

Chhattisgarh Primary Education Act, 1961

33 of 1961

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An Act to consolidate and amend the law relating to primary education by making better provisions for the development and expansion of free and compulsory primary education for children in Chhattisgarh. Be it enacted by the Madhya Pradesh Legislature in the Twelfth Year of Republic of India as follows :-- 1. Received the assent of the Governor on the 3rd October, 1961; assent first published in the "Madhya Pradesh (Gazette Extra-Ordinary)" on the 13th October, 1961.

PART 1

PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Chhattisgarh Primary Education Act, 1961.

(2) It extends to the whole of the State of Chhattisgarh except the Scheduled Areas therein.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,--

(a) "academic year" means the year beginning on such date as the

State Government may, by notification, specify in respect of any specified area or for approved schools generally or any approved school or class of approved schools in particular;

(b) "approved school" means any schools in any specified area imparting primary education which--

(i) is under the management of the State Government or a local authority; or

(ii) being under any other management, is recognised by the State Government as an approved school for the purpose of this Act;

(c) "attendance authority" means any person appointed to be an attendance authority under Section 5 or Section 11;

(d) "to attend an approved school" means to be present for instruction at an approved school on so many days in a year and at such time or time on each one of those days as may be fixed by the Prescribed Authority;

(e) "child" means a boy or girl within such age group, not being less than six or more than fourteen, as the State Government may in each case specify for the purpose of this Act with respect to any specified area;

(f) "local area" means the area within the jurisdiction of a local authority;

(g) "parent" in relation to any child, includes a guardian and every person who has the actual custody of the child;

(h) "Primary education" means education of such pattern and up to such class or standard as may be notified by the State Government from time to time;

(i) "region" means the Mahakoshal Region, the Madhya Bharat Region, the Vindhya Pradesh Region, the Bhopal Region or the Sironj Region;

(j) "special school" means any institution which imparts such primary education as in the opinion of the State Government is suitable for children suffering from any physical or mental defect;

(k) "Scheduled area " means any area declared to be a scheduled area within the State of Chhattisgarh under Paragraph 6 of the Fifth Schedule to the Constitution of India;

(l) "specified area" means any area in which primary education is declared to be compulsory under Section 4 or Section 9.

PART 2

RESPONSIBILITY OF STATE GOVERNMENT FOR IMPARTING FREE AND COMPULSORY PRIMARY EDUCATION IN CERTAIN REGIONS

3. Application Of The Part :-

This part shall apply to--

- (i) the regions in which immediately before the coming into force of this Act, primary education was provided for directly by the State Government;
- (ii) such other regions or part thereof as the State Government may, by notification, extend the provisions thereof.

4. Primary Education To Be Compulsory In Certain Areas :-

(1) The State Government may, by order, direct that with effect from the first day of the next academic year primary education shall be compulsory for children of either sex or both sexes within such age groups and up to such class or standard and ordinarily resident in such area within any region or part thereof of which this part applies, as may be specified in the order.

(2) Every order under sub-section (1) shall--

- (a) be published in the official Gazette and in such other manner as the State Government may decide;
- (b) be so made as to ensure that there is an interval of not less than one hundred and twenty days or such other interval as the State Government may, by notification, direct between the date of the publication of the order in the Official Gazette and the first day of the next academic year.

5. Appointment Of Attendance Authorities And Their Powers And Duties :-

(1) The State Government may appoint as many persons as it thinks fit to be Attendance Authorities for the purposes of this Act, and may also appoint as many persons as it considers necessary to assist the Attendance Authorities in the discharge of their duties.

(2) It shall be the duty of the Attendance Authority to cause to be prepared as early as possible after the publication of the order under Section 4, and in such manner as may be prescribed, a list of children ordinarily resident in any specified area and such lists shall also be prepared annually in every specified area at such time and in such manner as may be prescribed.

(3) In the exercise of any of the powers conferred by or under this Act, the Attendance Authority or any person appointed to assist it, may put such question to any parent or require any parent to furnish such information, about his child as it or he considers necessary, and every such parent shall be bound to answer such

questions or to furnish such information, as the case may be, to the best of his knowledge or belief.

6. Attendance Authority To Notify Parent Of His Obligation Towards His Child :-

It shall be the duty of the Attendance Authority to notify the parent of every child to whom the order under Section 4 applies that he is under an obligation to cause the child, to attend an approved school with effect from the beginning of the next academic year.

PART 3

OF RESPONSIBILITY OF LOCAL AUTHORITIES FOR IMPARTING FREE AND COMPULSORY PRIMARY EDUCATION

7. Provisions Contained In This Part Not To Apply In Certain Cases :-

Unless the State Government, by notification, otherwise directs nothing contained in this Part shall apply to the regions or part thereof to which Part II applies.

8. Scheme For Primary Education :-

(1) Where, under any enactment for the time being in force governing any local authority, it is obligatory duty of the local authority to impart primary education, every such local authority shall provide for compulsory primary education for children ordinarily resident within its jurisdiction, and for this purpose, it shall, from time to time, submit to the State Government such proposals in the form of a scheme as it may think fit providing for such compulsory primary education in the whole or any part of the area within its jurisdiction for children of such ages and up to such class or standard as it may decide.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, at any time, call upon a local authority to submit to it, within such time as may be specified, a scheme for compulsory primary education in such area within the jurisdiction of the local authority for children ordinarily resident therein, and of such ages, and up to such class or standard, as the State Government may specify.

(3) The scheme submitted under sub-section (1) or sub-section (2) shall be in such form as the State Government may specify and shall amongst others contain the following particulars:--

- (a) the area in which the primary education shall be compulsory;
 - (b) the approximate number of children to whom the scheme will apply, classified according to age and mother tongue;
 - (c) a list of existing approved schools and the schools, if any, proposed to be opened for the purposes, classified by language in which instruction is given or proposed to be given;
 - (d) the number of teachers already employed and the additional staff proposed to be recruited;
 - (e) the recurring and non-recurring cost of the scheme; and
 - (f) such other particulars as may be prescribed.
- (4) The State Government may, after making such enquiry as it may consider necessary, sanction with or without modifications, the scheme submitted by the local authority under sub-section (1) or sub-section (2).

9. Primary Education To Be Compulsory In Area Covered By Scheme :-

- (1) On receipt of sanction under sub-section (4) of Section 8, the local authority shall give effect to the scheme so sanctioned by means of a declaration that with effect from the first day of the next academic year primary education shall be compulsory in the area specified in the declaration for children ordinarily resident in the area and within such age group and up to such class or standard as may be specified in the declaration.
- (2) Every declaration under sub-section (1) shall--
- (a) be published in the official Gazette and in such other manner as the local authority may decide;
 - (b) be so made to ensure that there is an interval of not less than one hundred and twenty days or such other interval as the State Government may, by notification, direct between the date of publication of the declaration and the first day of the next academic year.

10. Duty Of Local Authority To Prepare Lists Of Children :-

It shall be the duty of the local authority to cause to be prepared as early as possible after the publication of a declaration under Section 9 and in such manner as may be prescribed, a list of children ordinarily resident in any specified area, and the local authority shall cause the list to be revised at such intervals as may be prescribed.

11. Attendance Authorities :-

(1) The local authority may appoint as many persons as it thinks fit to be attendance authorities for the purposes of this Act, and may also appoint as many persons as it considers necessary to assist the attendance authorities in the discharge of their duties.

(2) In exercise of the powers conferred by or under this Act, the Attendance Authority or any person appointed to assist the attendance authority may put such questions to any parent or require any parent to furnish such information, about his child as it or he considers necessary and every such parent shall be bound to answer such questions, or to furnish information, as the case may be, to the best of his knowledge or belief.

12. Attendance Authority To Notify Parent Of His Obligation Towards His Child :-

It shall be the duty of the Attendance Authority to notify the parent of every child to whom the declaration under Section 9 applies that he is under an obligation to cause the child to attend an approved school with effect from the beginning of the next academic year.

13. Failure Of Local Authority To Prepare Or Implement Scheme :-

If any local authority when called upon to submit a scheme under sub-section (2) of Section 8 fails so to do, or after a scheme has been sanctioned under sub-section (4) of Section 8 fails to give effect to a scheme as so sanctioned, whether wholly or in part, the State Government may, after making such enquiry as it may consider necessary and after giving an opportunity to the local authority to be heard in the matter, appoint any person to prepare the scheme or to give effect to it, as the case may be, and may direct that such part of the expenses as the State Government may determine shall be defrayed out of the funds belonging to the local authority.

(2) Where any such direction as is referred to in sub-section (1) is issued any person who has for the time being the custody of any moneys on behalf of the local authority, either as a banker or in any other capacity shall notwithstanding anything contained in any law for the time being in force, be bound to comply with such direction.

14. Grants-In-Aid :-

The State Government shall, in respect of every scheme sanctioned under sub-section (4) of Section 8 or prepared under sub-section (1) of Section 13 bear such part of the recurring cost of the scheme as it may from time to time determine.

PART 4

OF ATTENDING APPROVED SCHOOL AND OTHER ANCILLARY MATTERS

15. Responsibility Of Parent To Cause His Child To Attend School :-

It shall be the duty of the parent of every child ordinary resident in a specified area to cause the child to attend an approved school unless there be reasonable excuse for his non-attendance within the meaning of Section 16.

16. Reasonable Excuse For Non-Attendance :-

For the purposes of this Act, any of the following circumstances shall be deemed to be a reasonable excuse for the non-attendance of a child at an approved school,--

- (a) that there is no approved school within the prescribed distance from his residence;
- (b) that the child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by an officer authorised by it in this behalf;
- (c) that the child has already completed primary education up to the class or standard specified in the order under Section 4 or in the declaration under Section 9;
- (d) that the child suffers from a physical or mental defect which prevents him from attendance;
- (e) that there is any other compelling circumstance which prevents the child from attending school provided the same is certified as such by the attendance authority;
- (f) such other circumstance as may be prescribed.

17. Special Schools For Physically Or Mentally Deficient Children :-

If there is in existence a special school within the prescribed distance from the residence of a child who is suffering from a physical or mental defect, the attendance authority may, if it is

satisfied that the child is not receiving any instruction in some other manner considered by it to be satisfactory, by order, require the child to attend the special school; and it shall be the duty of such child to attend the special school unless there be a reasonable excuse for the non-attendance of the child within the meaning of clause (e) of Section 16.

18. Special Provision For Part-Time Education In Certain Cases :-

(1) If the Attendance Authority is satisfied that a child, due to economic or other circumstances connected with the family to which the child belongs, is unable to attend an approved school in the manner required by or under this Act, it may, by order and subject to such conditions, if any as it may think fit to impose, permit the child to attend any approved school established a part-time institution or in which primary education is imparted on a part-time basis.

(2) Any parent who causes a child in respect of whom an order under sub-section (1) has been made to attend an approved school in the manner specified in the order shall be deemed to have complied with the provisions of this Act.

19. Attendance Orders :-

(1) Whenever the attendance authority has reason to believe that the parent of a child has failed to cause the child to attend an approved school and that there is no reasonable excuse for the non-attendance of the child within the meaning of Section 16, it shall hold an inquiry in the prescribed manner.

(2) If as a result of the inquiry the attendance authority is satisfied that the child is liable to attend an approved school under this Act and that there is no reasonable excuse of his non-attendance within the meaning of Section 16, it shall pass an attendance order in the prescribed form directing the parent to cause the child to attend the approved school with effect from the date specified in the order.

(3) An attendance order passed against a parent in respect of his child under this section shall subject to the provisions of sub-section (6), remain in force for so long as this Act continues to apply to the child.

(4) If any parent against whom an attendance order has been passed in respect of his child under sub-section (2) transfer the

custody of the child to another person during the period in which the attendance order is in force, such parent shall be bound to immediately inform the attendance authority in writing of such transfer.

(5) Where an attendance order has been passed against a parent in respect of his child under this section, such order shall have effect in relation to every other person to whom the custody of the child may be transferred during the period in which the attendance order is in force as it has effect in relation to the person against whom it is passed.

(6) A parent may at any time apply to the attendance authority for cancellation of an attendance order on the ground--

(i) that he is no longer the parent in respect of the child; or

(ii) that circumstances have arisen which provide a reasonable excuse for non-attendance; and thereupon the attendance authority may, after holding an inquiry in this prescribed manner, cancel or modify the attendance order.

20. Children Not To Be Employed So As To Prevent Them From Attending School :-

No person shall employ a child in manner which shall prevent the child from attending an approved school.

21. Leave Of Absence :-

Such authority as may be prescribed may grant leave of absence to any child.

PART 5

OFFENCE AND PENALTIES

22. Penalty For Contravention Of Section 19 :-

(1) If any parent fails to comply with an attendance order passed under Section 19, he shall be punishable with fine not exceeding two rupees, and in the case of a continuing contravention with an additional fine not exceeding fifty naye paise for every day during which such contravention continues after conviction for the first of such contravention:

Provided that the amount of fine payable by any one person in respect of any child in any one year shall not exceed fifty rupees.

(2) If any person fails to furnish any information as required by sub-section (4) of Section 19, he shall be punishable with fine

which may extend to twenty-five rupees.

23. Penalty For Contravention Of Section 20 :-

If any person contravenes the provisions of Section 20, he shall be punishable with fine which may extend to twenty-five rupees, and in the case of a continuing contravention, with an additional fine not exceeding one rupee for every day during which such contravention continues after conviction for the first of such contraventions.

24. Courts Who Will Try Offences Under The Act :-

(1) In this section "Panchayat law" means a law for the time being in force for the organisation and administration of Panchayats as units of local Government in rural areas in the whole of the State or any part thereof.

(2) The Courts competent to try offences under this Act shall be the following:--

(a) in rural areas to which the Panchayat law extends, the Nyaya Panchayats constituted under that law within whose jurisdiction the offence was committed;

(b) in other areas, the Court of a Magistrate having jurisdiction.

(3) Any offence triable by the Nyaya Panchayat shall be tried in the manner provided for the trial of criminal cases by the Panchayat law, and any offence triable by a Magistrate shall be tried in a summary way.

25. Cognizance Of Offencesq :-

No Court shall take cognizance of an offence under this Act except of the complaint of an attendance authority or any other person authorised in this behalf by the State Government or local authority, as the case may be, general or special order.

PART 6

MISCELLANEOUS

26. Primary Education To Be Free :-

(1) No fee shall be levied in respect of any child for attending an approved school which is under the management of the State Government or a local authority.

(2) Where, in respect of any child an attendance order has been passed under Section 19 and the only school which he can attend is

an approved school under private management falling within sub-clause (ii) of clause (b) of Section 2, the State Government or the local authority, as the case may be, shall take such steps as it may think fit for the purpose of ensuring that the primary education which the child is to receive is free.

27. Age Of Child How To Be Computed :-

The age of a child for the purpose of this Act shall be computed in terms of years completed by the child on or before the first day of the academic year:

Provided that where the birthday of a child falls on a day not later than sixty days from the first day of the academic year, the birthday shall be deemed to fall on the first day of the academic year for the purpose of computing the age of the child.

28. Certain Persons To Be Public Servant :-

The attendance authority, every person appointed to assist the attendance authority and every person authorised to make complaints under Section 25 shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (XLV of 1860).

29. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceeding shall lie against the Government or any authority or person in respect of anything which is in good faith done or intended to be done under this Act.

30. Power Of Exemption :-

If the State Government is satisfied that it is necessary or expedient so to do in the public interest or that circumstances exist which render it necessary so to do, it may, by notification exempt any institution, or any class of persons or any community in any specified area from the operation of all or any of the provisions of this Act.

31. Delegation Of Powers :-

(1) The State Government may, by notification and subject to such conditions, if any, as may be specified in the notification, authorise any officers or authority subordinate to it to exercise all or any of

the powers conferred on the State Government by or under this Act.

(2) A local authority may, by general or special order and with the previous approval of the State Government, authorise any officer or authority subordinate to it to exercise all or any of the powers conferred on a local authority by or under this Act.

32. Power To Make Rules :-

(1) The State Government may, by notification and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the class or standard, education up to which, shall be considered as primary education;

(b) the particulars to be contained in any scheme submitted under this Act, including particulars relating to the provision made or to be made in any area for the establishment of special schools or of schools imparting education on a part-time basis or for the supply of food or refreshments, books, writing materials, uniforms or other necessary amenities, to children while attending school;

(c) the manner in which lists of children may be prepared in any specified area under Sections 5 and 10, the intervals at which the lists shall be kept revised and persons with whole assistance such lists shall be prepared;

(d) the functions to be performed, and the manner in which such functions may be performed, by the attendance authorities;

(e) the distance beyond which a child may not be compelled to attend an approved school;

(f) the circumstances which may be regarded as reasonable excuses for the non-attendance of a child within the meaning of Section 16;

(g) the manner in which any inquiry under this Act may be held;

(h) the form in which an attendance order under this Act may be passed;

(i) the registers, statement and other information to be maintained or furnished by approved schools for the purposes of this Act;

(j) any other matter which has to be, or may be prescribed under this Act.

(3) Every rule made under this section shall be laid on the table of the Legislative Assembly.

33. Repeal And Saving :-

(1) The Madhya Pradesh Primary Education Act, 1956 (XXIII of 1956), the Madhya Bharat Compulsory Primary Education Act, Samvat 2006, the Vindhya Pradesh Primary Education Act, 1952 (IV of 1952), and the Bhopal State Compulsory Primary Education Act, 1956 (XI of 1956), and any other law, if any, relating to primary education in force in any of the regions of the State of Madhya Pradesh are hereby repealed.

(2) Notwithstanding such repeal under sub-section (1) any order or scheme made by, any notification issued, anything done, any action taken or any proceedings commenced in exercise of the powers conferred by or under the enactments hereby repealed shall be deemed to have been made, issued, done, taken or commenced in exercise of the powers conferred by or under this Act.