

Madras Elementary Education Act, 1920

08 of 1920

[07 December 1920]

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Title
2. Extent and commencement
3. Definitions

CHAPTER 2 :- [Omitted]

4. [Omitted]
5. [Omitted]
6. [Omitted]
7. [Omitted]
8. [Omitted]
9. [Omitted]
10. [Omitted]
11. [Omitted]
12. [Omitted]
13. [Omitted]
14. [Omitted]
15. [Omitted]
16. [Omitted]
17. [Omitted]
18. [Omitted]
19. [Omitted]
20. [Omitted]
21. [Omitted]
22. [Omitted]
23. [Omitted]
24. [Omitted]
25. [Omitted]
26. [Omitted]
27. [Omitted]
28. [Omitted]
29. [Omitted]
30. [Omitted]
31. [Omitted]

CHAPTER 3 :- ELEMENTARY EDUCATION FUNDS

- 32. Elementary education fund
- 33. Education fund where to be lodged and how to be drawn upon
- 34. Education taxes
- 35. Rates of levy of taxes under section 34
- 36. Assessment and realization of taxes
- 37. Government contribution to elementary education fund
- 38. Budget of elementary education fund
- 39. Audit of accounts of elementary education fund
- 40. Saving clause

CHAPTER 4 :- [Omitted]

- 41. [Omitted]
- 42. [Omitted]
- 43. [Omitted]

CHAPTER 5 :- COMPULSORY ELEMENTARY EDUCATION

- 44. Local authority may resolve to make education compulsory
- 45. Local authority to submit its resolution to Government
- 45A. Power of State Government to require local authorities to frame schemes for compulsory elementary education
- 46. Publication of resolution or scheme
- 47. No fee to be levied at elementary schools under public or panchayat management in areas notified under section 46
- 48. Power to exempt any person or class of persons
- 49. Responsibility of guardian to cause child of school-age to attend school
- 50. Attendance of child at school optional in certain circumstances
- 51. Enforcement of the liability of guardians under section 49
- 52. [Omitted]

CHAPTER 6 :- [Omitted]

- 53. [Omitted]
- 54. [Omitted]

CHAPTER 6 :- MICSELLANEOUS

- 55. [Omitted]
- 56. Power of State Government to make rules

Madras Elementary Education Act, 1920

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[07 December 1920]

PREAMBLE

Whereas it is expedient to make better provision for elementary education in the Presidency of Fort St. George ;
It is hereby enacted as follows :--

1. For Statement of Objects and Reasons, See Fort St. George Gazette, dated 9th March 1920, pages 311 and 312; for Report of the Select Committee, see *ibid*, dated 27th July 1920, pages 1251 to 1276; *ibid*, dated 3rd August 1920, pages 1277 to 1278; and *ibid*, dated 10th August 1920, pages 1281 and 1282; for Proceedings in Council, see *ibid*, dated 15th June 1920, pages 823 to 833 ; *ibid*, dated 2nd November 1920, page 1333 ; *ibid*, dated 30th November 1920, page 1514, and *ibid*, dated 18th January 1921, pages 108 to 211.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

CHAPTER 1 PRELIMINARY

1. Title :-

This Act may be called the Madras Elementary Education Act, 1920.

2. Extent and commencement :-

It shall come into force in such areas and on such dates as the ¹[State Government] may, by notification, direct.

1. The words " Provincial Government" were substituted for the words " Local Government" by the Adaptation Order of 1937 and the word " State " was substituted for "Provincial" by the Adaptation Order of 1950.

3. Definitions :-

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

Attendance.

(i) attendance at a school means presence for instruction at an elementary school for so many and on such days in the year and at such time or times on each day of attendance as may be prescribed;

Director of Public Instruction. and District Educational Officer.

²[(ii) Director of Public Instruction, ³[and District Educational Officer,] mean such officer or officers as may be appointed by the ¹[State Government] to perform the duties of Director of Public Instruction ⁴[or District Educational Officer] as the case may be,]

⁵[(iii)*****]

District Board.

(iv) district board means district board constituted under the ⁶[Madras Local Boards Act, ⁷(1920)(Madras Act XIV of 1920)] ;

Elementary education,

(v) elementary education means education in such subjects and up to such standard as may be prescribed;

Elementary school.

(vi) elementary school means a school or department of a school recognized as an elementary school ⁸[by the Director of Public Instruction or by such authority as may be empowered by him in this behalf;]

Elementary school-place

(vii) elementary school-place means such accommodation and equipment as may be proscribed as necessary for a child of school-age;

Guardian.

(viii) guardian means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any lawful authority;

Local authority.

(Madras Act V of 1920)

(ix) local authority means a municipal council or a ⁹[district board] ;

Municipal council. Municipality.

(x) municipal council and municipality mean, respectively, a municipal council and a municipality governed by the Madras District Municipalities Act, 1920, or the Madras City Municipal Act, 1919 (Madras Act IV of 1919);

Notification.

¹⁰[(x-a) notification means notification in the ¹¹[Official Gazette];
Panchayat.

(x-b) panchayat means a panchayat constituted under the ⁶[Madras Local Boards Act, ⁷(1920) (Madras Act XIV of 1920)];
Prescribed

(xi) prescribed means proscribed by ¹²[this Act or by] rules made by the ¹³[State Government] under this Act;

Public management.

Private management.

(xii) public management ¹⁴[. . .] means management by the ¹⁵[State Government] or, by a local authority ; all other

management shall be deemed to be private management ;
School-age.

(xiii) school-age means such age as the ¹⁵[State Government] may prescribe in respect of children of either sex in any local area or of any particular community.

¹⁶[* * * * *]

1. The words " Provincial Government" were substituted for the words " Local Government" by the Adaptation Order of 1937 and the word " State " was substituted for "Provincial" by the Adaptation Order of 1950.

2. This clause was substituted for the original clause (ii) by section 3 (i) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

3. These words were substituted for the words "District Educational Officer and Inspectress of Girls Schools" by section 2 (i) of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act, II of 1939),

4. These words were substituted for the words " District Educational Officer or Inspectress of Girls Schools " by *ibid*.

5. Clause (iii) was omitted by section 2 (ii) of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

6. Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920) of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), as the case may be.

7. These figures were substituted for the figures " 1884 " by section 3 (ii) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

8. These words were substituted for the words and figures " under section 41" by section 2 (iii) of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

9. These words were substituted for the words " taluk board " by section 53 (i) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

10. Clauses (x-a) and (x-b) were inserted by section 3 (iii) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

11. These words were substituted for the words " Fort St. George Gazette " by the Adaptation Order of 1937.

12. These words were inserted by section 3 (iv) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

13. The words "Provincial Government" were substituted for the words " Local Government" by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial by the Adaptation Order of 1950.

14. The words " in relation to an elementary school " were omitted by section 3 (v) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act 1932).

15. The words " Provincial " Government " were substituted for the word " Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for " Provincial " by the Adaptation Order of 1950.

16. Clause (xiv) was omitted, by section 53 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

CHAPTER 2 [Omitted]

4. [Omitted] :-

[Omitted]

5. [Omitted] :-

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30. [Omitted] :-

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31. [Omitted] :-

[Omitted]

CHAPTER 3 ELEMENTARY EDUCATION FUNDS

32. Elementary education fund :-

There shall be constituted for each local authority in every district in which this Act is brought into force an elementary education fund to which shall be credited--

(i) the proceeds of any tax levied within the jurisdiction of such authority under the provisions of this Act ;

²[(i-a) an annual contribution from the general funds of such authority, not being less than a minimum fixed by the ¹[State Government] in that behalf] ;

²[(i-b) such additional contribution from the general funds of such authority as the ¹[State Government] may decide to be necessary in any year in order to balance the budget, of the fund for such year] ;

(ii) all sums granted to such authority by the ¹[State Government] for the benefit of elementary education;

(iii) all fines and penalties levied within the jurisdiction of such authority under the provisions of this Act ;

(iv) all income derived from any endowments or other property owned or managed by such authority for the benefit of elementary education ;

(v) all school fees, if any, collected in elementary schools managed by such authority ; and

(vi) all other sums of money which may be contributed or received by such authority for the purposes of this Act.

1. The words " Provincial " Government " were substituted for the word " Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for " Provincial " by the Adaptation Order of 1950.

2. Clauses (i-a) and (i-b) were inserted by section 56 of the Madras Local Boards and Elementary Education (Amendment) Act. 1934 (Madras Act II of 1934

33. Education fund where to be lodged and how to be drawn upon :-

(1) The education fund constituted under section 32 shall be lodged in such bank or Government treasury as the ¹[State Government] may direct.

(2) All expenses incurred on elementary education by the local authority concerned shall be paid out of the fund.

(3) All orders or cheques upon the fund shall be signed by the chief executive officer of the local authority or by such person as he may authorize in writing to sign on his behalf.

(4) So far as the funds to credit permit, the treasury or bank shall pay--

(a) all orders or cheques signed in accordance with sub-section (3);
(6) all expenses incurred by the ¹[State Government] on behalf of the local authority, provided that the local authority has given previous authority in writing to the bank or treasury to debit such expenses to the fund without the issue of any order or cheque.

(2) The Education Tax and Government Contribution.

1. The words " Provincial Government" were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

34. Education taxes :-

²[(1) Any municipal council may, with the previous sanction of the ¹[State Government] and shall, if so directed by them, ³[levy within its area taxes at such rates as may be considered suitable, as an addition to the taxation levied in the municipality] under the law for the time being in force governing the same under all or any of the following heads, namely, property tax, tax on companies and profession tax.

⁴[Explanation.--In construing the expression "taxation levied " occurring in this sub-section, exemptions granted under clause (a) of the proviso to section 102 of the Madras City Municipal Act, 1919(Madras Act IV of 1919), or under sub-sections (2), (3) or (4) of section 83 of the Madras District Municipalities Act, 1920(Madras Act V of 1920), as the case may be, shall not be taken into account.]

(2) Any district board may with the previous sanction of the ⁵[State Government], and shall, if so directed by them, ⁶[levy within its area or any part thereof taxes at such rates as may be considered suitable as an addition to the taxation levied in such area or part] under the law for the time being in force governing district boards, under all or any of the following heads, namely, land-cess, profession tax and house-tax.]

1. The words " Provincial Government" were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

2. Sections 34 and 35 were substituted for the original sections 34 and 35 by section 57 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

3. These words were substituted for the words " levy within its area taxes not exceeding twenty-five per centum of the taxation levied in the municipality" by section 2 (i) of the Madras Elementary Education (Amendment) Act, 1950 (Madras ActXXVIII of 1950), deemed to have come into force on the 1st day of April 1950.

4. This Explanation was added by section 2 of the Madras Elementary Education (Amendment) Act, 1943 (Madras ActXXVIII of 1943), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. 1) Act., 1948 (Madras Act VII of 1948).

5. The words "Provincial Government" were substituted for the words " Local Government" by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

6. These words were substituted for the words " levy within its area or any part thereof taxes not exceeding twenty-five per centum of the taxation levied in such area or part" by section 2 (ii) of the Madras Elementary Education (Amendment) Act, 1950 (Madras Act XXVIII of 1950), deemed to have come into force on the 1st day of April 1950.

35. Rates of levy of taxes under section 34 :-

²[³ (1) The rates of levy of any tax under section 34 shall be determined --

(a) by the local authority with the previous sanction of the ¹(State Government), in case the tax is levied by the local authority of its own motion ; and

(b) by the ¹(State Government), in case the tax is levied at their direction :

Provided that the rates of any such tax levied as an addition to the taxation under the head of tax on companies or of profession tax shall be subject to the limits specified in any law for the time being in force governing the local authority or prescribed by rules made under this Act :

Provided further that the rates of any such tax levied by a municipal council as an addition to the taxation under the head of property tax shall not exceed five per centum per annum in the case of properties taxed on their annual value, one-fourth per centum per annum in the case of properties taxed on their capital value, and four rupees per annum for every 320 square yards or part thereof in the case of properties taxed on their extent :

Provided also that the rates of any such tax levied by a district

board as an addition to the taxation under the head of land-cess shall not exceed three annas in the rupee of the annual rent value of the land.

(2) Subject to the provisos aforesaid, the local authority may, with the previous sanction of the ¹[State Government], and shall, if so directed by them, alter the rates of levy of any such tax.]

1. The words "Provincial Government" were substituted for the words " Local Government" by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

2. Sections 34 and 35 were substituted for the original sections 34 and 35 by section 57 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

3. This section was substituted by section 3 of the Madras Elementary Education (Amendment) Act., 1950 (Madras Act XXVIII of 1950) *ibid* for the original section 35 as substituted by section 57 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

36. Assessment and realization of taxes :-

²[(1) Every tax levied in any area under any head of taxation mentioned in section 34 shall be deemed to be an addition to a tax levied under the same head in such area under the law for the time being in force governing municipalities or local boards, as the case may be, and all the provisions of such law relating to the incidence, assessment or realization of such tax or in any manner connected therewith shall be applicable accordingly:

Provided that the ¹[State Government] may direct that the said provisions shall apply subject to such modifications and restrictions as may be prescribed.

(2) In particular, any such tax levied in a panchayat area under any head of taxation other than land-cess, shall be realized by the president of the panchayat as an addition to a tax levied under the same head under the ³[Madras Local Boards Act, 1920 (Madras Act XIV of 1920)]. Out of the proceeds of the tax so realised, such percentage as may be prescribed shall be credited to the village fund of the panchayat on account of the cost of collection and the balance shall be paid to the credit of the elementary education fund under the control of the ⁴[district board] concerned.]

1. The words "Provincial Government" were substituted for the words " Local Government " by the Adaptation Order of 1937 and

the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

2. This section was substituted for the original section 36 by section 6 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

3. Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920) or the Madras Village Panchayats Act, 1950 (Madras Act X of 1950.)

4. These words were substituted for the words " taluk board " by section 58 of the Madras Local Boards and Elementary Education (Amendment) Acts 1934 (Madras Act II of 1934).

37. Government contribution to elementary education fund

:-

¹[(1) When an elementary education fund is constituted under section 32 for a municipal council, the State Government shall contribute to such fund--

(i) a sum equal to fifty per centum of the proceeds of the taxation levied in the municipality under section 34, sub-section (1), under the head of property tax ; and also

(ii) a sum equal to fifty per centum of the proceeds of the taxation levied in the municipality under section 34, sub-section (i), under the heads of tax on companies and profession tax, or a sum equal to ten per centum of the total taxation levied in the municipality under the said heads both under section 34, sub-section (1), and under the Madras City Municipal Act, 1919(Madras Act IV of 1919), or the Madras District Municipalities Act, 1920(Madras Act V of 1920), whichever sum is less.

(2) When an elementary education fund is constituted under section 32 for a district board, the State Government shall contribute to such fund a sum equal to fifty per centum of the proceeds of the taxation levied in the district board area under section 34, sub-section (2), under the head of land-cess:

Provided that if the rate of such taxation exceeds eighteen pies in the rupee of the annual rent value of the land, the State Government shall contribute to the fund only a sum equal to one-half of such portion of the proceeds as is attributable to the levy of the tax at the rate of eighteen pies in the rupee.

(3) If, in any year, the contribution made to an elementary education fund by the State Government under subsection (1) or

sub-section (2) is less than the contribution made to such fund in respect of the financial year 1949-50, the State Government shall pay the difference between the two amounts to such fund by way of additional contribution.

(4) The contribution payable to an elementary education fund under sub-sections (1) to (3) shall be in addition to, and not in lieu of, the amount of recurring expenditure incurred from the State funds during the financial year 1920-21 on education in elementary schools under public management situated within the municipality or district board area, as the case may be.]

1. This section was substituted for the original section 37 by section 4 of the Madras Elementary Education (Amendment) Act, 1950 (Madras Act XXVIII of 1950) deemed to have come into force on the 1st day of April 1950,

38. Budget of elementary education fund :-

(1) On or before the 30th November in each year every local authority for which an elementary education fund has been constituted under section 32 shall submit to the ¹[State Government] through ²[. . .] the Director of Public Instruction, in such forms as may be prescribed, a budget for the ensuing financial year showing the income and expenditure relating to such fund.

(2) The ¹[State Government] may pass such orders as ³[they think fit] in respect of the budget and the local authority concerned shall be bound to carry out all such orders.

1. The words "Provincial Government" were substituted for the words " Local Government" by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial" by the Adaptation Order of 1950,

2. The words "the district educational council and" Were omitted by section 4 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

3. These words were substituted for the words " he thinks fit" by the Schedule to the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

39. Audit of accounts of elementary education fund :-

The accounts of each education fund shall be examined and audited by an officer appointed by the ¹[State Government] in this behalf,

and the local authority concerned shall carry out any instructions which the ¹[State Government] may issue on the audit report.

1. The words "Provincial Government" were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

40. Saving clause :-

Save as otherwise expressly provided by this Act, nothing in the Madras District Municipalities Act, 1920(Madras Act V of 1920), or in the 1Madras Local Boards Act, 2[1920(Madras Act XIV of 1920)], or in the Madras City Municipal Act, 1919(Madras Act IV of 1919), shall effect any of the provisions of this 3[Act].

1. Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920) or the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), as the case may be.

2. These figures were substituted for the figures " 1884" by section 7 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

3. This word was substituted for the word " Chapter " by ibid.

CHAPTER 4 [Omitted]

41. [Omitted] :-

[Omitted]

42. [Omitted] :-

[Omitted]

43. [Omitted] :-

[Omitted]

CHAPTER 5 COMPULSORY ELEMENTARY EDUCATION

44. Local authority may resolve to make education compulsory :-

Subject to the conditions laid down in this chapter, any local authority may, by a resolution passed at a meeting specially

convened for the purpose and supported by the votes of not less than two-thirds of the members present, resolve that elementary education ¹[or education in such standards thereof as may be prescribed in this behalf] shall be compulsory within the whole or a specified part of the local area under its jurisdiction--

(a) for all children of school-age, or

(b) for boys of school-age, or

(c) for girls of school-age, ²[or]

³[(d) for all children of school-age who have, for such period as may be prescribed attended an elementary school ; or

(e) for all boys of school-age who have, for such period as may be prescribed, attended an elementary school ; or

(f) for all girls of school-age who have, for such period as may be prescribed, attended an elementary school.]

1. These words were inserted by section 7 (1) of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

2. The word " or " was added by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

3. Clauses (d),(e) and (f) were added by section 7 (ii) of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

45. Local authority to submit its resolution to Government

:-

(1) Every resolution passed under section 44 shall be submitted ¹[through the Director of Public Instruction] to the ²[State Government].

(2) The ²[State Government] may accept or reject any such resolution :

Provided that the ²[State Government] shall reject the resolution unless--

(a) the local authority concerned shall have declared by resolution its readiness to levy the tax or taxes leviable under section 34 throughout the area specified at such rates as may be necessary to meet the expenditure involved; and

(b) t h e ²[State Government] ³[a r e satisfied] that adequate arrangements have been made for the provision of trained teachers

and that the number of elementary school-places in the area is sufficient or will, within a reasonable period, be made sufficient for all children of school-age residing therein in respect of whom it has been resolved that elementary education shall be compulsory subject always to the exceptions permitted by the provisions of section 50:

Provided further that if the resolution extends only to the children of one sex the ²[State Government] may reject it unless satisfied that sufficient accommodation is or will be provided as required by sub-clause (b) of the foregoing proviso for all the children of school-age of the other sex resident in the area or for such proportion of them as the ²[State ment] may in each case direct.

Explanation.--The number of elementary school-places should not be considered to be sufficient unless provision has already been made or will, within a reasonable period, be made for the education of every child not exempted under section 50 in an elementary school situated within one mile from the residence of such child :

Provided that in the case of any specified local area the ²[State Government] may, by notification, vary the distance herein laid down for such period of time ⁴[as they may think fit],

1. These words were substituted for the words " through the district educational council" by section 6 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

2. The words "Provincial Government" were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial by the Adaptation Order of 1950.

3. These words were substituted for the words " is satisfied " by the Schedule to the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

4. These words were substituted for the words " as he may think fit" by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

45A. Power of State Government to require local authorities to frame schemes for compulsory elementary education :-

¹[(1) Tho ²[State Government] may of their own motion require any local authority to name a scheme for any of the purposes mentioned in section 44 within such time as may be specified in the requisition. Such scheme shall be submitted to t h e ²[State

Government through ³[. .]the Director of Public Instruction.

(2) The ²[State Government] may accept the scheme or accept it with such modifications as they may deem necessary or they may reject it.

(3) If the local authority fails to submit a scheme for the purposes and within the time specified in the requisition, or if any scheme so submitted is rejected under sub-section(2), the ²[State Government] may themselves frame a scheme for such purposes.]

1. Section 45-A was inserted by section 8 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

2. The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for "Provincial " by the Adaptation Order of 1950.

3. The words "the district educational council and" were omitted by section 7 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

46. Publication of resolution or scheme :-

¹[If the ² (State Government) accept a resolution under sub-section (2) of section 45 or a scheme under subsection (2) of section 45-A or frame a scheme under sub-section (3) of section 45-A, such resolution or scheme shall be notified in the ²(Official Gazette) and in the Gazette of the district, if any, and the provisions of sections 47 to 51 (both inclusive) shall thereupon come into force within the area to which the resolution or scheme applies and from such date as may be specified in the notification].

1. This section was substituted for the original section 46 by section 9 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

2. These words were substituted for the words " Fort St. George Gazette by the Adaptation Order of 1937.

47. No fee to be levied at elementary schools under public or panchayat management in areas notified under section 46 :-

¹[(1) No fees shall be levied at any elementary school under public or panchayat management situated in any area affected by a notification under section 46, from any child to whom such

notification applies.

(2) Fees may be levied from any such child at any other elementary school situated in the said area :

Provided that where within one mile of such school or such other distance therefrom as may be notified under the Explanation to sub-section (2) of section 45, there is no other elementary school at which fees are not levied, such number No fee to be levied at elementary schools under public or panchayat management in areas notified under section 46. of free places as may be fixed by 1 (the District Educational Officer) in consultation with the local authority concerned shall be reserved in such school.]

1. This section was substituted for the original section 47 by section 10 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

48. Power to exempt any person or class of persons :-

The ¹[State Government] may, by notification, exempt any person or class of persons from, the effect of a notification under section 46.

1. The words " Provincial Government" were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word "State " was substituted for "Provincial" by the Adaptation Order of 1950.

49. Responsibility of guardian to cause child of school-age to attend school :-

In every area affected by a notification under section 46, it shall be the duty of the guardian of every child of school-age resident in such area ¹[and affected by such notification], subject to the exceptions authorized by section 50, to cause such child to attend an elementary school in such area:

Provided that no guardian shall be compelled to cause a child to attend a school at which attendance at religious instruction in a faith other than that to which the child belongs is compulsory.

²[* * * *]

1. These words were inserted by section 11 of the Madras Elementary Education (Amendment) Act, 1931 (Madras ActII of 1932).

2. The second proviso to section 49 was omitted by section 10 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935)-

50. Attendance of child at school optional in certain circumstances :-

Attendance at school shall not be compulsory in the following circumstances :--

- (i) if there is no elementary school within one mile or such other distance as may have been notified under the explanation to sub-section (2) of section 45 from the residence of the child;
- (ii) if the child is prevented from attending school by reason of sickness, infirmity or other cause declared by a resolution of the local authority concerned to be a reasonable excuse;
- ¹[(ii-a) if the child is receiving instruction in an unrecognized school or department of a school, provided the instruction imparted therein is declared to be satisfactory by a prescribed officer];
- (iii) if the child is receiving instruction, in some other manner declared to be satisfactory by a prescribed officer;
- (iv) if the child has already received instruction in an elementary school or otherwise up to the standard prescribed for elementary education;
- (v) if the child is exempt from attendance on any other prescribed ground.

1. This clause was inserted by section 5 of the Madras Elementary Education (Amendment) Act, 1950 (Madras Act XXVIII of 1950), deemed to have come into force on the 1st day of April 1950.

51. Enforcement of the liability of guardians under section 49 :-

¹[(1) In areas where education is made compulsory under this Act, ²[the District Educational Officer concerned], shall be responsible for the enforcement of the provisions of section 49, and subject to such rules as may be prescribed, shall impose a penalty, not being less than such minimum sum and not exceeding such maximum sum as may be prescribed, on any guardian who has without reasonable excuse failed to discharge the obligation created by section 49.

³[(2) Against any order of a District Educational Officer imposing a

penalty under sub-section (1), an appeal shall lie, within one month of the date of the service of such order, to the Director of Public Instruction who may confirm, reduce or cancel the penalty.]

(3) Any penalty imposed under this section shall be recovered from the guardian concerned in the same manner as if it were a tax levied under the law for the time being in force governing the municipality or the district board concerned.]

1. Section 51 and the heading there to were substituted for the original sections 51 and 52 and the heading there to by section 11 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

2. These words were substituted for the words " the Commissioner in the case of the Corporation of Madras, the chairman concerned in the case of any other municipality, and the president of the district board concerned in the case of non-municipal areas " by section 2 (i) of the Madras Elementary Education (Amendment) Act, 1946 (Madras Act VIII of 1946), re-enacted permanently by section 2 of the Madras Re-enacting Act, 1950 (Madras Act III of 1950). Madras Act VIII of 1946 came into force on the 1st June 1947.

3. This sub-section was substituted for the original sub-section (2) by section 2 (ii), *ibid*.

52. [Omitted] :-

1[***]

1. Section 51 and the heading there to were substituted for the original sections 51 and 52 and the heading there to by section 11 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

CHAPTER 6 [Omitted]

53. [Omitted] :-

[Omitted]

54. [Omitted] :-

[Omitted]

CHAPTER 6 MISCELLANEOUS

55. [Omitted] :-

1[***]

1. This section was omitted by section 60 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

56. Power of State Government to make rules :-

(1) Tho ¹[State Government] may, after previous publication, make rules not inconsistent with this Act to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision ²[they may make] rules--

³[(a) with reference to all matters expressly required or allowed by this Act to be prescribed] ;

⁴[(a a)] declaring what shall constitute elementary education, elementary school-place, school-age and attendance at school ;

(b) declaring what schools ⁵[or departments of schools] shall be classed as elementary ⁶[schools] ;

⁷[(c) to (e) * * * *] ;

(f) laying down the registers, statements, reports, returns, budgets and other information to be maintained or furnished ⁸[. . .] by local authorities, ⁹[b y panchayats], ¹⁰[and] by managers of elementary schools under private management ¹⁰[] ¹¹[and the time within which any statement, report, return, budget or other information shall he furnished] ;

(g) regulating the procedure for the assessment and realization of the taxes leviable under section 34 ;

(h) declaring the conditions subject to which schools may be admitted to recognition or aid.

¹²[(i) * * * * *]

¹³[(j) * * * * *]

1. The words " Provincial Government" were substituted for the words " Local Government" by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial" by the Adaptation Order of 1950.

2. These words were substituted for the words " he may make " by the Schedule to the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

3. New clause (a) was inserted by section 13 (i), ibid.

4. Original clause (a) was re-lettered as clause (aa) by ibid,

5. These words were inserted by section 13 (ii), *ibid*.
6. This word was inserted by *ibid*.
7. Clauses (c), (d) and (e) were omitted by section 10 (i) of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).
8. The words " by district educational councils" were omitted by section 10 (ii), *ibid*.
9. These words were inserted by section 13 (iv) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).
10. The word and" was inserted before the words "by managers" and the words " and by attendance committees " were omitted by section 3. (1) of, and the Second Schedule to, the Madras Repealing and Amending Acts 1951 (Madras Act XIV of 1951).
11. These words were added by section 3 (ii) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act, II of 1932).
12. Clause (i) was Omitted by section 10 (iii) of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).
13. Clause (j) was omitted by section 12 (ii) of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).