

Himachal Pradesh Compulsory Primary Education Act, 1997

2 of 1998

[04 February 1998]

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PREAMBLE

An Act to re-enact the law relating to the compulsory attendance of children in primary schools in Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-eighth Year of the Republic of India as follows :-

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P.Extra., dated 12.12.1997, p. 4711& 4716.

1. Short title and extent :-

(1) This Act may be called the Himachal Pradesh Compulsory Primary Education Act, 1997.

(2) It extends to the whole of the State of Himachal Pradesh.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,-

(a) "appointed day" means the 1st day of April, 1998;

(b) "child" means child whose age is not less than six, and not more than eleven years ;

(c) "Government school" means a school established and maintained by the State Government;

(d) "local authority" means a Gram Panchayat, Panchayat Samiti, Zila Parishad, Nagar Panchayat, Municipal Council or Municipal Corporation ;

(e) "parent" includes guardian or any person who has the actual custody or is in charge of a child ;

(f) "primary education" means such instruction in reading, writing and arithmetic, as may be prescribed for the time being at the primary school level by the State Government and such instruction in other subjects, if any, as may be determined by the State Government or the local authority with the approval of the prescribed authority ;

(g) "primary school" means a school in which instruction in primary education is given ;

(h) "prescribed" means prescribed by rules made under this Act

(i) "prescribed authority" means an authority notified as such by the State Government whether generally or for a particular purpose;

(j) "school committee" means a committee appointed under the provisions of section 4 of this Act ;

(k) "State Government" means the Government of Himachal Pradesh; and

(l) "to attend a primary school" means to be present for instruction at such school, on such days in the year, at such times or time and for so many hours on each day of attendance, as may be fixed by the prescribed authority.

3. Compulsory primary education :-

From the appointed day the primary education of children shall be compulsory in the State.

4. Appointment of a school committee :-

(1) The prescribed authority shall appoint one or more committees for the purpose of exercising the powers and performing the duties of the school committee under this Act.

(2) The composition of the school committee, the procedure of nomination and removal of its members, their term of office, their qualifications and disqualifications for continuing as members, the filling of vacancies, the dissolution of the school committee and the procedure for the conduct of its business, shall be such as may be prescribed.

(3) Subject to the provisions of this Act and the rules made thereunder, the school committee shall exercise and discharge the following powers and functions, namely:-

(a) to propagate the spread of primary education among the children and parents in its area ;

(b) to recommend any changes which may seem to the school committee to be necessary in the hours of work, holidays and vacations in the schools in its area ;

(c) to make arrangements to provide such facilities and to supervise the implementation of such schemes including mid-day meal scheme, as may be prescribed to the children attending schools in its area;

(d) to recommend exemptions from compulsory attendance at school under this Act;

(e) to maintain an up-to-date list of children liable to attend school in its area and to obtain and keep record of such other information as may be necessary for the purpose of enforcing the attendance of children at school and of preventing interference with such attendance.

(f) to report the cases of absence or late attendance of primary school teachers and non-teaching staff posted in schools in its area ; and

(g) to render all necessary help to Government officials engaged in the work of compulsory primary education in its area.

5. Duty of parents to cause children to attend school :-

The parents of every child shall, if such child ordinarily resides in the State, in the absence of a reasonable excuse, cause such child to attend primary school.

6. Issue of attendance order by the school committee :-

Where the school committee is satisfied that a parent who is bound under the provisions of section 5 to cause the child to attend a primary school has failed to do so, the school committee may, after

giving the parent an opportunity of being heard, and after such inquiry as it considers necessary, pass an order directing the parent to cause child to attend a primary school from a date which shall be specified in the order.

7. Penalty for failure to obey attendance order :-

Any parent against whom an order has been passed under section 6 and who, without reasonable excuse has failed to obey such order, shall on conviction before a Magistrate or a Gram Panchayat, be liable to a fine not exceeding two hundred rupees.

(2) Any parent who having been convicted for an offence under sub-section (1) continues to disobey the order passed under section 6 shall be liable to further fine which may extend to five rupees, for every day after the date of the first conviction during which he has been proved to have persisted in disobeying the order.

8. Penalty for employing child liable to attend primary school :-

Any person who shall, during the prescribed hours of attendance at school, utilize on his own behalf or on behalf of any other person, in connection with any employment, whether for remuneration or not, the services of any child whose parent is required under the Act to cause him to attend a primary school, shall, on conviction before a Magistrate or a Gram Panchayat be liable to a fine not exceeding rupees five hundred.

9. Cognizance of offences :-

No court shall take cognizance of an offence under section 7 or section 8 except on the complaint of or on information received from the school committee, or from such person as may be authorised by the school committee or by the State Government by general or special order in this behalf.

10. Provision of primary education by the State Government :-

The State Government shall make facilities for primary education available in the State.

11. Power of State Government to make rules :-

(1) The State Government may, after previous publication, make rules for the purpose of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the State Government may make rules,-

(a) prescribing under clause (f) of section 2 the range of instruction in primary schools ;

(b) determining generally what shall be considered to be adequate provision for compulsory primary education ;

(c) requiring the local authority to prepare and publish a register of children in its area ;

(d) the manner in which the committees shall be constituted, the procedure of nomination and removal of its members and their qualification and disqualification, duties, power and responsibility;

(e) the steps which the school committee may take to secure attendance of children at school and the conditions under which leave of absence from school may be allowed ;

(f) the jurisdiction of each school committee where more than one school committees are appointed ;

(g) the relations to be observed between the school committees and any education committee of any local authority that may have been appointed under any other Act; and

(h) the matters which are to be and may be prescribed.

(3) Every rule made under this Act, shall as soon as possible, after

it is made or issued, be laid on the Table of the Legislative Assembly and if, before the expiry of the session in which it is so laid or the next session, the Assembly makes any modification in any such rule or notification or the Assembly decides that rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

12. Repeal and savings :-

(1) The Himachal Pradesh Compulsory Primary Education Act, 1953 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act was in force on such date on which such thing was done or action was taken.