

## **KARNATAKA COMPULSORY PRIMARY EDUCATION RULES, 1961**

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## **KARNATAKA COMPULSORY PRIMARY EDUCATION RULES, 1961**

In exercise of the powers conferred by Section 24 of the Karnataka Compulsory Primary Education Act, 1961 (Karnataka Act 9 of 1961), the Government of Karnataka hereby makes the following

rules, the same having been previously published as required by sub-section (1) of the said section.

### **1. Short title and commencement :-**

(1) These rules may be called the Karnataka Compulsory Primary Education Rules, 1961.

(2) They shall extend to the whole of the State of Karnataka.

(3) They shall come into force with effect from the Fifteenth day of June, 1961.

### **2. Definitions :-**

In these rules, unless the context otherwise requires.

(1) "Act" means the Karnataka Compulsory Primary Education Act, 1961;

**1**

[(1-A) "Administrative Officer" means in the Bombay Area, the Officer in administrative charge of District School Boards and Municipal School Boards and in the Madras Area, the Officer in administrative charge of Authorised Municipalities in Udipi and Mangalore;

(1-B) "Assistant Educational Officer" means in the Karnataka Area and the Hyderabad Area, the Assistant Educational Officer in charge of a revenue sub-division;

(1-C) "Form" means a form appended to the rules.]

(2) "Section" means a section of the Act.

1. Clauses (1-A) to (1-C) inserted by GSR 599, dated 29-6-1965.

### **3. Prescribed Authority [for purposes of]Section 2(6) :-**

**1** The Administrative Officers of the School Boards in the Bombay Area and the District Educational Officers in other areas shall be the authorities to fix the number of days of attendance in a year and the time of such attendance on each one of those days.

1. Substituted for the word "under" by GSR 599, dated 29-6-1965.

### **4. Primary Education under Section 2(14) :-**

Primary Education for the purpose of this Act means education from Standard I to Standard IV inclusive.

## **5. Preparation of a Scheme by the Director :-**

In the case of an area other than the Bombay Area and the local areas constituted as Municipalities in the Madras Area and Bellary District, the Director shall prepare or get prepared by an officer having jurisdiction over such area, a scheme of Compulsory Primary Education containing the particulars enumerated in sub-section (2) of Section 4 in the Form I noted in the Appendix to these rules.

## **6. Preparation of a Scheme under Section 4 :-**

When a District School Board or an authorised Municipality in the Bombay Area or a Municipal Council in the Madras Area and Bellary District, is called upon by an order under Section 4 by Government to submit a scheme for the introduction of compulsory primary education up to the specified standard in the whole or any part of its area, the Administrative Officer of the School Board or the District Educational Officer concerned shall prepare, in consultation with the School Board, authorised Municipality or the Municipal Council, as the case may be, a scheme containing particulars specified in sub-section (2) of Section 4, and submit it for approval of Government with an estimate of such scheme in the prescribed form as given in the Appendix (Form I) so as to reach the Director <sup>1</sup> [within a period of thirty days from the date of such order, provided the Director may, under special circumstances, extend the period for receipt of the scheme by fifteen days.]

1. Substituted for the words "within the time not exceeding ten days specified in such order" by Notification No. ED 327 PMS 61, dated 4-6-1962.

## **7. Qualifications of Attendance Authority :-**

A person to be appointed as an Attendance Authority shall be.

- (a) an Inspector of Schools; or
- (b) a Deputy Inspector of Schools; or
- (c) a Junior Deputy Inspector of Schools; or
- (d) an Assistant Deputy Educational Inspector with five years of experience in the Department; or
- (e) a trained S.S.L.C. Teacher with five years service in a Primary School; or
- (f) a Teacher holding Primary Teachers' Certificate with ten years service in a Primary School.

## **8. Manner of preparing a list of children under Section 5(2)**

**:-**

Before the end. of December every year, the School Board or the authorised Municipality in the Bombay Area, or the Municipal Council in the Madras Area and Bellary District, and the Director in other areas, shall cause an enumeration to be made of all children within the specified age group in the area in which compulsion is proposed to be or has been introduced. For this purpose, the Administrative Officer of the School Board or the Commissioner of the authorised Municipalities in the Bombay Area, or the Chief Executive Officer of the Municipal Councils in the Madras Area and Bellary District, and District Educational Officer in other Areas shall, in accordance with such directions as may be given by the Director.

(a) publish the dates, as fixed by the Director, on which the enumeration is proposed to be made;

(b) appoint the required number of enumerators and supervisors, and assign specific areas to each of them and explain to them what they are expected to do;

(c) get as accurately as possible, the particulars of each child filled in the enumeration form; and

(d) get the enumeration work supervised and checked.

## **9. Entry of name and date of birth of a child :-**

(a) The name and date of birth of a child given in the enumeration form as in Appendix (Form n) over the signature or thumb impression of the parent or guardian of the child shall be taken as correct and entered in the enumeration register (Vide Appendix Form II). This date of birth shall be entered in the Admission or General Register of the school, when the child is actually admitted to the school. If at the time of admission to the school or afterwards, but within one year of such admission, under a notice issued in this behalf by the parent, the correctness of the date of birth is disputed and a different date of birth is furnished with proof of its correctness, the Head Teacher of the school shall refer the matter through the Assistant Deputy Educational Inspector in Bombay Area, and the Inspector of Schools in other areas, to the Administrative Officer of the School Board in the Bombay Area, and the District Educational Officer in other Areas, who shall decide which of the dates given shall be entered as the correct date.

(b) Any of the following may be accepted as proof of date of birth.

(1) an extract from the Birth Register; or

(2) a statement of age of child from the parent or guardian having legal custody of the child, made before the Chairman and two members of the Village Panchayat in the Panchayat Area, or 1[before a member of the Taluk Board in a Taluk Board Area, or a Councillor of the Corporation in a Municipal Corporation area or a Municipal Councillor in a Municipal Area.]

(c) The name and date of birth entered in accordance with the decision under sub-rule (a) shall not be altered, except with the sanction of the Administrative Officer of the School Board in the Bombay Area or the District Educational Officer in the other Areas.

**10. Preparation and publication of an Enumeration Register**  
:-

Immediately after the completion of the enumeration under Rule 8, the Administrative Officer in the Bombay Area and the Attendance Authorities in other areas shall, in accordance with such directions as may be given by the Director, arrange to prepare for each Village or Ward of a Town or City, an Enumeration Register (Vide Appendix Form III) of all children of the ages to whom the scheme applies. The Registers shall be kept open for inspection during the working hours of the Office of the School Board in the Bombay Area or of the Inspector of Schools in the other Areas and an announcement shall be made by publication in the School, or by beat of drum that Registers are kept open for inspection at such places during such hours.

**11. Enumeration of children to be taken every year in an area of compulsion** :-

In an area in which compulsory primary education up to any standard has been introduced, an enumeration of all children shall be held every year in accordance with Rule 8. At such enumeration.

(a) the particulars of each child already filled in the enumeration form at the preceding enumeration shall be verified, and if any modification other than any regarding the name or the date of birth of the child, is found to be necessary, such modification may be made in the old enumeration form and register and duly initialled by the person making the change or a new enumeration form got

filled and signed by the <sup>1</sup> [parent or guardian of such a child]; and

(b) particulars of all children who are likely to be within the ages to which the scheme will apply at the commencement of the next academic year and who were not enumerated at any previous enumeration shall be filled in the prescribed form. (Form IV).

1. Substituted for the words "parent of such a child" by GSR 599, dated 29-6-1965.

## **12. Revision of the Enumeration Register from time to time :-**

It shall be the duty of the Attendance Authority to keep in his charge as a permanent record, the Enumeration Register for every village or ward of a Town or City coming under his jurisdiction, corrected up-to-date by.-

(a) noting from time to time against the names of children, who have been enrolled in approved schools, the names of the schools and the date of the admission;

(b) adding the names of other children of the ages to which the scheme applies, who were for any reason not enumerated at the time of the enumeration or who came to reside in the area after the enumeration and have been enrolled in <sup>1</sup>[approved schools thereafter]; and

(c) removing from it, from time to time, the names of all children who have been reported by the Head Teacher to have left approved schools, or who have <sup>2</sup> [ceased to be covered by the scheme] of compulsion on account of death, completing the compulsory course, completing the school-year after completing the maximum age to which the scheme applies, or being exempted under Section 7 of the Act, or any other valid reason. The Enumeration Register shall be revised on the basis of the enumeration taken every year in the area of compulsion.

1. Substituted for the words "approved schools now" by GSR 599, dated 29-6-1965.

2. Substituted for the words "ceased under the scheme" by GSR 599, dated 29-6-1965.

## **13. Issue and service of Attendance Notices :-**

<sup>1</sup> (1) An Administrative Officer or an Inspector of Schools or an Attendance Authority shall cause to be served on the parent of

every child to whom the scheme applies who is not attending any approved school a notice in Form V.

(2) A notice under sub-rule (1) shall be served not less than fifteen days before the day from which the child must first attend the school.

(3) The service of a notice under this rule may be made.

(i) by delivery to the parent in person; or

(ii) where such parent cannot be found, by delivery to some adult member of his family; or

(iii) where service as aforesaid cannot be made, after obtaining the previous permission of the officer, issuing the notice, by affixing a copy on the last known place of residence of such parent.]

1. Rule 13 substituted by GSR 599, dated 29-6-1965.

**14. Particulars of Attendance Notices to be communicated :-**

The Head Teacher of each approved school in the area of compulsion shall be furnished by the Attendance Authority with the names and other particulars of all children whose parents have been served with notice under Rule 13 and the date from which the attendance of such children is compulsory.

**15. Application for exemption from attendance :-**

When an attendance notice under Rule 13 is served on the parent or guardian and he desires that his child be excused from attending a school for any of the reasons mentioned in Section 7 of the Act, he shall apply within 15 days from the date of such notice for such exemption, to the Attendance Authority concerned, through the Head Teacher of the School, which the child is required to attend.

**16. Grant of exemption from attendance :-**

(1) If the exemption applied for is of a permanent nature, the Attendance Authority or any Officer authorised by him on this behalf, shall conduct an enquiry and make a recommendation to the School Board in the Bombay Area and the District Educational Officer in other Areas, as to whether the exemption be granted or not.

(2) If the exemption applied for is of a temporary nature, the Head Teacher of the School may grant such exemption <sup>1</sup>[for a period not

exceeding seven days at a time, or grant leave of absence for a period not exceeding fourteen days in a year], for any of the following reasons.

(a) When the child is ill;

(b) When any member of his family is ill and the presence of the child is required at home;

(c) When his assistance is specially required by the parent or guardian to help his vocation; <sup>2</sup>[or

(d) any other valid reason.] <sup>3</sup>[granted by him], <sup>4</sup>[x x x x x.]

(3) If the period of exemption from attendance or <sup>5</sup>[leave of absence exceeds seven days at a time], the Head Teacher of the School shall forward the application to the concerned Attendance Authority who may grant such leave of absence or exemption for a period not exceeding one month at a time, for any of the reasons specified above.

(4) Exemption from attendance or leave of absence <sup>6</sup> [for a period exceeding one month but not exceeding forty-five days] shall be granted by the Administrative Officer of School Board in the Bombay Area, or the Assistant Educational Officer in the other Areas.

1. Substituted for the words "for a period not exceeding seven days or grant leave of absence for a period not exceeding seven days at a time and not more than twice in a year" by GSR 599, dated 29-6-1965.

2. The word "or" and clause (d) inserted by GSR 599, dated 29-6-1965.

3. Substituted for the words "granted by the Head Teacher" by GSR 599, dated 29-6-1965.

4. The second sentence viz., "If such leave of absence is applied for a third time, the matter shall be reported to the Attendance Authority for sanction" omitted by GSR 599, dated 29-6-1965.

5. Substituted for the words "leave of absence exceeds seven days" by GSR 599, dated 29-6-1965.

6. Substituted for the words "for a period exceeding one month" by GSR 599, dated 29-6-1965.

### **17. Fixing of maximum distance from School :-**

The distance for purposes of Section 7 shall not exceed one mile <sup>1</sup> [x x x x x] from the approved school to the residence of the child.

1. The word "measured" omitted by GSR 599, dated 29-6-1965.



**18. The authority to grant exemption when child is receiving instruction out of Approved Schools :-**

For purposes of Section 7(c) the Administrative Officer in the Bombay Area or the Assistant Education Officer in other Areas is authorised to exercise the power of making a declaration that the instruction which a child is otherwise receiving is satisfactory, so as to constitute a reasonable excuse for non-attendance, and such power shall be exercised after a due enquiry.

**19. Other circumstances which may be reasonable excuse for non-attendance :-**

Other circumstances, which may be reasonable excuse for non-attendance under clause (h) of Section 7 shall be.

(a) disturbed conditions in the locality within the distance of a mile from the school;

(b) prevalence of an infectious disease in the locality;

(c) floods or other natural calamities in the locality within a distance of a mile from the School.

**20. Form of Attendance Order :-**

An Attendance Order under Section 9 shall be made by the Attendance Authority in <sup>1</sup>[Form VII] <sup>2</sup> [x x x x x].

1. Substituted for the word and figures "Form VI" by GSR 599, dated 29-6-1965.

2. The words "given in the Appendix to these rules" omitted by GSR 599, dated 29-6-1965.

**21. Report of non-attendance to be made every month :-**

The Head Teacher shall, not later than the fifth day of every month, report to the Attendance Authority of the area.

(1) the names of all children who have not <sup>1</sup>[attended the school] without any leave of absence granted to them and stating against their names, the causes for their absence from school as ascertained by <sup>2</sup>[him], after contacting the parents of such children;

(2) the names of children of the ages to which compulsion applies, who have joined and <sup>3</sup>[left the school] during the preceding month;

(3) The names of enumerated children who have not <sup>4</sup> [joined the

school.]

1. Substituted for the words "attended his/her school" by GSR 599, dated 29-6-1965.
2. Substituted for the words "him/her" by GSR 599, dated 29-6-1965.
3. Substituted for the words "left his/her school" by GSR 599, dated 29-6-1965.
4. Substituted for the words "joined school" by GSR 599, dated 29-6-1965.

## **22. Issue of show-cause notice and making an Attendance Order :-**

On receipt of such a report, if the Attendance Authority wants to issue an attendance order, it shall issue a notice in the Form VI appended, to the parent of the child, against whom the said <sup>1</sup>[order is proposed to be made] and give an opportunity to such parent to show cause why <sup>2</sup> [such an order should not be made]. After hearing the parent or any other person on his behalf, if he appears, the Attendance Authority, if he is satisfied that the parent has failed to cause the child to attend an approved school, and that there is no reasonable excuse for such non-attendance, shall make an Attendance Order in Form VII.

1. Substituted for the words "order is proposed" by GSR 599, dated 29-6-1965.
2. Substituted for the words "such an order cannot be made" by GSR 599, dated 29-6-1965.

## **23. Report about the removal of a child by his parent to another place :-**

If the parent of a child under compulsion who is attending an approved school removes the child from the Town or Village or Ward of a City in which the child is residing, the Head Teacher of the School which the child attends, shall inform the Attendance Authority. If the removal is to another area of compulsion, the Attendance Authority shall take steps through the Administrative Officer of Bombay Area and District Educational Officer of other Areas to ensure that the prescribed notice is served on the parent requiring to cause the child to attend an approved school within that area.

## **24. Procedure when a child has to attend a private Approved School which charges fees :-**

If a private school is the only approved school to which a child may have to be compelled to attend and if that school should charge

fees for attendance, the School Board in the Bombay Area and the Director in other areas, shall offer to compensate such school, the loss of the fee income, on account of such child to the extent of the average cost of primary education of a child for the standard calculated by the Director, for the whole State according to the information available. If the management does not accept the compensation offered, Government or the School Board shall open a school, [if there is a sufficient number] of children, or such children shall be granted exemption from attendance.

**25. Filing of complaints against defaulting parents :-**

If the parent against whom an attendance order has been made, fails to cause his child to attend an approved school on or after the date specified in the Attendance Order, the Attendance Authority shall, on receipt of a report about the absence of such a child from the Head Teacher of the school, file a complaint to that effect in the Form VIII<sup>1</sup> [x x x x x], before the Court competent to try the offence under the Act.

1. The words "specified in the Appendix" omitted by GSR 599, dated 29-6-1965.

**26. Action against a person employing child liable for compulsion :-**

If a Head Teacher or an Attendance Authority or any Officer authorised by him in this behalf has information that a child liable to attend school compulsorily, has been employed by a person so as to interfere with the education or instruction of such a child, a full report giving particulars of such person and the child employed shall be forthwith made to the Administrative Officer in the Bombay Area, or the District Educational Officer in other Areas, who shall then, after such inquiry as he may deem fit, cause a warning to be issued to such person against the employment of the child (Form IX). If the warning has no effect, the Attendance Authority of the area on receipt of authorisation from the<sup>1</sup> [Administrative Officer or the District Educational Officer, as the case may be], shall complain or cause a complaint to be made against the person concerned, in a Court competent to try the offence (vide Form X).

1. Substituted for the words "Appropriate Authority" by GSR 599, dated 29-6-1965.

**27. Registers to be maintained by an Approved School :-**

The following<sup>1</sup> [Registers and Lists] shall be maintained by an

approved school.

(1) Enumeration Register [One copy at school and one copy with Attendance Authority];

(2) Admission Register;

**2**

[(3) Children's Attendance Register;]

(4) <sup>3</sup>[Teachers'] Attendance Register;

(5) <sup>4</sup> [Lists] of children who come under compulsion as given by the Attendance Authority;

(6) From and To Registers;

(7) Register of grant of exemption and leave of absence;

(8) Register showing the number of prosecutions launched and their results.

1. Substituted for the words "Registers and Statements" by GSR 599, dated 29-6-1965.

2. Substituted for the words "if there are sufficient number" by GSR 599, dated 29-6-1965.

3. The words "specified in the Appendix" omitted by GSR 599, dated 29-6-1965.

4. Substituted for the words "Appropriate Authority" by GSR 599, dated 29-6-1965.