



TAMIL NADU GOVERNMENT GAZETTE

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Part IV—Section 1

Tamil Nadu Bills

BILL INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE STATE OF TAMIL NADU

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 7th June 2011 is published together with statement of Objects and Reasons for general information:—

L.A. Bill No. 11 of 2011

A Bill to amend the Tamil Nadu Uniform System of School Education Act, 2010.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Uniform System of School Education (Amendment) Act, 2011.

Short title and commencement.

(2) It shall be deemed to have come into force on the 22nd day of May 2011.

Tamil Nadu Act
8 of 2010.

2. For section 3 of the Tamil Nadu Uniform System of School Education Act, 2010 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

Amendment of section 3.

“3. Schools to follow common syllabus.—

(1) Every school in the State shall follow the common syllabus as may be specified by the Board for each subject in Standards I to X from such academic year as may be notified by the Government in the *Tamil Nadu Government Gazette*. The Government may specify different academic years for different Standards.

(2) Until notification under sub-section (1) is issued, the syllabus and text books for every school in the State shall be as follows:—

(a) in Standards I and VI, the system as prevailing prior to academic year 2010-11 shall continue; and

(b) in Standards II to V and VII to X, the existing system shall continue.”.

Omission of section 11.

3. Section 11 of the principal Act shall be omitted.

Omission of section 12.

4. Section 12 of the principal Act shall be omitted.

Omission of section 14.

5. Section 14 of the principal Act shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Government of Tamil Nadu have undertaken a detailed review of the prevailing position in respect of school education in the State, including the relevant material culminating in the enactment of the Tamil Nadu Uniform System of School Education Act, 2010 (Tamil Nadu Act 8 of 2010) and all relevant aspects connected thereto. The Government have also considered the judgment of the Hon'ble Division Bench of the Madras High Court dated the 30th April 2010 in a batch of petitions challenging the validity of the said Act.

2. On a careful study and consideration of all the relevant aspects, it is seen that the Hon'ble Division Bench of the Madras High Court in its common judgment dated the 30th April 2010 passed in a batch of writ petitions, even while recognizing the power of the State to bring in a school system common to all in the interest of social justice and quality education, has struck down certain provisions and given directions for amendment of certain other provisions of the said Act.

3. It is also seen that the decisions for framing the syllabus for classes I and VI has been taken only by the *ex-officio* members and that the other members of the Board enlisted in section 5(2) of the said Act were appointed only after framing of the syllabus, a fact noted by the Hon'ble Division Bench of the Madras High Court in its decision.

4. Further, as per the Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009), the curriculum and the evaluation procedure for elementary education shall be laid down by the academic authority to be specified by the State Government by notification, taking into consideration the criterion spelt out in section 29(2) of the said Central Act 35 of 2009. The Hon'ble High Court, Madras in its order dated the 30th April 2010, in W.P. Nos. 3051-3056 of 2010, etc. has stated that the State must decide whether the Board formed under section 5(2) of the said Tamil Nadu Act 8 of 2010 will be the same as is specified by the Government by notification to function as the academic authority under the said Central Act 35 of 2009.

5. Further, a detailed review of the syllabus sought to be introduced under the Tamil Nadu Act 8 of 2010 has been undertaken. It is found that the syllabus is wanting in quality and content in various subjects as for example Mathematics, Science and English, thereby undermining one of the principle objects of the said Tamil Nadu Act, namely, providing quality education to children. It is also seen on a scrutiny of the new text books prepared under the new system that there is no scope for creative learning and extra textual learning as recommended by the National Curriculum Framework, 2005. As a consequence, the competence of the students in the State will not be at par with students of other parts of the country while facing national level examinations for higher education.

6. This apart, certain important recommendations made in the report of Thiru M.P. Vijayakumar and Dr. S. Muthukumaran Committees, as for example, constitution of an Advisory Board envisaged to be a permanent body under the name of State Council for Educational Development has not been provided for. Thus, there is no Advisory Body which would assist in a proper formulation of a syllabus which will in turn help in furthering the object of the said Tamil Nadu Act, namely, quality education.

7. The State common Board of School Education constituted under the Tamil Nadu Uniform System of School Education Act, 2010 has not been designated to be the Academic Authority according to section 29 of the

Right of Children to Free and Compulsory Education Act, 2009. Therefore, there is no competent professional body for prescribing the common syllabus and prescription of text books. No books other than the books brought out by Tamil Nadu Text Book Corporation has yet been notified for Standards II to V and VII to X. This is required as per the judgement of the Hon'ble High Court. Further, Uniform System of Education, 'Samacheer Kalvi', involves more than the prescription of common syllabus and text books. Various suggestions made by Dr.S.Muthukumar Committee with regard to enactment of a comprehensive legislation covering various aspects like qualification of teachers, infrastructure facilities, examinations, code of conduct for teachers, conduct rules for students etc., need a comprehensive study in the interest of students. He has also emphasized changes required in the method of assessing the students. Therefore, it has become impossible to implement the Samacheer Kalvi Thittam this year as envisaged in section 3 of the said Tamil Nadu Act 8 of 2010. Therefore, the Government propose to appointment a Committee to suggest the ways and means of implementing the 'Samacheer Kalvi'. To give effect to the above, it has been necessary to amend section 3 of the said Tamil Nadu Act 8 of 2010, suitably.

8. Further, the Act has not been amended as per the directions of the Hon'ble High Court in W.P. No. 3051-3056/2010. This needs to be amended as per the directions of the Hon'ble High Court. To give effect to the above directions, it has become necessary to omit sections 11, 12 and 14 of the said Tamil Nadu Act 8 of 2010.

9. Therefore, on a review of all the relevant facts and materials including the aforesaid, the State have found that the syllabus and the text books are not subserving the objects of the Act fully or enabling the students to meet the challenges thrown up by globalization. The State proposes to appoint a high powered committee consisting of experts in the field to undertake a detailed study of the more appropriate system to be adopted for ensuring the improvement of quality of education and social justice by providing a level playing field to all sections of society. There is therefore an urgent need to review the situation. To give effect to the above, it has become necessary to amend the said Tamil Nadu Act suitably.

10. The Bill seeks to give effect to the above decision.

C.Ve. SHANMUGAM,
Minister for School Education.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 3(1) of the Bill authorizes the Government to issue notification for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

C.Ve. SHANMUGAM,
Minister for School Education.

FINANCIAL MEMORANDUM.

The Bill when enacted and brought into force would involve expenditure from the Consolidated Fund of the State. It is however not possible at this stage to estimate with any degree of accuracy, the expenditure to be incurred, as a result of the proposed legislation.

C.Ve. SHANMUGAM,
Minister for School Education.

A.M.P. JAMALUDEEN,
Secretary.