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**Uttar Pradesh District Boards Primary Education Act, 1926****01 of 1926****[23 March 1926]****CONTENTS**

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**Uttar Pradesh District Boards Primary Education Act, 1926****01 of 1926****[23 March 1926]**

An Act to provide for the extension of primary education in rural areas under District Boards in the United Provinces Whereas it is the declared policy of the Government of the United Provinces that universal, free and compulsory primary education for boys and girls should be reached by a definite programme of progressive expansion, and whereas it is expedient to provide for a progressive development and expansion of primary education; It is hereby enacted as follows: 1. Received the assent of the Governor on March 23, 1926 and of the Governor General on April 21, 1926 and was published under section 81 of the Government of India Act on

May 8, 1926. 2. For S.O.R., see Gaz, 1925, Pt. VIII, p. 805.

### **1. Short Title, Extent And Construction :-**

(1) This Act may be called the U.P. District Board Primary Education Act, 1926.

(2) It extends to all the areas under the jurisdiction of the district boards in 1[Uttar Pradesh].

(3) It shall be construed as supplementary to the United Provinces District Boards Act, 1922,\* hereinafter called the principal Act.

Extent.-- The Act has been extended to the merged States of Rampur, Banaras and Tehri Garhwal by the Rampur (Application of Laws) Act, 1950, Banaras (Application of Laws) Order, 1949 and Tehri-Garhwal (Application of Laws) Order, 1949, respectively.

1. Substituted by the A.O., 1950 for "United Provinces".

\*. See now U.P. Kshettra Panchayats & Zila Panchayats Adhiniyam 1961.

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

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

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

(2) "child" means a child whose age is not less than six and not more than eleven years; provided that "child" when referring to a Muslim girl, shall mean a child whose age is not less than five and not more than nine years;

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

(4) "primary education" means instruction in reading, writing and arithmetic of such standard as may be prescribed for primary schools by the 1[State Government], and such instruction in other subjects, if any, may be determined by the Board with the approval of the prescribed authority;

(5) "recognized primary school" includes a school or a department of a school in which instruction in primary education is given and which is for the time being recognised by the Director of Public Instructions<sup>2</sup>;

(6) "school committee" means a committee appointed under the provisions of section 6 of this Act;

- (7) "school area" means the area within a radius of one mile by the nearest route from a primary school maintained by the board and included within the local limits of a board;
- (8) "tahsil area" means the area comprised in a tahsil and included within the local limits of a board;
- (9) "thana area" means the area comprised in the limits of a police station and included within the local limits of a board;
- (10) "village area" means the area comprised in a village.
1. Substituted by the A.O. 1950 for "Prol. Govt." which had been Substituted by the A.O. 1937 for "L.G.".
  2. Now Director of Education.

### **3. Issue Of Notification Making Primary Education Compulsory :-**

- (1) On the application of the board the 1[State Government] may declare, by notification, that the primary education of male children shall be compulsory in the whole of the boards area or in any part thereof, for example, in any tahsil area, thana area, school area, or village area.<sup>2</sup>
- (2) Where a notification issued under sub-section (1) is in force in any area the 1[State Government] may, on the application of the board, issue a notification that the primary education of female children shall be compulsory in the whole, or any part of such area.
- (3) A notification issued under this section shall specify the date from which, and the area or areas in which primary education shall be compulsory and public notice shall be given of the notification locally in the area or areas concerned.
- (4) A board, if called upon by the 1[State Government] so to do, shall, within a time to be specified by the 1[State Government] submit a scheme to provide compulsory primary education in such area as the 1[State Government] may direct, and in the case of children of either sex or both sexes as the 1[State Government] may specify.
- (5) If a board when called upon makes default in submitting a scheme or after a scheme has been sanctioned, omits to make adequate provision for compulsory primary education in accordance with scheme as sanctioned or to bring into operation or to continue to keep in operation such scheme, the 1[State Government] may after due inquiry appoint a person to submit the scheme or to bring it into operation or to continue to keep operation, as the case may be, and the expense thereof shall be paid by the Board to the

1[State Government] . If the expense is not so paid, the 1[State Government] may make an order directing any person who has, for the time being, custody of any moneys on behalf of the board as banker or in any relation, to pay such expense from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

1. Substituted by the A.O. 1950 for "Provl. Govt." which had been Substituted by the A.O. 1937 for "L.G.".

2. For declaration under this sub.sec. consult S.R.O.

#### **4. Board To Make Provision For Primary Education :-**

A notification shall not be issued under section 3 unless--(a) the board has, by special resolution which has been passed by a vote of not less than one-half of the total number of members constituting the board, resolved that such primary education should be made compulsory, and (b) the 1[State Government] is satisfied that the board is in a position to make, and will make adequate provision in recognized primary schools for such compulsory primary education free of charge.

1. Substituted by the A.O. 1950 for "Provl. Govt." which had been Substituted by the A.O. 1937 for "L.G.".

#### **5. Application For Issue Of Notification :-**

An application by the board under section 3 shall be made in such manner as may be prescribed by the 1[State Government] and the board shall furnish such information in respect of the application as may be required by the 1[State Government].

1. Substituted by the A.O. 1950 for "Provl. Govt." which had been Substituted by the A.O. 1937 for "L.G.".

#### **6. Appointment Of School Committee :-**

(1) Where a notification has been issued under section 5, the board 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) It shall be the duty of such school committee, subject to the provisions of this Act, to enforce the provisions of this Act respecting the attendance of children at school and the employment of children.

#### **7. Duty Of Parents To Cause Children To Attend School :-**

Where a notification under section 3 is in force in any area, the parent of every child to whom the notification applies shall, if such child ordinarily resides in such area, in the absence of a reasonable excuse as hereinafter defined, cause such child to attend a recognized primary school.

#### **8. Meaning Of Reasonable Excuse :-**

Any of the following circumstances shall be deemed to be a reasonable excuse within the meaning of section 7--

- (1) that there is no accommodation in a recognized primary school within a distance to be fixed by the school committee and measured according to the nearest route from the residence of the child;
- (2) that the child has been exempted by the school committee on religious grounds;
- (3) that the child is receiving otherwise than in a recognized primary school, primary education in a satisfactory manner;
- (4) that the child is certified by such authority as may be appointed in this behalf by the board to have completed the primary course;
- (5) that the child has been granted temporary leave of absence from school, in accordance with regulations made under this Act by the board;
- (6) that the child is certified by a medical officer approved for this purpose by the board to be unfit to attend school by reason of some bodily defect or infirmity;
- (7) that the child has, with the consent of the prescribed authority, been exempted by the school committee for special reasons recorded by it in writing.

#### **9. Issue Of Attendance Order By The School Committee :-**

When the school committee is satisfied that a parent who is bound under the provisions of section 7 to cause a child to attend a recognized primary school, has failed to do so, the school committee, after giving the parent an opportunity of being heard, and after such inquiry as it considers necessary, may pass an order directing the parent to cause such child to attend a recognized primary school from a date which shall be specified in the order.

#### **10. Penalty For Failure To Obey Attendance Order :-**

(1) Any parent against whom an order has been passed under section 9, and who without reasonable excuse as defined in section 8 has failed to obey such order, shall on conviction before a magistrate be liable to a fine not exceeding five rupees.

(2) Any parent who having been convicted of an offence under subsection (1) continues to disobey the order passed under section 9 shall be liable to a further fine not exceeding one rupee for every day, after the date of the first conviction, during which he is proved in a subsequent proceeding taken before a magistrate to have persisted in disobeying the order.

### **11. Penalty For Employing Child Liable To Attend Primary School :-**

Any person other than the parent who, during the prescribed hours of attendance at school, utilizes on his own behalf or on behalf of any other person, in connexion with any employment, whether for remuneration or not, the services of any child whose parent is required under this Act to cause him to attend a recognized primary school, shall; on conviction before a magistrate, be liable to a fine not exceeding twenty-five rupees.

### **12. Cognizance Of Offence And Power To Compound :-**

(1) No court shall take cognizance of an offence under section 10 or section 11 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 by general or special order in this behalf:

Provided that the school committee or the person authorized in this behalf shall, before instituting a prosecution against any person, cause a warning to be given to him in writing.

(2) The school committee or the person authorized in this behalf may, instead of instituting or continuing prosecution for an offence, compound the same on the payment by the person accused of such offence of such sum as it deems proper not exceeding the amount of the fine with which such offence is punishable under this Act.

### **13. Power To Exempt Particular Class Or Community :-**

The 1[State Government], after taking into consideration any views expressed by the Board in this behalf, may, by notification, exempt any particular class or community from the operation of this Act.

1. Substituted by the A.O. 1950 for "Provl. Govt." which had been Substituted by the A.O. 1937 for "L.G.".

**14. Remission Of Fees :-**

No fee for primary education shall be charged in respect of any child compulsorily attending a recognized primary school within an area in which a notification under section 3 is in force.

**15. Fines To Be Credited To Boards Fund :-**

All sums realised 1[\* \* \*] by way of composition under the provisions of this Act shall be credited to the boards fund.

1. The words "on conviction or" omit, by the A.O. 1937.

**16. Withdrawal Of Notification On Default :-**

When the 1[State Government] is of opinion that default has been made by any board in respect of its duties under this Act, it may, after giving the Board an opportunity of furnishing an explanation, cancel the notification issued under section 3.

1. Substituted by the A.O. 1950 for "Provl. Govt." which had been Substituted by the A.O. 1937 for "L.G.".

**17. Power Of State Government To Make Rules :-**

(1) The 1[State Government] may, after previous publication, make rules<sup>2</sup> for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1) the [State Government]<sup>1</sup> may make rules<sup>2</sup>--

(a) prescribing the authorities mentioned in clause (4) of section 2 and clause (7) of section 8;

(b) prescribing under clause (4) of section 2 the standard of instruction in primary schools;

(c) prescribing the manner in which application may be made by the board under section 3 and the particulars to be stated in such application;

(d) determining generally what shall be considered to be adequate provisions for compulsory primary education free of charge;

(c) requiring the board to prepare and publish a register of children in the whole or in any part of the boards area;

(f) defining the conditions on which the State Government will bear a share of the cost of providing primary education;

(g) requiring the board to submit such returns as the 3[State Government] may think fit showing the action taken and progress made by the board under this Act, and

(h) laying down the conditions of and qualifications for the appointment of . teachers with due regard to the educational need of different communities in every locality.

1. Substituted by the A.O. 1950 for "Provl. Govt." which had been Substituted by the A.O. 1937 for "L.G.".

2. For rules see Notification nos. 116/XV--1158-1926, dated. Jan. 19, 1927, in Gaz., 1927, Pt. 1, pp. 76-77 no. 13-4/XV--1158-1926 dated Aug 1, 1929, in ibid, 1929, Pt. 1, p. 695; no. 179/XV-1158-1926, dated January 22, 1930, in ibid, 1930 Pt I, p. 58; no. 1055/XV-1158-1926, dated May 7, 1931 and no. 540/XV--1158-1926 dated Sept. 22, 1931, in ibid, 1931, Pt. I, pp. 493 and 937, respectively; no. 2383/XV--1158-1926, dated Aug. 22, 1933, no. 2287/XV-- 1158-1926, dated Sept 5, 1933, no. 2310/XV-- 1158-1926, dated Sept. 8, 1933, no. 2359/XV--1158-1926, dated Sept. 14, 1933, no. 2698/XV--1158-1926, dated Nov. 21, 1933, and no. 2831/XV--1158-1926, dated Dec. 7, 1933, in ibid, 1933, Pt. I, pp. 894, 895, 914, 1180 and 1248, respectively; no. 553/XV--1158-1926, dated March 8, 1934; no. 1247/XV--115-, 1926 dated May 21, 1924, in ibid, 1934, Pt. I, pp. 371, 372 and 516-517, respectively: no. 2221/XV-- 1158-1926 dated Aug. 8, 1936, and no. 2416/XV--1158-1926, dated Sep. 12, 1936 in ibid. 1936, Pt. I, pp. 906--908 and 1044, respectively; and no. 1579/XV--1264-1934, dated June 29, 1937, in ibid, Pt. I, pp. 1291-1292, no. B-140/XV--140-41, dated Jan. 24, 1924, in ibid 1942, Pt. I-A, p. 32, no. B-2472/XV-450 (9)-42, dated Aug. 10, 1942, in ibid, 1942, Pt. I-A., p. 262.

3. Substituted by A.O. 1950 for. "Provincial Government".

### **18. Power Of Board To Make Regulations :-**

With the previous sanction of the State Government a board in the area of which a notification under section 3 is in force may make regulations consistent with this Act, prescribing--

(a) the supply of text books and educational requisites to the children of indigent parents free of charge;

(b) the manner in which the school committee shall be constituted, its jurisdiction, the number of its members, and their duties, powers and responsibilities;

(c) the steps which the school committee may take to secure the



attendance of children at school, and the conditions under which leave of absence from school, may be allowed;

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

(e) the relations to be observed between the school committee and any education committee that may have been appointed under the principal Act.

### **19. Delegation Of Powers :-**

The State Government shall not delegate its powers under this Act.