



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक २३]

गुरुवार, जून २६, २०१४/आषाढ ५, शके १९३६

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असाधारण क्रमांक ७७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the City of Mumbai Primary Education, the Maharashtra Primary Education, the Hyderabad Compulsory Primary Education and the Madhya Pradesh Primary Education (Repeal) Act, 2013 (Mah. Act No. XXV of 2014), is hereby published under the authority of the Governor.

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

H. B. PATEL,
Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXV OF 2014.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 26th June 2014).

An Act to repeal the City of Mumbai Primary Education Act, the Maharashtra Primary Education Act, the Hyderabad Compulsory Primary Education Act, 1952 and the Madhya Pradesh Primary Education Act, 1956 and to provide for matters connected therewith or incidental thereto.

XV of 1920.
LXI of 1947.
Hyd. XL of 1952.
M.P. XXIII of 1956.

WHEREAS for the purposes of securing development and expansion of primary education, the City of Mumbai Primary Education Act, the Maharashtra Primary Education Act, the Hyderabad Compulsory Primary Education Act, 1952 and the Madhya Pradesh Primary Education Act, 1956 had been enacted and made applicable in certain areas of the State of Maharashtra;

AND WHEREAS there was no uniformity in the provisions of the said Acts;

AND WHEREAS by the Constitution (Eighty-sixth Amendment) Act, 2002 article 21A has been inserted in the Constitution of India which provides for free and compulsory education to all children of the age of six to fourteen years as a fundamental right;

AND WHEREAS to give effect to the said Constitutional Amendment, the Government of India has enacted the Right of Children to Free and Compulsory Education Act, 2009 which has been brought into force with effect from the 1st April 2010 ; 35 of 2009.

AND WHEREAS some of the provisions of the said State Acts had become void in view of the said Central Act;

AND WHEREAS with a view to have uniformity in the primary education system and strict implementation of the provisions of the Right of Children to Free and Compulsory Education Act, 2009 in the State of Maharashtra, the Government considered it expedient to repeal the said State Acts ; 35 of 2009.

AND WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to repeal the City of Mumbai Primary Education Act, the Maharashtra Primary Education Act, the Hyderabad Compulsory Primary Education Act, 1952 and the Madhya Pradesh Primary Education Act, 1956 and to provide for the matters connected therewith or incidental thereto, for the purposes hereinafter appearing ; and, therefore, promulgated the City of Mumbai Primary Education, the Maharashtra Primary Education, the Hyderabad Compulsory Primary Education and the Madhya Pradesh Primary Education (Repeal) Ordinance, 2013, on the 1st July 2013; XV of 1920. LXI of 1947. Hyd. XL of 1952. M.P. XXIII of 1956. Mah. Ord. XI of 2013.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-fourth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the City of Mumbai Primary Education, the Maharashtra Primary Education, the Hyderabad Compulsory Primary Education and the Madhya Pradesh Primary Education (Repeal) Act, 2013.

(2) It shall be deemed to have come into force on the 1st July 2013.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “Government” means the Government of Maharashtra ;

(b) “local authority” means,—

(i) in relation to the schools managed by a Municipal Corporation, the Municipal Corporation constituted under the Mumbai Municipal Corporation Act or, as the case may be, the Maharashtra Municipal Corporations Act; III of 1888. LIX of 1949.

(ii) in relation to the schools managed by a *Zilla Parishad*, the *Zilla Parishad* constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ; Mah. V of 1962.

Mah. XL of 1965. (iii) in relation to the schools managed by the Municipal Council, *Nagar Panchayat* or, as the case may be, Industrial Township, the Municipal Council, *Nagar Panchayat* or Industrial Township constituted under the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965;

(iv) any other authority treated as local authority under any other law;

XV of 1920. LXI of 1947. Hyd. XL of 1952. M.P. XXIII of 1956. (c) "repealed Acts" means the City of Mumbai Primary Education Act, the Maharashtra Primary Education Act, the Hyderabad Compulsory Primary Education Act, 1952 and the Madhya Pradesh Primary Education Act, 1956.

(2) Words and expressions used in this Act but not defined, shall have the meanings respectively assigned to them in the repealed Acts.

Mah. XXV of 2014. **3. (1) On the commencement of the City of Mumbai Primary Education, the Maharashtra Primary Education, the Hyderabad Compulsory Primary Education and the Madhya Pradesh Primary Education (Repeal) Act, 2013 (hereinafter referred to as "the said Act"),—** Repeal of XV of 1920, LXI of 1947, Hyd. XL of 1952 and M.P. XXIII of 1956 and savings.

XV of 1920. LXI of 1947. Hyd. XL of 1952. M.P. XXIII of 1956. (a) the City of Mumbai Primary Education Act;
(b) the Maharashtra Primary Education Act;
(c) the Hyderabad Compulsory Primary Education Act, 1952; and
(d) the Madhya Pradesh Primary Education Act, 1956,
shall stand repealed.

(2) On and from the date of commencement of the said Act,—

(a) the School Boards, Local Committees or any other Committees or Boards constituted under the repealed Acts and the rules made thereunder, shall stand dissolved at the expiry of their respective terms and the members shall vacate their offices accordingly ; such School Boards, Local Committees or any other Committees or Boards shall work under the superintendence, direction and control of the concerned local authority ;

(b) the concerned local authority may constitute School Boards, Local Committees or any other Committees or Boards as per their requirements and in accordance with the provisions of the law applicable to such local authority ;

(c) all properties movable and immovable, and interests of whatever nature and kind therein, vested in the School Boards and Local Committees, immediately before the commencement of the said Act shall be deemed to be transferred to, and shall vest in the concerned local authority subject to all limitations and conditions and rights or interests of any person, body or authority in force or subsisting immediately prior to such commencement;

(d) all debts, liabilities and obligations incurred by School Boards and Local Committees, immediately before the commencement of the said Act and lawfully subsisting against any such School Boards and Local Committees shall be discharged and satisfied by the concerned local authority;

(e) every employee serving under the School Boards and Local Committees, immediately before the commencement of the said Act shall stand transferred to the concerned local authority, and the salaries and existing terms and conditions of service of such employees shall continue until duly altered or modified by the local authority :

Provided that, the conditions of service applicable to such employees immediately before the commencement of the said Act shall not be varied to their disadvantage;

(f) the salaries and existing terms and conditions of service of the teaching and non-teaching employees of the schools established under the repealed Acts and appointed as per the Government orders, issued from time to time, shall be continued as per the existing Government policy until duly altered or modified by the Government:

Provided that, the conditions of service applicable to such employees immediately before the commencement of the said Act shall not be varied to his disadvantage;

(g) the setup of the officers conferred with duties under the repealed Acts and rules made thereunder such as Director, Joint Director, Deputy Director, Education Officer, Deputy Education Officer and the like, appointed by the State Government, shall be continued until duly altered or modified by the Government;

(h) the Provident Fund, Gratuity, Pension and other benefits payable to the teaching and non-teaching employees of schools established under the repealed Acts, shall be maintained and paid by the concerned local authority as per the existing policy under the repealed Acts and the rules made thereunder ;

(i) the grants and rent payable to the schools established under the repealed Acts shall be paid by the Government as per the existing policy under the repealed Acts and the rules made thereunder until duly altered or modified by the Government;

(j) the Primary Education Fund maintained under the repealed Acts, shall stand transferred to the concerned local authority;

(k) the concerned local authority shall prepare the Budget in respect of the schools run by it in accordance with the provisions of the law applicable to such local authority;

(l) the powers of superintendence, inspection and control, in respect of the schools run by the Municipal Corporations shall be with the concerned Municipal Commissioner and other sub-ordinate officers authorized by him in that behalf; and in respect of the schools run by the Municipal Councils, *Nagar Panchayats*, Industrial Townships, and the *Zilla Parishads*, such powers shall be with the concerned Chief Officer or, as the case may be, the Chief Executive Officer and other sub-ordinate officers authorized by him in that behalf;

(m) the establishment of schools, syllabus, examinations, administration and all related matters shall be subject to the provisions of the Right of Children to Free and Compulsory Education Act, 2009;

(n) all directions or orders issued by the Government in respect of the repealed Acts and the rules made thereunder before the commencement of the said Act, not inconsistent with the provisions of the Right of Children to Free and Compulsory Education Act, 2009, shall be continued and applicable, unless altered, modified or revoked by the Government;

(o) all appeals of employees of the schools established under the repealed Acts relating to the service conditions filed and pending before any authority under the repealed Acts, shall be continued and disposed of by such authority, until a new authority is established by the Government.

(3) The repeal of the Acts under sub-section (1) shall not affect—

(a) the previous operation of the repealed Acts or anything duly done or suffered thereunder ;

(b) any agreement, contract, right, privilege, obligation or liability acquired, accrued or incurred under the repealed Acts;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed under the repealed Acts;

(d) any investigation, legal proceedings or remedy in respect of any such agreement, contract, right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced as if the repealed Acts had not been repealed;

(e) any appointments made by the School Boards and Local Committees, as per the Government orders, issued from time to time ; and

(f) subject to the provisions of the Right of Children to Free and Compulsory Education Act, 2009, the schools established under the repealed Acts.

Explanation.—For the purposes of this section, the expressions “ School Boards ” and “ Local Committees ” means the Boards and Committees dissolved under clause (a) of sub-section(2).

(4) Save as otherwise provided in this Act, the provisions of section 7 of the Maharashtra General Clauses Act, with regard to effect of repeal, shall apply.

4. The State Government may, from time to time, issue such guidelines and give such directions not inconsistent with the provisions of the Right of Children to Free and Compulsory Education Act, 2009, as it deems fit, to the local authority regarding the provisions of section 3 of this Act. Power to issue directions.

Power to
remove doubt
or difficulties.

5. (1) If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order, published in the *Official Gazette*, do anything, not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the doubt or difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Repeal of
Mah.Ord.XI
of 2013 and
saving.

6. (1) The City of Mumbai Primary Education, the Maharashtra Primary Education, the Hyderabad Compulsory Primary Education and the Madhya Pradesh Primary Education (Repeal) Ordinance, 2013, is hereby repealed.

Mah.
Ord.XI
of 2013.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under this Act.