

KARNATAKA COMPULSORY PRIMARY EDUCATION ACT, 1961

9 of 1961

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SCHEDULE A :- SCHEDULE

SCHEDULE B :-The following taxes leviable by local authorities under any law for the time being in force, namely

KARNATAKA COMPULSORY PRIMARY EDUCATION ACT, 1961

9 of 1961

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An Act to consolidate and amend the law relating to free and compulsory primary education for children in the State of Karnataka. Whereas it is expedient to consolidate and amend the law relating to compulsory primary education in the State of Karnataka; Be it enacted by the Karnataka State Legislature in the Twelfth Year of the Republic of India as follows :-

CHAPTER 1

Preliminary

1. Short title, extent and commencement :-

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

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force on such date and in such area as the State Government may by notification specify and different dates may be specified for different areas.

2. Definitions :-

In this Act, unless the context otherwise requires,

(1) "Academic Year" means the year beginning on such date as the State Government may by notification specify with respect to any specified area or with respect to approved schools generally or any approved school or class of approved schools in particular;

(2) "Appointed Day" means, with respect to any area, the date notified under sub-section (3) of Section 1 for such area;

(3) "Approved School" means any school in any specified area imparting primary education, which

¹[(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 or by an officer authorised by the State Government in this behalf ²[x x x x x] as an approved school for the purposes of this Act;

(4) "Attendance Authority" means any person having the prescribed qualifications appointed to be an attendance authority under Section 5;

³[(5) "Authorised Municipality" x x x x x;]

(6) "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 times on each one of those days as may be fixed by the prescribed authority;

(7) "Child" means a boy or girl within such age group, not being less than six or more than fourteen years at the beginning of the academic year, as the State Government may in each case specify for the purpose of this Act, either generally or with respect to any specified area;

(8) "Director" means the ⁴[Director of Public Instruction in Kamataka] and includes the Joint or Additional Joint Director exercising the powers of the Director under this Act;

(9) "District Educational Officer" means an officer appointed as such to be in charge of the administration of Primary Education in a district or part of a district;

(10) "Local Authority" means

(a) for the City of Bangalore, the Municipal Corporation of the City of Bangalore;

⁵[(aa) for the City of Hubli-Dharwar, the Municipal Corporation of the City of Hubli-Dharwar;]

(b) for any other urban area, the Municipal Council, committee or other body by whatever name called constituted for the area under any law for the time being in force in such area;

(c) for a village, the village or town panchayat constituted for such village under the Karnataka Village Panchayats and Local Boards

Act, 1959;

(11) "Notification" means a notification published in the official Gazette;

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

(13) "Prescribed" means prescribed by rules made under this Act;

(14) "Primary Education" means education in and up to such classes and standards as may be prescribed;

(15) "Primary School" means a school or part of such a school in which primary education up to any standard is imparted;

⁶[(16) "Primary School Panchayat Court" x x x x x;]

⁷ [(17) "School Board" x x x x x;]

(18) "Special School" means any institution which imparts such education as, in the opinion of the State Government, is suitable for children suffering from any physical or mental defect;

(19) "Specified Area" means any area in which primary education is notified by the State Government to be compulsory under Section 3.

1. Sub-clause (i) substituted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

2. The words "or by a School Board" omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

3. Clause (5) omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

4. Substituted for the words "Director of Public Instruction in Mysore" by ALO 1973.

5. Sub-clause (aa) inserted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

6. Clause (16) omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 1-4-1969.

7. Clause (17) omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

CHAPTER 2

Introduction and Enforcement of Compulsory Primary Education

3. State Government to direct by notification Primary Education to be compulsory in specified areas. :-

¹(1) The State Government may, by order, direct that with effect

from the commencement of such academic year, and for children within such age group as may be specified in the order, primary education shall be compulsory in any area which may be so specified, ² [x x x x x]

(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 thirty days between the date of the publication of the order and the first day of the specified academic year.

(3) No order shall be made under sub-section (1) in respect of any area unless the State Government is satisfied that necessary facilities have been provided in that area for imparting primary education to all children to whom the order is intended to apply.

1. The words "other than the Bombay Area and the Municipalities in the Madras Area and Bellary District" omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

2. The words "other than the Bombay Area and the local areas constituted as Municipalities in the Madras Area and Bellary District" omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

4. Compulsory Primary Education in the Bombay Area and the Municipalities in the Madras Area and Bellary District :-

¹ [x x x x x]

1. Section 4 omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

5. Attendance Authorities and their powers and duties :-

(1) The Director ¹[x x x x x], may appoint as many persons as he ²[x x x x x] thinks fit to be Attendance Authorities for the purpose of this Act, and may also appoint as many persons as he ³[x x x x x] 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 in such manner as may be prescribed a list of children within the age group specified in the order under Section 3, ⁴[x x x x x] in any specified area. Such lists shall also be prepared in every year in every specified area at such time and in

such manner as may be prescribed.

(3) 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 such information, as the case may be, to the best of his knowledge or belief.

(4) It shall be the duty of the Attendance Authority to notify the parent of every child to whom the order under Section 3⁵ [x x x x x] applies, but against whom no attendance order has been passed under Section 9, that he is under an obligation to cause the child to attend an approved school with effect from the commencement of the specified academic year.

1. The words "in areas other than the Bombay Area and the Municipalities in the Madras Area and Bellary District of the State and a District School Board or an authorised Municipality in the Bombay Area, or a Municipal Council in the Madras Area and Bellary District as the case may be omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

2. The words "or it" omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

3. The words "or it" omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

4. The words "or in the scheme under Section 4" omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

5. The words "or the declaration under Section 4" omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

6. Responsibility of parent to cause his child to attend school :-

It shall be the duty of the parent of every child to cause the child to attend an approved school, unless there is a reasonable excuse for his non-attendance within the meaning of Section 7.

7. Reasonable excuse for non-attendance :-

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

(a) that there is no approved school within the prescribed distance from his residence;

(b) that the only approved school within the prescribed distance

from the residence of the child to which the child can secure admission is one in which religious instruction of a nature not approved by his parent is compulsory;

(c) 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 the State Government in this behalf;

(d) that the child has already completed primary education up to the standard specified in the order under Section 3 ¹ [x x x x x]

(e) that the child suffers from a physical or mental defect which prevents him from attendance;

(f) that the child has been granted temporary leave of absence not exceeding the prescribed period by the prescribed authority or by any other person authorised by the prescribed authority in this behalf;

(g) 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;

(h) such other circumstance as may be prescribed.

1. The words "or the declaration under Section 4" omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 21-5-1969.

8. 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 the parent of such child to cause the child to attend the special school unless there be a reasonable excuse for the non-attendance of the child within the meaning of clause (f) of Section 7.

9. Attendance orders :-

(1) Whenever the Attendance Authority has reason to believe that the parent of the 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 7, 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 for his non-attendance within the meaning of Section

(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) transfers the custody of the child to any other person during the period in which the attendance order is in force, such parent shall be bound immediately to inform the Attendance Authority in writing of such transfer.

(5) Where the attendance order has been passed against a parent in relation to 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 was originally passed.

(6) A parent may, at any time, apply to the Attendance Authority for cancellation of the attendance order on the ground

(i) that he is no longer the guardian or the person in actual custody 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 the prescribed manner, cancel or modify the attendance order.

10. Children not to be employed so as to prevent them from attending School :-

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

11. 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, ¹[or a Local Authority] as the case may be.

(2) Where in respect of any child an attendance order has been passed under Section 9 and the only school which he can attend is an approved school under private management falling within sub-clause (ii) of clause (3) of Section 2, ²[x x x x x] the Director may take such steps, as ³ [x x x x x] he may think fit, for the purpose of ensuring that the primary education which the child is to receive is free.

1. Substituted for the words "a local authority or a School Board" by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 1-4-1969.

2. The words "the School Board or" omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 1-4-1969.

3. The words "it or" omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 1-4-1969.

12. Age of child how to be computed :-

The age of a child for the purposes 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.

13. Penalty for contravention of Section 9 :-

(1) If any person fails to furnish any information as required by sub-section (4) of Section 9, he shall, on conviction, be punished with fine which may extend to twenty-five rupees.

(2) If any parent fails to comply with an attendance order passed under Section 9, he shall, on conviction, be punished with fine not exceeding two rupees, and, in the case of a continuing contravention, with an additional fine not exceeding fifty naya paise for every day during which such contravention continues after conviction for the first of such contraventions: Provided that the amount of fine in any one year shall not exceed one hundred rupees.

14. Penalty for contravention of Section 10 :-

If any person contravenes the provisions of Section 10, he shall, on conviction, be punished 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.

15. Courts competent to try offences :-

¹ [x x x x x]

1. Section 15 omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 1-4-1969.

CHAPTER 3

Education Cess

16. Levy of Education Cess :-

For the purpose of providing for the cost of promoting primary education in the State, there shall be levied an education cess at the rate of ¹ [ten paise] in the rupee on

(i) land revenue;

(ii) State revenue mentioned in Schedule A; and

(iii) items of tax mentioned in Schedule B levied under any law for the time being in force by a local authority.

1. Substituted for the words "five paise" by Act No. 33 of 1976 and shall be deemed to have come into force w.e.f. 1-4-1976.

17. Recovery of Education Cess :-

The education cess payable under Section 16 shall be recovered along with land revenue, State revenue or tax on which such cess is levied, and the provisions of the law and the rules, orders and notifications made or issued thereunder for the time being in force, shall apply to the recovery of education cess as they apply in respect of the recovery of the said land revenue, State revenue or items of tax.

CHAPTER 4

Miscellaneous

18. Cognizance of offences :-

No Court shall take cognizance of an offence under this Act, except on the complaint of an Attendance Authority or any other person authorised in this behalf by the State Government by general or special order.

19. Certain persons to be public servants :-

The Attendance Authority, every person appointed to assist the

Attendance Authority under sub-section (1) of Section 5 and every person authorised to make complaints under Section 18, x x x x x] shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

20. Protection of action taken in good faith :-

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

21. Power to exempt :-

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

22. Grant-in-aid :-

¹ [x x x x x]

1. Clauses (b) and (c) of the second proviso omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 1-4-1969.

23. Delegation of powers :-

(1) The State Government may, by notification and subject to such conditions, as may be specified in the notification, authorise any officer or authority subordinate to it to exercise all or any of the powers conferred on the State Government by this Act, except the power under sub-section (3) of Section 1, Section 24 and Section 26.

(2) The Director may, by general or special order, and with the previous approval of the State Government, and subject to such conditions as may be specified in the order, authorise any officer or authority subordinate to him to exercise all or any of the powers conferred on the Director by or under this Act.

(3) Nothing in this section shall derogate from the right of the State Government or the Director to exercise any or all of the powers delegated by it or by him, as the case may be, to any subordinate officer or authority.

24. Power to make rules :-

(1) The State Government may, by notification and after 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 classes or standards, education in or up to which shall be considered as primary education;

(b) the manner in which lists of children may be prepared by the Attendance Authority in any specified area;

(c) the distance beyond which a child cannot be compelled to attend an approved school;

(d) the form in which an attendance order under this Act shall be passed;

(e) the manner in which an inquiry under this Act may be held;

(f) the registers, statements, reports, returns and other information to be maintained or furnished by an approved school for the purpose of this Act;

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

(3) Every rule made under this section shall be laid as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modifications in the rule, or both Houses agree that the 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 under that rule.

25. Repeal and Savings :-

On the date on which primary education becomes compulsory in any specified area, the Hyderabad Compulsory Primary Education Act, 1952 (Hyderabad Act XL of 1952), Chapter V of the Madras Elementary Education Act, 1920 (Madras Act VIII of 1920), Chapters VI and VII of the Karnataka Elementary Education Act, 1941 (Karnataka Act VI of 1941), and Chapter VI and Section 52 of

the Bombay Primary Education Act, 1947 (Bombay Act LXI of 1947) shall stand repealed in such area: Provided that such repeal shall not affect

(a) the previous operation of the said enactments or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(c) any liability, or punishment incurred in respect of any offence committed against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso

(a) anything done or any action taken (including any appointment or delegation made, notification, order, instrument or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained) under the said enactments shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act;

(b)¹ [x x x x x]

(c)[x x x x x]

1. Clauses (b) and (c) of the second proviso omitted by Act No. 18 of 1969 and shall be deemed to have come into force w.e.f. 1-4-1969.

26. Power to remove difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, make such provisions not inconsistent with the purposes of this Act as appear to it to be necessary or expedient for removing the difficulty.

(2) The provisions made by a notification under sub-section (1) shall have effect as if enacted in this Act, and any such notification may be made so as to be retrospective to any date not earlier than

the appointed day:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any notification as makes any provision thereof retrospective to any date before the making thereof.

SCHEDULE A

SCHEDULE

SCHEDULE A

..Duties of excise leviable under the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966) on the following goods manufactured or produced in the State and countervailing duties levied on similar goods manufactured or produced elsewhere:

- .(a) Alcoholic liquors for human consumption;
- .(b) Opium, Indian hemp and other narcotic drugs and narcotics.

SCHEDULE B

The following taxes leviable by local authorities under any law for the time being in force, namely

SCHEDULE B