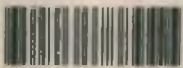


The Punjab Primary Education
Act, 1940.

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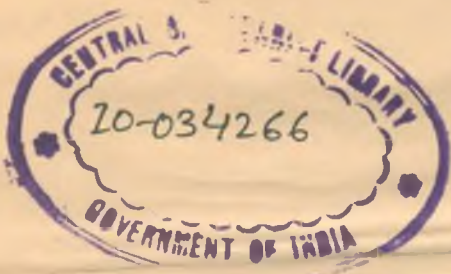
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THE PUNJAB PRIMARY EDUCATION ACT 1940.

PUNJAB ACT NO. XVIII OF 1940.

(Received the assent of His Excellency the Governor on the 25th February, 1941, and was first published in the Government Gazette (Extra-ordinary), Punjab, of the 3rd March, 1941).

AN ACT TO PROVIDE FOR THE COMPULSORY ATTENDANCE OF CHILDREN AT PRIMARY SCHOOLS.

Where as it is expedient to make better provision for Primary education and for the compulsory attendance of children at primary schools; it is hereby enacted as follows:-

PART 1.

Title, Commencement and extent. 1. (1) This Act may be called the Punjab Primary Education Act, 1940.

(2) It shall come into force on such date, as may be notified in this behalf by the Provincial Government.

Act II of 1924. (3) Part I and part IV of this Act shall extend to the whole of the Delhi except to such areas as are subject to the provisions of the Cantonments Act, 1924. Part II and Part III of this Act will extend only to those local areas to which they may be applied in accordance with the provisions of Part I.

Definitions. 2. In this Act, unless there is something repugnant in the subject or context:-

(a) "Compulsory scholar" means any boy or girl whose guardian is required by section 8 or section 16 to cause his or her attendance at a recognised school;

(b) "Director" means the Director of Public Instruction Punjab, or any officer authorised by him for the purpose of this Act;

(c) "Local authority" means a District Board, Municipal Committee, or a Committee of a Small Town or Notified Area;

(d) "Guardian" means any person to whom the care, nurture or custody of any child falls by law; or by natural right or recognised 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;

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

(f) "Primary Course" and "Primary Education" means such course or education as may by notification be prescribed;

(g) "Recognised school" means a school or department of a school recognised by the Director as suitable for imparting Primary education; and

(h).....

(h) "School age" means in the case of boys, an age which is not under 6 and not over 11 years, and in the case of girls, an age which is not under 6 and not over 11 years.

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(3 by local
orities) at a meeting convened for the purpose and supported by the
applying)
t II and III) votes of not less than two-thirds of the members present
the Act.)
resolve that primary education shall be compulsory within the
whole or a specified part of the local area under its
jurisdiction;

(i) for all boys of school age, or

(ii) for all boys of school age who have for such period as may be prescribed, attended a recognised school or

(iii) for all girls of school age, or.

(iv) for all girls of school age, who have, for such period as may be prescribed, attended a recognised school.

(2) When a resolution has been passed under subsection (1), the local authority shall publish it in such manner as may be prescribed, and any person likely to be affected thereby, may within thirty days from the publication of the resolution submit an objection in writing to the local authority.

(3) The local authority shall at the expiry of the above period, after considering the objections, if any, and recording its opinion thereon at a meeting convened for this purpose, forward the resolution and the objections, if any, with its opinion to the Government.

(4) The local authority shall at the same time submit to Government a statement showing the school accommodation, equipment and the educational staff required and the amount or part of the expenditure thereon which it is prepared to supply.

lication. 4. (1) Whether or not a proposal under section 3, has been received, Government may at any time direct that part II or Part III of this Act, or both shall come into force in all or any of the areas to which this part applied, with reference to any of the classes of compulsory scholars mentioned in subsection (i) of section 3, any may cancel or suspend the operation of any such direction.

(2).....

(2) Every direction under subsection (1) shall be notified in the Gazette and also published in such areas and in such manner as may be prescribed.

5. Government may by notification exempt particular classes of communities in any area or areas from the operation of this Act.

6. No proceedings, civil or criminal, shall lie against any person in respect of anything which is in good faith done or purported to have been done under this Act.

7. Persons constituting a school attendance authority under section 14 and any person duly authorised by an rule made under this Act to initiate prosecutions under this Act shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1861.

PART II

8. (1) In every area to which this part is applied, it shall be the duty of the guardian of any boy of school age residing within such area, and belonging to any class specified in the direction issued under section 4, to cause such boy to attend a recognised school unless there be a reasonable excuse for his non-attendance.

Provided that no boy who has completed the primary course or a course recognised by Government as equivalent thereto shall be required so to attend.

(2) The local authority, subject to the approval of Government shall prescribe the days in each month and the hours in each day for which any such boy shall be required to attend such school and no such boy shall be deemed to have attended such school within the meaning of this section unless he has attended for the days and the hours so prescribed.

9. A reasonable excuse for non-attendance shall include:-

(a) that there is no recognised school within a distance of one mile by the nearest route from the residence of the boy; or

(b) that there is no recognised school within a distance of two miles by the nearest route from the residence of the boy except a school in which any religious observance or instruction of a nature not approved by the guardian is compulsory; or

(c)

(c) that the boy is receiving instruction in some other manner declared to be satisfactory by the prescribed authority; or

(d) that the boy has been granted temporary leave of absence from school for sickness or other sufficient reason in accordance with the rules made under this act or;

(e) that the boy is unfit to attend the school by reason of some physical or mental defect or

(f) that the boy is over eleven years of age at the time at which he would become compulsorily liable to attend school.

school accommodation, equipment and staff.

10. The local authority of every area to which this Part is applied shall maintain, out of funds available for the purpose including any Government grant, such school accommodation and equipment and shall employ such educational staff as the Director may require.

contribution or fee.

11. The local authority of any area to which this Part is applied shall charge no fees for the attendance of a compulsory scholar in any recognised school maintained by itself, and shall, if so required by the authorities of any other recognised school within its local area not maintained wholly out of provincial revenues or local funds, and which does not charge fees for compulsory scholars, meet from its own funds such sum for each scholar as may be fixed by the Director.

penalty for neglect by guardian.

12. Any guardian who fails to comply with provisions of section 8 after receiving due warning as hereinafter provided shall on conviction by a magistrate be punishable with a fine not exceeding fifteen rupees.

lawful employment of boys.

13. Any person, other than the guardian of a compulsory scholar who after receiving due warning as hereinafter provided, continues to employ such scholar during the prescribed hours of attendance at school whether for remuneration or not shall, on conviction by a Magistrate, be punishable with a fine not exceeding twenty-five rupees.

14. Government may appoint or may delegate to the local authority of any area to which this Part is applied the power to appoint some person or body of persons to act as a school attendance authority for that area or any part of that area; and any costs so incurred shall be a charge on the funds of such local authority.

ning.
15. Whenever the school attendance authority has reason to believe that the guardian of a compulsory scholar is not causing the scholar to attend school in accordance with the provisions of this Act, or that any person is employing a compulsory scholar during the prescribed hours of attendance at school, it shall warn him in such manner as may be prescribed to cause such scholar as the case may be, within one week after the receipt of such warning.

PART III

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16. (1) In every area to which this part is applied, it shall be the duty of the guardian of any girls of school age residing within such area and belonging to any class specified in the direction issued under section 4 to cause such girl to attend a recognised school for primary education unless there be a reasonable excuse for her non-attendance.

Provided that no girl who has completed the primary course or a course recognised by Government as equivalent to that standard shall be required to attend such recognised school.

(2) The local authority, subject to the approval of Government shall prescribe the days in each month and the hours in each day for which any such girl shall be required to attend such school and no such girl shall be deemed to have attended such school within the meaning of this section unless she has attended for the days and the hours so prescribed.

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17. A reasonable excuse for non-attendance shall include:-

- (a) that there is no recognised school at the place where compulsion has been introduced;
- (b) that there is no recognised school except a school in which any religious observance or instruction of a nature not approved by the guardian is compulsory or
- (c) that the girl is receiving instruction in some other manner declared to be satisfactory by the ~~guardian~~ prescribed authority; or
- (d) that the girl has been granted temporary leave of absence from school for sickness or other sufficient reason in accordance with rules made under this Act; or
- (e) that the girl is unfit to attend school by reason of some physical or mental defect; or
- (f) That the girl is over than ten years of age at the time at which she would become compulsorily liable to attend school.

18. Any guardian who fails to comply with the provisions of section 16 after receiving due warning as hereinafter provided shall on conviction by a magistrate be punishable with a fine not exceeding fifteen rupees.

19. Any person other than the guardian of a compulsory scholar who after receiving due warning as hereinafter provided continues to employ such scholar during the prescribed hours of attendance at school, whether for remuneration or not, shall, on conviction by a magistrate, be punishable with a fine not exceeding twenty-five rupees.

20. The provisions of section 10, 11, 14 and 15 shall apply to any area to which this Part of the Act is applied.

PART IV

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

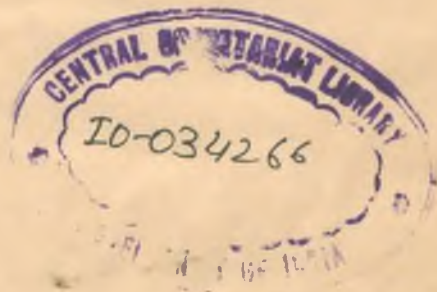
(2) In particular and without prejudice to the generality of the foregoing provision it may make rules prescribing:

- (a) the duties and powers of a school attendance authority, the constitution of any body empowered to discharge such duties, and the manner in which the orders of such a body are to be authenticated; and
- (b) the conditions under which leave may be granted to boys under section 9(d) and girls under section 17(d) of this Act, and the authority competent to grant such leave.

22. The Punjab Education Act, 1919, is hereby repealed except in such areas as are subject to the provisions of the Cantonments Act, 1924.

* R.S. *

23/11/51



penalty for neglect by guardian.

lawful employment girls

publication previous sections.

power to make rules.

repeal of Act VII of 1919.