f) the Secretary to the Government of Gujarat, Education Department (Primary Education), *ex-officio* member;
- (g) the Vice-Chancellor of a University, by rotation in the manner prescribed by rules, from amongst the Vice-Chancellors of Universities in the State established by law, *ex-officio* member;
- (h) the Chairperson of the Gujarat Secondary and Higher Secondary Education Board, *ex-officio* member;
- (i) the Director, Gujarat Council of Educational Research and Training, *ex-officio* member;

- (j) the member for innovations in science, technology and vocational courses;
- (k) the member for innovations in programmes relating to humanities, art, craft and other cultural courses and value-oriented education;
- (l) the member for innovations in pedagogical methods including those related to curriculum, evaluation and teaching-learning aids;
- (m) the member for innovations in physical education including courses related to gymnastics, aquatics, athletics, combatives, Indian and universal games, Yogic (physical and psychological) exercises, health, Scouts and Guides, National Cadet Corps and National Service Scheme programmes.

(2) The Executive Chairperson referred to in clause (c) of sub-section (1) shall be nominated by the Chairperson from a panel of three persons recommended by the Search Committee appointed under section 7:

Provided that the first Executive Chairperson shall be appointed by the State Government for a period of two years.

(3) Each member referred to in clauses (j) to (m) of sub-section (1) shall be nominated by the State Government from a panel of three persons recommended by Search Committee appointed under section 7:

Provided that the first appointment of the members referred to in this sub-section, shall be made by the Chairperson on the recommendation of the Executive Chairperson from amongst such persons as he thinks fit.

6. (1) A person to be nominated as an Executive Chairperson under sub-section (2) of section 5, shall possess the following qualifications, namely :--

Qualifications
of Executive
Chairperson
and of certain
members.

- (a) be a citizen of India;
- (b) be a renowned educationist, devoted to educational reforms and innovations;
- (c) have proven record of reforms and innovations;
- (d) have actual experience in experimentation and implementation of reforms and innovations;
- (e) be well versed in the educational philosophy of --
 - (i) pioneering educationists of India, and
 - (ii) leading pioneers of educational innovations in the world; and
- (f) have sound knowledge of Indian and universal culture.

(2) A person to be nominated as a member under sub-section (3) of section 5, shall possess the following qualifications, namely :--

- (a) be a citizen of India;
- (b) be a renowned educationist, devoted to educational reforms and innovations;
- (c) have proven record of reforms and innovations in the relevant fields of sciences, technology, vocational courses, humanities, arts, crafts and other cultural courses and value oriented courses, pedagogical courses and methods, physical education,

yoga, health, Scouts and Guides, National Cadet Corps and National Service Scheme programmes;

- (d) have actual experience in experimentation and implementation of reforms and innovations;
- (e) be well versed in the educational philosophy of —
 - (i) pioneering educationists of India, and
 - (ii) leading pioneers of educational innovations in the world, and
- (f) have sound knowledge of Indian and universal culture.

**Search
Committee.**

7.(1) For the purpose of nomination of Executive Chairperson and members under sub-sections (2) and (3) of section 5, the State Government shall appoint a Search Committee consisting of three persons who, in the opinion of the State Government, are eminent educationists having wide knowledge of educational reforms and innovations and are of high repute and integrity.

(2) The State Government shall designate one of these persons as the Chairperson of the Committee.

(3) The Search Committee shall follow such procedure as may be laid down by it.

(4) (a) A member of the Search Committee shall not be entitled to receive any compensation for his service but shall be reimbursed for the travelling and other expenses incurred by him in discharge of his duties.

(b) The expenses referred to in clause (a) shall be paid out of the Fund.

8. (1) (a) The term of office of members, other than *ex-officio* members, who are appointed on the recommendation of the Executive Chairperson, shall be two years from the date of their nomination.

(b) The term of office of the Executive Chairperson and members, other than *ex-officio* members, who are nominated on the recommendation of Search Committee, shall be five years from the date of their appointment or nomination.

(2) The term of office of an *ex-officio* member shall continue so long as he holds office by virtue of which he is such a member.

(3) (a) The terms and conditions of office of the Executive Chairperson and the members other than *ex-officio* members shall be such as may be prescribed by rules.

(b) The Executive Chairperson and the members referred to in clause (a) shall be whole time salaried persons.

(c) The salaries and other emoluments of—

(i) the Executive Chairperson shall not be less than that of the Chief Secretary to the Government of Gujarat; and

the members other than *ex-officio* members shall not be less than that of the Principal Secretary to the Government of Gujarat.

**Terms and
conditions of
office of Executive
Chairperson and
of members other
than *ex-officio*
members.**

9. (1) On occurrence of any vacancy in the office of the Executive Chairperson due to death, resignation or any other reason, the same shall be filled in by the Chairperson by nominating a person in the manner provided in section 5. **Filling up of vacancy.**

(2) On occurrence of any vacancy in the office of the member due to death, resignation or any other reason, the same shall be filled in by the State Government by appointing or, as the case may be, nominating a person in the manner provided in section 5.

10. A person shall be disqualified for being appointed or nominated or being an Executive Chairperson or a member of the Commission if such person,— **Disqualifications.**

- (a) is, or at any time, being adjudged insolvent;
- (b) is of unsound mind and stands so declared by the competent court;
- (c) is or has been convicted of any offence which, in the opinion of the State Government, involves moral turpitude; or
- (d) has, either directly or indirectly, any financial or other interest which is likely to affect prejudicially his functioning.

11. (1) Notwithstanding anything contained in sub-section (1) of section 8, the Chairperson or, as the case may be, the State Government may, at any time, remove the Executive Chairperson or any member from office if, in its opinion, such Executive Chairperson or a member,— **Removal and resignation of Executive Chairperson and member.**

- (a) is, or has become subject to any of the disqualifications mentioned in section 10;
- (b) has been guilty of misconduct in discharge of his duties;
- (c) has become physically or mentally incapable of discharging duties as an Executive Chairperson or member;
- (d) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- (e) has, without reasonable cause, refused or failed to perform his duties for a period of not less than three months:

Provided that the Executive Chairperson or a member shall not be removed from his office unless an opportunity of being heard is given.

- (2) (a) The Executive Chairperson may, by writing under his hand addressed to the Chairperson resign his office.
- (b) Any member, who is appointed, may, by writing under his hand addressed to the Chairperson, resign his office.
- (c) Any member, who is nominated may, by writing under his hand addressed to the State Government, resign his office.

12. (1) The Commission shall meet at such time and at such place and shall, subject to sub-sections (2) and (3), observe such rules of procedure with regard to transaction of its business at the meetings as may be provided by regulations: **Meetings of Commission.**

Provided that the Commission shall meet at least once in every month.

(2) If the Chairperson, for any reason, is unable to attend any meeting, the Vice-Chairperson or in his absence, the Executive Chairperson shall preside over the meeting of the Commission.

(3) (a) All questions at a meeting of the Commission shall be decided by a majority of votes of the members present and voting, and in case when there is an equality of votes, the Chairperson or in his absence, the Vice-Chairperson or in his absence, the Executive Chairperson shall have and exercise a second or casting vote.

(b) The quorum at the meetings of the Commission shall not be less than three members.

Officers and employees of Commission.

13. (1) The Commission, in order to enable it to perform its functions, may —

- (a) with the approval of the State Government,—
 - (i) appoint a Secretary, and
 - (ii) determine such number and category of other officers and employees, and
- (b) appoint other officers and employees so determined.

(2) The manner of recruitment of, the salary and allowances payable to, and other conditions of service of the Secretary, officers and other employees, shall be such as may be determined by the Commission by regulations.

Acts and proceedings presumed to be valid.

14. (1) No act or proceeding of the Commission shall be questioned or be invalid on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Commission.

(2) No act done by any person acting in good faith as an Executive Chairperson or a member shall be deemed to be invalid merely on the ground that he was disqualified to be an Executive Chairperson or a member or that there was any other defect in his appointment or nomination.

CHAPTER III

OBJECTS, FUNCTIONS AND POWERS OF COMMISSION

Objects of Commission.

15. The objects of the Commission shall be as follows, namely :-

- (a) to conceive, experiment upon and implement such innovative proposals in the field of education and learning as would transform the objectives, contents and methods of education in the light of the vision of great pioneers and educationists of India's freedom movement and of progressive educationists of the world and in light of the needs of the contemporary world in its march towards a future that would be in harmony with the ideals of liberty, equality and fraternity;
- (b) to introduce and nurture innovations in the educational system so as to reflect India's perennial spiritual knowledge, robust intellectuality and creativity and the ideals of man-making education, integral development of personality, synthesis of scientific realism and artistic imagination, child-centered education, value-oriented education and skill-oriented education;

- (c) to study and derive lessons from the ongoing experiments in education that are taking place in Gujarat as also elsewhere and to foster all the valuable innovative work and promote the same for larger expansion and utilization;
- (d) to develop a system of education that reflects the highest ideals of Indian culture and imparts among students vibrant spirit of patriotism and deepest concern for the highest welfare of humanity, world peace and world unity;
- (e) to evolve, in particular, programmes and methods of studies that would instill, among students and promote in various sectors of the educational system, devotion to the duties enumerated in article 51A of the Constitution of India;
- (f) to promote, sustain and foster all innovative programmes related to the entire human life-style including earliest stages of pre-natal care and scaling up to the highest levels of excellence and leadership contributing to the growth of the individual, covering thus the entire gamut of the educational system appropriate to a knowledge society and the ideal of unending education.

16. (1) Subject to the provisions of this Act, the Commission shall conceive, experiment upon and implement such innovative proposals in the field of education and learning as would transform the objectives, contents and methods of education so as to promote the objectives of the Commission.

Functions of
Commission.

(2) In particular and without prejudice to the generality of the foregoing function, the Commission shall perform the following functions, namely:—

- (i) to promote experimentation, designing and development of the contents of learning which would inspire pupils to foster the over-arching aims of education to be achieved by the Commission;
- (ii) to promote, explore and invent new methods of pedagogy and evaluation so as to make the learning process interesting, instructive, experimental and practical;
- (iii) to experiment upon the contents and methods of learning at its own innovative institutions or innovative institutions selected by it from those existing;
- (iv) to promote and recommend, on the basis of results of its experiments carried out on its own innovative institutions or innovative institutions selected by it as are found by it to be appropriate to achieve the objectives of the Commission;
- (v) to establish institutions (including institutions for education and training of teachers) for experimentation and implementation of the educational innovations promoted, explored and invented by it and for education and training of teachers for that purpose;
- (vi) (a) to recognise as a recognised institution, any institution for experimentation and implementation of the educational innovations recommended by it and for education and training of teachers for that purpose;
- (b) to withdraw recognition of an institution for breach of conditions of recognition after giving it an opportunity of being heard;

- (vii) to establish teachers' education and training institutions of innovative education and to provide for education and training of teachers for implementation of educational innovations recommended by them;
- (viii) to experiment, promote and develop the courses which facilitate students to switch over from existing system of education to the innovative system of education developed by it;
- (ix) to promote innovations in evaluations and to establish appropriate testing service;
- (x) to support innovations in schools and Universities and educational institutions of research, experimentation, training and extension services;
- (xi) to evolve programmes of innovations in regard to the aims, methods and contents of education;
- (xii) to endeavour to enrich the present system of education so as to make it more responsive to the ideals of Indian Nationalism and Internationalism;
- (xiii) to develop new system of education as supplementary or alternative to existing system of education;
- (xiv) to perform such other functions as are necessary for, and conducive to, the promotion of the objectives of the Commission.

Powers of Commission.

17. (1) The Commission shall have the power to do all such things as are necessary for, and conducive to, the efficient performance of its functions under this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, the Commission shall have following powers, namely:—
- (i) to carry out research in aims and contents of education and methods of pedagogy and evaluation;
 - (ii) to institute fellowships and scholarships for carrying out research in aims and contents of education and methods of pedagogy and evaluation;
 - (iii) to organize workshops, conferences, symposia and such other meetings to elicit ideas for educational innovations;
 - (iv) to have access to all the materials, including books, manuscripts, lithographs, inscriptions on walls of ancient buildings and such other places, which are available with, or is in possession of, any authority established, by or under any law within the State and is relevant to the aims and contents of education and methods of pedagogy and evaluation;
 - (v) (a) to recognize or establish and conduct innovative institutions of education with special provision for innovative aims, contents and methods of teaching, learning and evaluation;
 - (b) to aim at excellence in the innovative system of education; and
 - (c) to grant to the students of that system, certificates equivalent to the certificates granted by the established system of education at the appropriate level;

- (vi) to determine standards of courses proposed or supported by it under its functions related to innovations;
- (vii) to allocate and disburse grants out of the fund—
 - (a) for its innovations and for innovations in other institutions;
 - (b) to institutions and courses (including institutions and courses for teachers' education and training) recognized by it for the purpose of developing them so as to promote experimentation and implementation of educational innovations;
 - (c) for grant of fellowships and scholarships to carry out research in areas relevant to the aims and objects of the Commission;
- (viii) to appoint Secretary and other officers and employees;
- (ix) to constitute councils;
- (x) to temporarily associate persons with the Commission;
- (xi) to appoint committees for performing its functions and exercising its powers;
- (xii) to consult and obtain concurrence of the various bodies in respect of recognition and accreditation granted by the statutory boards and Universities for the purpose of arriving at equivalence of the courses, programmes and evaluation system established by it with the existing standards of education;
- (xiii) to conduct the processes of the consultation in the spirit of co-operation and flexibility and to enhance and encourage innovations by transcending the barriers of rigidity and obsolete methodologies;
- (xiv) to promote the spirit of decentralisation, freedom of initiative and strictness in regard to discipline and maintenance of high standards; and
- (xv) to collaborate, to negotiate and to arrive at agreements and arrangements with the Government, as also with schools, Universities, centres and institutions (including autonomous institutions).

CHAPTER IV
FINANCE, ACCOUNTS, AUDIT AND ANNUAL REPORT
OF COMMISSION

- Fund of Commission.**
18. (1) The Commission shall have its own fund and all receipts of the Commission shall be carried thereto and all payments by the Commission shall be made therefrom.
- (2) The Commission may accept grants, subventions, donations and gifts from the Central Government or the State Government or a local authority or any individual or body, whether incorporated or not, for the purposes of this Act.
- (3) The Commission may spend such sums as it thinks fit for the performance of its functions under this Act and such sums shall be treated as an expenditure payable out of the fund of the Commission.

(4) All moneys belonging to the fund of the Commission shall be kept in any corresponding new Bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and approved by the State Government for the purpose or invested in securities authorised by the Trusts Act, 1882, at the discretion of the Commission.

5 of 1970
40 of 1980.
2 of 1882.

Budget. 19. (1) (a) The Commission shall, by such date in each year as may be prescribed by rules, submit to the State Government for approval a budget in the prescribed form for the next financial year showing the estimated receipts and expenditure and the sums which would be required from the State Government during that financial year.

(b) If any sum granted by the State Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the State Government for that year.

(2) No sum shall be expended by or on behalf of the Commission unless the expenditure is covered by provision in the budget approved by the State Government.

Accounts and audit. 20. (1) The accounts of the Commission shall be prepared and maintained in such form and in such manner as may be prescribed by rules.

(2) The Commission shall cause to be prepared for each financial year an annual statement of accounts in such form as may be prescribed by rules.

1 of 1956. (3) The accounts of the Commission shall be audited by an Auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956.

(4) The Auditor shall be appointed by the Commission.

(5) Every Auditor appointed to audit the accounts of the Commission under this Act shall have a right to demand the production of books of accounts, connected vouchers and other documents and papers, to inspect the offices of the Commission and to require such information from the Commission as he may think necessary for the performance of his duty as an auditor.

(6) The Auditor shall send a copy of his report together with a copy of audited accounts to the Commission which shall, as soon as may be after the receipt of the audit report, forward the same to the State Government.

(7) The State Government shall, as soon as may be after the receipt of audit report under sub-section (6), cause the same to be laid before the State Legislature.

Annual report.

21. (1) The Commission shall, during each financial year, prepare, in such form and at such time as may be prescribed by rules, an annual report giving a true and full account of its activities during the previous financial year and copies of such report shall be forwarded to the State Government.

(2) The State Government shall cause every such report to be laid before the State Legislature within a period of six months from the date of its receipt under sub-section (1).

CHAPTER V
EDUCATIONAL INNOVATIONS COUNCILS, COMMITTEES AND
FELLOWS

22. (1) There shall be constituted by the Commission four Educational Innovations Councils as follows, namely :—

Constitution of Educational Innovations Councils.

- (i) a Council for innovations in programmes relating to science, technology and vocational courses;
- (ii) a Council for innovations in programmes relating to languages, humanities, value-oriented education, socially useful work, art, craft and other cultural courses such as music, drama, dance;
- (iii) a Council for innovations in pedagogical methods;
- (iv) a Council for innovations in physical education.

(2) Each Council shall consist of the Executive Chairperson who shall be the Chairperson of that Council.

(3) The member referred to in clauses (j), (k) (l) and (m) of sub-section (1) of section 5 shall respectively be the member-secretary of the Councils referred to in clauses (i), (ii), (iii) and (iv) of sub-section (1).

(4) (a) Each Council shall consist of four scholars nominated by the Commission in the manner specified in clause (b) as members thereof.

(b) The four scholars for each Council shall be selected in such manner as may be prescribed by regulations from amongst eminent educationalists in the subjects of innovations for which the Council is constituted.

(5) The Council shall meet at such time and place and shall observe such rules of procedure with regard to transaction of its business at the meetings as may be prescribed by regulations.

(6) The Council shall perform such other functions and exercise such powers as may be prescribed by regulations.

23. (1) (a) The Commission may appoint one or more committees consisting of not more than five of its members or members of a Council or both, for performing such of the functions or for exercising such of its powers as may be delegated by it.

Appointment of committees and delegation of functions and powers.

(b) The Commission shall, while appointing a committee under clause (a), designate one member of the committee as the Chairperson of the committee.

(2) The committee shall meet at such time and place, and shall observe such rules of procedure with regard to transaction of its business at the meeting as may be determined by it.

24. (1) For the purpose of carrying out research in educational innovations, there shall be a scheme of fellowships which shall consist of not more than twenty-five fellows.

Fellows.

(2) Each fellow shall be selected by a committee appointed by the Commission for that purpose, from amongst eminent educationists.

(3) (a) Each fellow shall carry out research in such subject related to educational innovations as assigned to him by the Commission.

(b) He may, for the purpose of research in the subject assigned to him, organise consultation groups, seminars, workshops and conferences.

(c) He shall, during his term, write a thesis on the subject assigned to him.

(d) A fellow shall make himself available to the Commission for any consultation necessary in respect of the subject of research or thesis assigned to him.

(4) (a) The term of each fellow shall be one year:

Provided that where the Commission is of opinion that in order to enable the fellow to complete his research or thesis, it is necessary so to do, it may extend his term for a period not more than one year.

(b) The salary and allowances payable to a fellow shall be such as may be determined by the Commission by regulations.

CHAPTER VI MISCELLANEOUS

25. (1) (a) The Commission may associate with itself in such manner and for such purpose, as may be determined by the regulations, any person whose assistance or advice it may require in performance of its functions.

(b) A person associated by the Commission with it under clause (a) shall have the right to speak in or otherwise to take part in the meetings of the Commission but shall not have the right to vote thereat.

(c) The Commission may provide for payment of such allowances and expenses to a person associated with it under clause (a) as may be determined by regulations.

(2) (a) The Council may associate with itself in such manner and for such purpose, as may be determined by the regulations, any person whose assistance or advice it may require in performance of its functions.

(b) A person associated by the Council with it under clause (a) shall have the right to speak in or otherwise to take part in the meetings of the Council but shall not have the right to vote thereat.

(c) The Council may provide for payment of such allowances and expenses to a person associated with it under clause (a) as may be determined by bye-laws.

26. (1) All orders and decisions of the Commission shall be authenticated by the signature of the Executive Chairperson or any other member authorised by the Commission in this behalf and all other instruments issued by the Commission shall be authenticated by the signature of the Secretary or any other officer of the Commission authorised by the Commission in this behalf

(2) All decisions of a Council shall be authenticated by the signature of the Chairperson of the Council.

(3) All decisions of a Committee shall be authenticated by the signature of the Chairperson of the Committee or any other member of the Committee authorised by the Chairperson in this behalf.

Temporary
associations of
persons with
Commission or
Council.

Authentication
of orders and
other
instruments.

27. (1) In performance of its functions under this Act, the Commission shall be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Power of State Government to issue directions to Commission.

Provided that the Commission shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the State Government, whether a question is one of policy or not, shall be final.

28. (1) In performance of its functions under this Act, the Council shall be bound by such directions on questions of policy as the Commission may give, in writing, to it from time to time:

Power of Commission to issue directions to Councils.

Provided that the Council shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Commission, whether a question is one of policy or not, shall be final.

29. The Executive Chairperson, member, officer and employee of the Commission shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rules or regulations made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members, officers and employees of Commission to be public servants.

45 of 1860.

30. No suit, prosecution or other legal proceeding shall lie against the Commission or any member, officer or employee of the Commission for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules or regulations made thereunder.

Protection of action taken under the Act.

31. The Commission shall furnish to the State Government such returns or other information with respect to its property or activities as the State Government may, from time to time, require.

Returns and information.

32. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature, as soon as may be, after 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.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

33. (1) The Commission may, with the previous approval of the State Government, by notification in the *Official Gazette*, make regulations not inconsistent with the provisions of this Act, and the rules made thereunder for enabling it to perform its functions under this Act.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the matters expressly required or allowed by this Act to be specified by regulations.

Power of Council
to make bye-laws.

34. (1) The Council may, with the previous approval of the Commission, make bye-laws not inconsistent with this Act or with rules and regulations made thereunder for enabling it to perform its functions under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the matters expressly required or allowed by this Act to be specified by bye-laws.

Power to
remove
difficulties.

35. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The status of the educational system that is prevalent today needs to be innovated. The stake-holders in the field of education have been voicing the need for such appropriate changes that may cater to the multidimensional needs of students of modern India. Such changes are possible only if the primacy of the child and youth is kept in centre of attention of the society. Reformative ideas can be fruitful only if we keep in view the holistic nature of education and indispensable interconnections between various stages of education as also the aims, methods and contents relating to nationalism, internationalism, child-centered education, value-oriented education and skill-oriented education.

Modern developments of communication technology need to be utilized so that the processes of transmission of knowledge are enriched. Development of different methodologies need to be employed in order to ensure balanced growth of the Hand, Heart and Head, as also of man-making education and integral education. This necessitates harmonious blending of scientific, philosophical, aesthetic, ethical and spiritual pursuits. Educational researches conducted by pioneering educationists of India and the world need to be pooled together and fresh fields of research need to be developed, monitored and guided on a permanent basis.

The spirit of India's perennial spiritual knowledge, robust intellectuality and abundant creativity needs to percolate and inspire the renewal and updating of the curricula throughout our system of education. At the same time, the ideal of universe as a family contained in the Indian Adage "Vasudhaiv Kutumbakam" has to guide the international dimensions of our education system.

The aforesaid theme could be ensured by the objectives specified in clause 15 of the Bill. For the purpose of achieving the said objectives, the Bill seeks to establish "the Gujarat Educational Innovations Commission" in the State.

The following notes on clauses explain, in brief, the important provisions of the Bill:

Clause 2.—This clause defines certain terms used in the Bill.

Clause 3.—This clause provides for establishment and incorporation of the Gujarat Education Innovations Commission.

- Clause 4.*—This clause provides for the headquarters of the Commission.
- Clause 5.*—This clause provides for composition of the Commission.
- Clause 6.*—This clause provides for qualifications of the Executive Chairperson and certain members.
- Clause 7.*—This clause provides for appointment of Search Committee.
- Clause 8.*—This clause provides for the terms and conditions of office of the Executive Chairperson and members other than *ex-officio* members.
- Clause 9.*—This clause provides for occurrence of vacancy in office of the Executive Chairperson and member and filling up of such vacancy.
- Clause 10.*—This clause provides for disqualifications for being appointed or being a Executive Chairperson or member of the Commission.
- Clause 11.*—This clause empowers the State Government to remove the Executive Chairperson and a member of the Commission for reasons stated therein and also provides for resignation of a member.
- Clause 12.*—This clause provides for the time, place, quorum and rules of procedure with regard to transaction of the business at the meetings of the Commission.
- Clause 13.*—This clause provides for the power of the Commission to appoint officers and the employees of the Commission.
- Clause 15.*—This clause provides for the objects of the Commission.
- Clause 16.*—This clause provides for the functions to be performed by the Commission.
- Clause 17.*—This clause provides for the powers of the Commission.
- Clause 18.*—This clause provides for the fund of the Commission.
- Clauses 19, 20 and 21.*—These clauses provide for preparation of budget of the Commission, maintenance of its accounts and audit thereof and laying of annual report before the State Legislature.
- Clause 22.*—This clause provides for constitution of Educational Innovations Councils.
- Clause 23.*—This clause provides for appointment of committees.
- Clause 24.*—This clause provides for appointment of fellows.
- Clause 25.*—This clause empowers the Commission to associate with itself persons whose assistance or advice is necessary.
- Clause 27.*—This clause empowers the State Government to give directions on questions of policy to the Commission in writing.
- Clause 28.*—This clause empowers the Commission to give directions on questions of policy to the Councils.
- Clause 32.*—This clause empowers the State Government to make rules for carrying on the purposes of the Act and the matter expressly required or allowed by the Act to be prescribed by rules.
- Clause 33.*—This clause empowers the Commission to make regulations for enabling it to perform functions under the Act.
- Clause 34.*—This clause empowers the Council to make bye-laws for enabling it to perform functions.
- Clause 35.*—This clause empowers the State Government to make order consistent with the provisions of the Act as appears to it to be necessary for removing the difficulties, arises within two years, in giving effect to the provisions of the Act.

RAMANLAL VORA,

FINANCIAL MEMORANDUM

Sub-clause (3) of clause 8, sub-clause (2) of clause 13 and sub-clause (4) of clause 24 provide for salaries and allowances of the Executive Chairperson, members other than *ex-officio* member, officers and employees and the fellows of the Commission. Moreover sub-clause (4) of clause 7 provides for reimbursement of travelling and other expenses to the members of Search Committee. Clause 25 provides for payment of allowances and expenses to the persons associated with the Commission or a Council. The aforesaid recurring expenditure is to be borne by the Commission. Clause 18 of the Bill stipulates that the fund of the Commission shall consist of all receipts of the Commission and clause 19 stipulates that the State Government shall provide Budgetary provisions to the Commission for carrying out the functions of the Commission. Initially annual grant of rupees five crores needs to be provided to the Commission. In the circumstances, if the Bill enacted and provisions are brought into force would involve recurring and non-recurring expenditure from the Consolidated Fund of the State to that extent.

RAMANLAL VORA,

MEMORANDUM 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 to appoint by notification in the *Official Gazette*, the date on which the remaining provisions of the Act shall come into force.

Clause 3.- Sub-clause (1) of this clause empowers the State Government to establish by notification in the *Official Gazette*, the Gujarat Educational Innovations Commission with effect from the date as may be specified in the said notification.

Clause 4.- This clause empowers the State Government to specify by notification in the *Official Gazette*, such other place to be the headquarters of the Commission.

Clause 5.- Item (g) of sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner of appointment by rotation of the Vice-Chancellor of a University as a member of the Commission.

Clause 8.- Para (a) of sub-clause (3) of this clause empowers the State Government to prescribe by rules, the terms and conditions of office of the Executive Chairperson and the members other than *ex-officio* members of the Commission.

Clause 12.- Sub-clause (1) of this clause empowers the Commission to prescribe by regulations, the time and the place of the meetings of the Commission and the rules of procedure with regard to transaction of its business at the meetings.

Clause 13.- Sub-clause (2) of this clause empowers the Commission to determine by regulations, the manner of recruitment, salary and allowances and other conditions of service of the Secretary, officers and other employees of the Commission.

Clause 16.- Item (xiv) of sub-clause (2) of this clause empowers the Commission to prescribe by regulations, such other functions to be performed by the Commission.

Clause 19.- Para (a) of sub-clause (1) of this clause empowers the State Government to prescribe by rules, the date for submission of budget of the Commission to the State Government and the form in which the budget shall be prepared.

Clause 20.- (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form and the manner in which the accounts of the Commission shall be prepared and maintained;

(ii) Sub-clause (2) empowers the State Government to prescribe by rules, the form in which the Commission shall prepare an annual statement of accounts.

Clause 21.- Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form in which and the time at which the Commission shall prepare its annual report and submit to the State Government.

Clause 22.- (i) Para (b) of sub-clause (4) of this clause empowers the Commission to prescribe by regulations, the manner in which the four scholars for each council shall be selected amongst eminent educationalists in the subject of innovations;

(ii) sub-clause (5) empowers the Commission to prescribe by regulations, the time and the place of meetings of the Council and the rules of procedure for transaction of business at its meetings;

(iii) sub-clause (6) empowers the Commission to prescribe by regulation, the other functions to be performed and other powers to be exercised by the Council.

Clause 23.- (i) Para (a) of sub-clause (1) of this clause empowers the Commission to delegate its functions to be performed and its powers to be exercised by the Committee as may be appointed by the Commission;

(ii) sub-clause (2) empowers the Committee to determine the time and the place of meeting of the Committee and the rules of procedure to be observed for transaction of business at the meeting.

Clause 24.- Para (b) of sub-clause (4) of this clause empowers the Commission to determine by regulations, the salary and allowances payable to a fellow.

Clause 25.- (i) Para (a) of sub-clause (1) of this clause empowers the Commission to determine by regulations, the manner in which and the purpose for which the Commission may associate with itself, any person whose assistance or advise is required;

(ii) para (c) of sub-clause (1) empowers the Commission to determine by regulations, the allowances and expenses payable to a person associated with it;

(iii) para (a) of sub-clause (2) empowers the Commission to determine by regulations, the manner in which and the purpose for which the Council may associate itself, any person whose assistance or advice is required;

(iv) para (c) of sub-clause (2) empowers the Council to determine by bye-laws, the allowances and expenses payable to a person associated with it.

Clause 27.- This clause empowers the State Government to issue directions to the Commission, on questions of policy as may be required in performance of its functions.

Clause 28.- This clause empowers the Commission to issue directions to the council, on questions of policy as may be required in performance of its functions.

Clause 32.- This clause empowers the State Government to make rules, by notification in the *Official Gazette*, generally for carrying out the purposes of the Act and particularly for the matters expressly required or allowed by the Act to be prescribed by rules.

Clause 33.- This clause empowers the Commission to make regulations, by notification in the *Official Gazette*, with the previous approval of the State Government, not inconsistent with the provisions of the Act and the rules made thereunder and to provide for all or any other matters expressly required or allowed by the Act to be prescribed by regulations.

Clause 34.- This clause empowers the Council to make bye-laws not inconsistent with the provisions of the Act, the rules and the regulations made thereunder, with the previous approval of the Commission, to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by bye-laws.

Clause 35.- Sub-clause (1) of this clause empowers the State Government to remove difficulties, by order published in the *Official Gazette*, arising within two years from the date of commencement of the Act.

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

Dated the 11th February, 2009.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

Gandhinagar
Dated the 12th February, 2009.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.