



LAW DEPARTMENT

THE TAMIL NADU ELEMENTARY EDUCATION ACT, 1920

(TAMIL NADU ACT VIII OF 1920)



GOVERNMENT OF TAMIL NADU

1973



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The Tamil Nadu Elementary Education Act, 1920
(Tamil Nadu Act VIII of 1920).

For Statement of Objects and Reasons, see *Fort St. George Gazette*, the 9th March 1920, pages 311 and 312, for Act, see *Fort St. George Gazette*, Part IV, dated the 7th December 1920.

The Tamil Nadu Elementary Education (Amendment) Act, 1931
(Tamil Nadu Act II of 1932).

Tamil Nadu Local Boards and Elementary Education (Amendment) Act, 1934 (Tamil Nadu Act II of 1934).

The Tamil Nadu Elementary Education (Amendment) Act, 1935
(Tamil Nadu Act XI of 1935).

The Tamil Nadu Elementary Education (Amendment) Act, 1939
(Tamil Nadu Act II of 1939).

The Tamil Nadu Elementary Education (Amendment) Act, 1950.
(Tamil Nadu Act XXVIII of 1950).

The Tamil Nadu Panchayats Act, 1958
(Tamil Nadu Act XXXV of 1958).

The Tamil Nadu Coinage (Alteration of References) Act, 1960
(Tamil Nadu Act 9 of 1960).

**REFERENCES TO PAPERS CONNECTED WITH THE PRINCIPAL ACT
AND AMENDING ACTS.**

1. *The Tamil Nadu Elementary Education Act, 1920 (Tamil Nadu Act VIII of 1920).*

[For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 9th March 1920, pages 311 and 312; for Report of the Select Committee, see *ibid*, dated the 27th July 1920, pages 1251 to 1276; *ibid*, dated the 3rd August 1920, pages 1277 and 1278; and *ibid*, dated the 10th August 1920, pages 1281 and 1282; for proceedings in Council, see *ibid*, dated the 15th June 1920, pages 823 to 833; *ibid*, dated the 2nd November 1920, page 1333; *ibid*, dated the 30th November, 1920, page 1514; and *ibid*, dated the 18th January 1921, pages 108 to 211; for Act, see *Fort St. George Gazette*, Part IV, dated the 7th December 1920.]

2. *The Tamil Nadu Elementary Education (Amendment) Act, 1931 (Tamil Nadu Act II of 1932).*

[For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV, dated the 20th October 1931, pages 267 to 269; for Report of the Select Committee, see *Tamil Nadu Legislative Council Proceedings*, Volume LVIII, pages 596 to 602; for Proceedings in Council, see *ibid*, dated the 3rd November 1931, pages 552 to 581; for Act, see *Fort St. George Gazette*, Part IV, dated the 12th January 1932, pages 1 to 5.]

3. *The Tamil Nadu Local Boards and Elementary Education (Amendment) Act, 1934 (Tamil Nadu Act II of 1934).*

[For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 18th January 1934, pages 20 to 25; for Report of the Select Committee, see *ibid*, Part IV, dated the 13th February 1934, pages 33 to 46; for proceedings in Council, see *Tamil Nadu Legislative Council Proceedings*, Volume LXX, dated the 27th February 1934, pages 344 to 407; *ibid* dated the 28th February 1934, pages 414 to 471; *ibid*, dated the 1st March 1934, pages 484 to 509 and pages 510 to 537; for Act, see *Fort St. George Gazette*, Part IV, dated the 27th March 1934, pages 103 to 134.]

REFERENCES TO PAPERS CONNECTED WITH THE PRINCIPAL
ACT AND ENDING ACTS.

4. *The Tamil Nadu Elementary Education (Amendment) Act, 1935*
(*Tamil Nadu Act XI of 1935*).

[For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV, dated the 2nd October 1934, pages 396 to 399; for Report of the Select Committee, see *ibid*, dated the 27th November 1935, pages 463 to 474; for proceedings in Council, see *Tamil Nadu Legislative Council Proceedings*, Volume LXXIV, dated the 22nd January 1935, pages 231 to 2348; *ibid*, dated the 26th January 1935, pages 549 to 569; for Act, see *Fort St. George Gazette*, Part IV, dated the 4th June 1935, pages 67 to 75.]

5. *The Government of India (Adaptation of Indian Laws) Order, 1937*.
[See *Fort St. George Gazette*, Part I, dated the 20th April 1937, pages 691-772.]

6. *The Tamil Nadu Repealing and Amending Act, 1938 (Tamil Nadu Act XIII of 1938)*.

[For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV, dated the 9th August 1938, pages 147 to 150; for proceedings in Assembly, see the *Tamil Nadu Legislative Assembly Debates*, dated the 16th August 1938, Volume VIII, No. 2, pages 124 and 125; for proceedings in Council, see the *Tamil Nadu Legislative Council Debates*, dated the 18th August 1938, Volume IV, No. 3, pages 89 and 112 to 119; for Act, see *Fort St. George Gazette*, Part IV, dated the 20th September 1938, pages 173 181.]

7. *The Tamil Nadu Elementary Education (Amendment) Act, 1939*
(*Tamil Nadu Act II of 1939*).

[For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, Part IV, dated the 12th January 1939, page 5; for proceedings in Assembly see the *Tamil Nadu Legislative Assembly Debates*, dated the 20th January 1939, Volume IX, No. 4, pages 308 to 330; for proceedings in Council, see the *Tamil Nadu Legislative Council Debates*, dated the 27th January 1939, Volume VI, No. 1, pages 53 to 55 and *ibid*, dated the 28th January 1939, Volume VI, No. 2, pages 71 to 81 and 104 to 107; for Act, see *Fort St. George Gazette*, Part IV, dated the 21st February 1939, pages 51-54.]

8. *The Tamil Nadu Elementary Education (Amendment) Act, 1941*
(*Tamil Nadu Act XV of 1941*).

[For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, dated the 8th April 1941, pages 12 and 13; for Act, see *Fort St. George Gazette*, Part IV-B, dated the 8th July 1941, pages 41-42, re-enacted temporarily for a period of one year up to and inclusive of the 29th April 1949 by the Third Schedule to the *Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948)*.]

9. *The Tamil Nadu Elementary Education (Amendment) Act, 1943*
(*Tamil Nadu Act XXVIII of 1943*).

[For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, dated the 26th October 1943, page 100; for Act, see *Fort St. George Gazette*, Part IV-B, dated the 4th January 1944, pages 1-2, re-enacted permanently by the First Schedule to the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (*Tamil Nadu Act VII of 1948*).]

10. *The Tamil Nadu Elementary Education (Amendment) Act, 1946*
(*Tamil Nadu Act VIII of 1946*).

[For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, dated the 27th November 1945, page 100; for Act, see *Fort St. George Gazette*, Part IV-B, dated the 26th March 1946, pages 17-18, re-enacted temporarily for a period of one year up to and inclusive of the 29th April 1949, by the Third Schedule to the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (*Tamil Nadu Act VII of 1948*).]

11. *The Tamil Nadu Elementary Education (Amendment) Act, 1950*
(*Tamil Nadu Act XXVIII of 1950*).

[For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary. Part IV-A, dated the 23rd March 1950, pages 133-134; for proceedings in Assembly, see the Tamil Nadu Legislative Assembly Debates, Volume I, pages 1070-1081 and Volume III, pages 702-748; for proceedings in Council, see Tamil Nadu Legislative Council Debates, Volume II, pages 816-833; for Act, see *Fort St. George Gazette*, Part IV-B, dated the 21st November 1950, pages 213-216.]

12. *The Adaptation of Laws Order, 1950.*

[Republished at pages 339-469 of Part III-B of the *Fort St. George Gazette*, dated the 14th February 1950.]

13. *The Tamil Nadu Repealing and Amending Act, 1951* (*Tamil Nadu Act XIV of 1951*).

[For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, dated the 1st August 1950, pages 333-338 for proceedings in Assembly, see Tamil Nadu Legislative Assembly Debates, Volume IV, dated the 6th September 1950, pages 26-33 and Volume X, dated the 2nd April 1951, pages 706-708; for Proceedings in Council, see Tamil Nadu Legislative Council Debates, Volume II, dated the 31st August 1950, pages 290-293; for Act, see *Fort St. George Gazette*, Part IV-B, dated 22nd May 1951 pages 133-146.]

14. *The Tamil Nadu Repealing and Amending Act, 1955* (*Tamil Nadu Act XXXVI of 1955*).

[For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, dated the 17th August 1955, pages 186-187; for Act, see Part IV-B of the *Fort St. George Gazette*, dated the 7th December 1955, pages 233 to 245.]

REFERENCES TO PAPERS CONNECTED WITH THE PRINCIPAL
ACT AND FUNDING ACTS.15. *The Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).*

[For Statement of Objects and Reasons, see Part IV-A of the *Fort St. George Gazette Extraordinary*, dated the 2nd September 1958, pages 405-414; for Act see Part IV-B of the *Fort St. George Gazette Extraordinary*, dated the 30th January 1959, pages 7-116.]

16. *The Tamil Nadu Coinage (Alteration of References) Act, 1960*
(*Tamil Nadu Act 9 of 1960*).

[For Statement of Objects and Reasons see Part IV-A of the *Fort St. George Gazette Extraordinary*, dated the 8th April 1960, pages 133-134; for Act, see Part IV-B of the *Fort St. George Gazette*, dated the 22nd June 1960, pages 119-125.]

17. *The Tamil Nadu Adaptation of Laws Order, 1969.*

[See *Fort St. George Gazette Extraordinary*, Part IV, dated the 13th August 1969.]

18. *The Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.*

[See *Fort St. George Gazette Extraordinary*, Part IV, dated the 6th September 1969.]

THE TAMIL NADU ELEMENTARY EDUCATION
ACT, 1920.

(TAMIL NADU ACT VIII OF 1920)

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TAMIL NADU ACT VIII OF 1920.

[THE TAMIL NADU ELEMENTARY EDUCATION ACT, 1920.]

(Received the assent of the Governor on the 12th October 1920, and that of the Governor-General on the 18th November 1920; the assent of the Governor-General was first published in the Fort St. George Gazette, dated the 7th December 1920.)

Preamble.

Whereas it is expedient to make better provision for elementary education in the State of Tamil Nadu. It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title.

1. This Act may be called the ²[Tamil Nadu] Elementary Education Act, 1920.

Extent and Commencement. Definitions.

2. It shall come into force in such areas and on such dates as the ³[State Government] may, by notification, direct.

3. In this Act, unless there is something repugnant in the subject or context,—

(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 each day of attendance as may be prescribed;

1. For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 9th March 1920, pages 311 and 312; for Report of the Select Committee, see *ibid*, dated the 27th July 1920, pages 1251 to 1276; *ibid*, dated the 3rd August 1920, pages 1277 and 1278, and *ibid*, dated the 10th August 1920, pages 1281 and 1282; for Proceedings in Council, see *ibid*, dated the 15th June 1920, pages 823 to 833, *ibid*, dated the 2nd November 1920, page 1333; *ibid*, dated 30th November 1920, page 1514, and *ibid*, dated the 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 Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

2. These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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

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

Director of Public Instruction and District Educational Officer.

⁵ []

⁶ []

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

Elementary Education.

(vi) ' elementary school ' means a school or department of a school recognized as an elementary school ⁶[by the Director of Public Instruction or by such authority as may be empowered by him in this behalf;]

Elementary School.

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

Elementary School place.

(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;

Guardian.

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

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

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

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

5. Clause (iv) was omitted by section 193 (i) (a) of the Tamil Nadu Panchayats Act 1958 (Tamil Nadu Act XXXV of 1958).

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

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thority.

(ix) 'local authority' means a municipal council or a [panchayat union council];

Municipal
Council and
Municipality
Tamil Nadu
Act IV of
1919.

(x) 'municipal council' and 'municipality' mean, respectively, a municipal council and a municipality governed by the 2[Tamil Nadu] District Municipalities Act, 1920, or Madras City Municipal Corporation Act, 1919;

Notification.

3[(x-a) 'notification' means notification in the 4[Official Gazette)];

Panchayat
Union
Council.

5[(x-b) 'panchayat union council' means a panchayat union council constituted under the Tamil Nadu Panchayats Act, 1958.]

Prescribed.

(xi) 'prescribed' means prescribed by 6[this Act or by rules made by the 7[State Government] under this Act;

Public
Management,
Private
Management

(xii) 'public management' 8[. . .] means management by the 9[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 7[State Government] may prescribe in respect of children of either sex in any local area or of any particular community;

9[.]

1. These words were substituted for the words " District board " by section 193 (i) (b) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

2. These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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

4. These words were substituted for the words " Fort St. George Gazette " by the Adaptation Order of 1930.

5. This clause was substituted for the original clause by section 193 (i) (c) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

6. These words were inserted by section 3 (iv) of the Tamil Nadu Elementary Education (Amendment) Act, 1931 (Tamil Nadu Act XXXVII of 1932).

7. 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.

8. The words " in relation to an Elementary School " were omitted by section 3 (v) of the Tamil Nadu Elementary Education (Amendment) Act, 1931 (Tamil Nadu Act 11 of 1932).

9. Clause (xiv) was omitted by section 53 (ii) of the Tamil Nadu Local Boards and Elementary Education (Amendment) Act, 1934 (Tamil Nadu Act 11 of 1934).

¹ [CHAPTER II].

CHAPTER III.

ELEMENTARY EDUCATION FUNDS.

(1) *Their Constitution and Control.*

32. There shall be constituted for each ²[municipal council] in every district in which this Act is brought into force an elementary education fund to which shall be credited—

Elementary
Education
Fund.

(i) the proceeds of any tax levied within the jurisdiction of ³[such municipal council] under the provisions of this Act;

⁴(i-a) an annual contribution from the general funds of [such municipal council] not being less than a minimum ⁵fixed by the [State Government] in that behalf;

⁴ [(i-b) such additional contribution from the general funds of ³[such municipal council] as the ⁵[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 ³[such municipal council] by [State Government] for the benefit of elementary education;

(iii) all fines and penalties levied within the jurisdiction of ³[such municipal council] under the provisions of this Act;

1. Chapter II was omitted by section 3 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

2. These words were substituted for the words "local authority" by section 193 (ii) (a) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

3. These words were substituted for the words "such authority" by section 193 (ii) (b) *ibid.*

4. Clauses (i) (a) and (i) (b) were inserted by section 56 of the Tamil Nadu Local Boards and Elementary Education (Amendment) Act, 1934 (Tamil Nadu Act 11 of 1934).

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

(v) all school fees, if any, collected in elementary schools managed by ¹[such municipal council]; and

(vi) all other sums of money which may be contributed or received by ¹[such municipal council] for the purposes of this Act.

Education fund when to be lodged and how to be drawn upon.

39. (1) The education fund constituted under section 32 shall be lodged in such bank or Government treasury as the ²[State Government] may direct.

(2) All expenses incurred on elementary education by the ³[municipal council] 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 [municipal council] 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);

(b) all expenses incurred by the [State Government] on behalf of the ³[municipal council], provided that the ³[municipal council] 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.

1. These words were substituted for the words "such authority" by section 193 (ii) (b) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

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

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.

3. These words were substituted for the words "local authority" by section 193 (iii) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

(2) *The Education Tax and Government Contribution.*

¹[34. ²[] Any municipal council may, with the ^{Education taxes.} previous sanction of the ^{*}[State Government] and shall, if so directed by them, ⁴[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.

[*Explanation.*—In construing the expression “taxa- ^{Tamil Nadu Act IV of 1919 Tamil Nadu Act V of 1920.} tion levied” occurring in this sub-section, exemptions granted under clause (a) of the proviso to section 102 of the Madras City Municipal Corporation Act, 1919, or under sub-sections (2), (3) or (4) of section 83 of the ⁶[Tamil Nadu] District Municipalities Act, 1920, as the case may be, shall not be taken into account.]

[]

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

2. The brackets and figures “(1)” were omitted by section 193 (iv) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

3. The words “Provincial Government” were substituted for the words “Local Government” by the Adaption Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

4. These words were substituted for the words “levy within its area” by section 193 (v) (a) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

5. This Explanation was added by section 2 of the Tamil Nadu Elementary Education (Amendment) Act, 1943 (Tamil Nadu Act XXVIII of 1943), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

6. These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

7. This sub-section was omitted by section 193 (iv) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

¹[(35. (1) The rates of levy of any tax under section 34 shall be determined—

Rates of levy
of taxes
under
section 34.

(a) by the ² [municipal council] with the previous sanction of the [State Government], in case the tax is levied by the ² [municipal council] of its own motion; and

(b) by the ³ [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 [municipal council] 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 :

4[]

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

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

2. These words were substituted for the words "Local authority" by section 193 (v) (a) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

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

4. This proviso was omitted by section 193 (v) (b), *ibid.*

¹[36.] 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 [] and all the provisions of such law relating to the incidence, assessment or realization of any such tax or in any manner connected therewith shall be applicable accordingly :

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

]

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

Government contribution to elementary education fund.

(i) a sum equal to fifty per centum of the proceeds of the taxation levied in the municipality under section 34, ⁴[] under the head of property tax; and also;

Tamil Nadu Act IV of 1953

(ii) a sum equal to fifty per centum of the proceeds of the taxation levied in the municipality under section 34, ⁴[] under the heads of tax on companies and profession

9

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 ⁴[] and under the Madras City Municipal Corporation Act, 1919, or the ⁵[Tamil Nadu] District Municipalities Act, 1920, whichever sum is less.

Tamil Nadu Act V of 1920.

⁶[]

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

2. The words "or local boards, as the case may be" were omitted by section 193 (vi) (a), *ibid.*

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

4. The expression "sub-section (1)" was omitted by section 193 (vii) (a) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

5. These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

6. This sub-section was omitted by section 193 (vii) (b), *ibid.*

¹[(2)] If, in any year, the contribution made to an elementary education fund by the State Government under sub-section (1) 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.

³[(3)] The contribution payable to an elementary education fund under ⁴[sub-sections (1) and (2)] 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 ⁵[].

(3) *Budget and Audit*

Budget of
elementary
education
fund.

38. (1) On or before the 30th November in each year every ⁶[municipal council] for which an elementary education fund has been constituted under section 32 shall submit to the ⁷[State Government] through ⁸[. . .] 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 ⁷[State Government] may pass such orders as ⁹[they think fit] in respect of the budget and the ⁶[municipal council] concerned shall be bound to carry out all such orders.

1. This section was renumbered as sub-section (2) by, *ibid.*

2. The words, brackets and figure "or sub-section (2)" were omitted by section 193 (vii) (c), *ibid.*

3. This sub-section was renumbered as sub-section (3) by section 193 (vii) (b), *ibid.*

4. These words, brackets and figures were substituted for the words, brackets and figures "sub-section (1) to (3)" by section 193 (vii) (d), *ibid.*

5. The words "or district board area, as the case may be" were omitted by section 193 (vii) (d), *ibid.*

6. These words were substituted for the words "local authority" by section 193 (viii) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

7. 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.

8. The words "the district educational council and" were omitted by section 4 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

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

39. The accounts of each education fund shall be examined and audited by an officer appointed by the ²[State Government] in this behalf, and the ¹[municipal council] concerned shall carry out any instructions which the ²[State Government] may issue on the audit report.

Audit of accounts of elementary education fund.

(4) *Saving clause.*

40. Save as otherwise expressly provided by this Act nothing in the ⁵[Tamil Nadu] District Municipalities Act 1920, ³[or in the ⁵ [Tamil Nadu] Panchayats Act, 1958] or in the Madras City Municipal Corporation Act, 1919, shall affect any of the provisions of this ⁴[Act].

1. These words were substituted for the words "local authority" by section 193 (ix) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

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 and figures were substituted for the words and figures "or in the Madras Local Boards Act, 1920" by section 193 (x) of the Tamil Nadu Panchayats Act, 1958 [Tamil Nadu Act XXXV of 1958].

4. This word was substituted for the word "Chapter" by section 71 of the Tamil Nadu Elementary Education (Amendment) Act, 1932 (Tamil Nadu Act II of 1932).

5. These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

¹ [CHAPTER IV * * * *].

CHAPTER V.

COMPULSORY ELEMENTARY EDUCATION.

(1) *Introduction of Compulsion.*

Local
Authority
may resolve
to make
Education
Compulsory.

44. 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 ²[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, ³ [or]

⁴[(d)] for all children of school-age who have, for such periods 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. Chapter IV was omitted by section 5 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

2. These words were inserted by section 7 (i) of the Tamil Nadu Elementary Education (Amendment) Act, 1935 (Tamil Nadu Act IX of 1935).

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

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

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

Local Authority to submit its resolution 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) ³[in the case of a municipality, the municipal council] 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) the ²[State Government] ⁴[are 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 [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 [State Government] 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

1. These words were substituted for the words "through the district educational Council" by section 6 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act 11 of 1939).

2. These words were substituted for the words "is satisfied" by 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 "the Local Authority" by section 193 (vi) of the Tamil Nadu Panchayats Act, 1953 (Tamil Nadu Act XXXV of 1953).

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

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 ³[State Government] may, by notification, vary the distance herein laid down for such period of time ⁴ [as they may think fit].

³[45-A. (1) The ³ [State Government] may, of their own motion, require any local authority to frame 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 the ³[State Government] through [...] the Director of Public Instruction.

(2) The ³[State Government] may accept the scheme or accept it with such modification 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 ³[State Government] may themselves frame a scheme for such purposes.]

³ [46. If the ³[State Government] accept a resolution under sub-section (2) of section 45 or a scheme under sub-section (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 ⁴ [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. These words were substituted for the words "as he may think fit" by the Second Schedule to the Tamil Nadu Repealing and Amending Act, 1938 (Tamil Nadu Act XIII of 1938).

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

3. 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.

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

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

47. (1) No fees shall be levied at any elementary school under public or ²[panchayat union council] management situated in any area affected by a notification under section 46 from any child to whom such notification applies].

No fee to be levied at elementary schools under public or panchayat management in areas notified under Section 46.

(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 of free places as may be fixed by ³[the District Educational Officer] in consultation with the local authority concerned shall be reserved in such school.]

(2) Exemptions.

48. The ⁴[State Government] may, by notification exempt any person or class of persons from the effect of a notification under section 46.

Power to exempt any person or class of persons.

(3) Responsibility of Guardians

49. 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 [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 :

Responsibility of guardian to cause child of school age to attend school.

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

2. These words were substituted for the words " Panchayat " by section 193 (xii) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

3. These words were substituted for the words " the District Educational Council " by section 8 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act 11 of 1939).

4. 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.

5. These words were inserted by section 11 of the Tamil Nadu Elementary Education (Amendment) Act, 1931 (Tamil Nadu Act II of 1932).

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.

1 [* * *]

Attendance of child at school optional in certain circumstances.

50. Attendance at school shall not be compulsory in the following circumstances:—

(1) 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;

(2) 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;

(3) [(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];

(4) (iii) if the child is receiving instruction in some other manner declared to be satisfactory by a prescribed officer;

(5) (iv) if the child has already received instruction in an elementary school or otherwise up to the standard prescribed for elementary education;

(6) if the child is exempt from attendance on any other prescribed ground.

1. The second proviso to section 49 was omitted by section 10 of the Tamil Nadu Elementary Education (Amendment) Act, 1935 (Tamil Nadu Act XI of 1935).

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

[(4) Enforcement of Compulsion.]

¹[51. (1) In areas where education is made compulsory under this Act [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.]

Enforcement of the liability of guardians under 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 ⁴[Panchayat Union Council concerned.]

[52. * * *]

1. Section 51 and the heading thereto were substituted for the original sections 51 and 52 of the heading thereto by section II of the Tamil Nadu Elementary Education (Amendment) Act, 1935 (Tamil Nadu 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 Tamil Nadu Elementary Education (Amendment) Act, 1946 (Tamil Nadu Act VIII of 1946), re-enacted permanently by section 2 of the Tamil Nadu Re-enacting Act, 1950 (Tamil Nadu Act III of 1950). Tamil Nadu Act VIII of 1946 came into force on the 1st June 1937.

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

4. These words were substituted for the words "district board" by section 193 (xii) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

[CHAPTER VI]

CHAPTER VII.

MISCELLANEOUS.

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Power of
State
Government
to make
rules.

56. (1) The ⁸[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 ⁴[they may make] rules—

⁵[(a) with reference to all matters expressly required or allowed by this Act to be prescribed];

⁶[(aa)] declaring what shall constitute 'elementary education,' 'elementary school-place,' 'school-age' and 'attendance at school';

(b) declaring what schools ⁷[or departments of schools] shall be classed as elementary ⁸[schools];

⁹[(c) to (e)].

1. Chapter VI was omitted by section 9 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

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

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

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

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

6. Original clause (a) was re-lettered as clause (aa) *ibid.*

7. These words were inserted by section 13 (ii), *ibid.*

8. This word was inserted by *ibid.*

9. Clause (c) (d) and (e) were omitted by section 10 (i) of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

(f) laying down the registers, statements, reports, returns, budgets and other information to be maintained or furnished [. . .] by local authorities, ² [. . .] [and] by managers of elementary schools under private management ³[. . .], [and the time within which any statement, report, return, budget or other information shall be 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.

¹[(i)]
²[(j)]

1. The words " by district educational council " were omitted by section 10 (ii) of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

2. The words " by panchayats " were omitted by section 193 (xiv) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

3. 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 Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).

4. These words were added by section 3 (ii) of the Tamil Nadu Elementary Education (Amendment) Act, 1931 (Tamil Nadu Act II of 1932).

5. Clause (i) was omitted by section 10 (iii) of the Tamil Nadu Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

6. Clause (j) was omitted by section 12 (ii) of the Tamil Nadu Elementary Education (Amendment) Act, 1935 (Tamil Nadu Act XI of 1935).

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