



GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

**THE MADRAS
ELEMENTARY EDUCATION ACT
1920**

(Madras Act No. VIII of 1920)

AS MODIFIED UP TO THE
1ST JANUARY
1940

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REFERENCES TO PAPERS CONNECTED WITH THE PRINCIPAL
ACT AND THE AMENDING ACTS IN THEIR BILL STAGES.

1. *The Madras Elementary Education Act, 1920*
(*Madras Act No. VIII of 1920*).

[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.]

2. *The Madras Elementary Education (Amendment) Act, 1931*
(*Madras Act No. II of 1932*).

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

3. *The Madras Local Boards and Elementary Education (Amendment) Act, 1934* (*Madras Act No. II of 1934*).

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

4. *The Madras Elementary Education (Amendment) Act, 1935*
(*Madras Act No. XI of 1935*).

[For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV, dated 2nd October 1935, pages 396 to 399; for Report of the Select Committee, see *ibid.*, dated 27th November 1935, pages 463 to 474; for Proceedings in Council, see *Madras Legislative Council Proceedings*, Volume LXXIV, dated 22nd January 1935, pages 231 to 248; *ibid.*, dated 26th January 1935, pages 549 to 569.]

5. *The Government of India (Adaptation of Indian Laws) Order, 1937*.

[See *Fort St. George Gazette*, Part I, dated 20th April 1937, pages 691-772.]

6. *The Madras Repealing and Amending Act, 1938*
(*Madras Act No. XIII of 1938*).

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

7. *The Madras Elementary Education (Amendment) Act, 1939*
(*Madras Act No. II of 1939*).

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

THE MADRAS ELEMENTARY EDUCATION ACT, 1920.

[MADRAS ACT No. VIII OF 1920.]

(As modified up to the 1st January 1940.)

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THE MADRAS ELEMENTARY EDUCATION ACT, 1920.

[MADRAS ACT No. VIII OF 1920.]

(As modified up to the 1st January 1940.)

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

[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" of the 7th December 1920.]

[7th December 1920.]

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

Preamble.

CHAPTER I.

PRELIMINARY.

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

Title.

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

Extent and commencement.

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

Definitions.

(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;

'Attendance.'

²[(ii) 'Director of Public Instruction,' ³(and 'District Educational Officer') mean such officer or officers as may be appointed by the (Provincial Government)]

'Director of Public Instruction,' and 'District Educational Officer.'

¹ These words were substituted for the words "Local Government" by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

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).

to perform the duties of Director of Public Instruction, ¹(or District Educational Officer) as the case may be ;]

²[(iii) * * *.]

‘ District board.’

(iv) ‘ district board ’ means a district board constituted under the Madras Local Boards Act, ³[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 ‘[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 prescribed 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.’

(ix) ‘ local authority ’ means a municipal council or a ⁴[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 ;

‘ Notification.’

⁵[(x-a) ‘ notification ’ means notification in the ⁷(Official Gazette) ;

‘ Panchayat.’

⁶[(x-b) ‘ panchayat ’ means a panchayat constituted under the Madras Local Boards Act, 1920 ;]

¹ 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.

² Clause (iii) was omitted by section 2 (ii) *ibid*.

³ 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).

⁴ 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)

⁵ 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).

⁶ 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).

⁷ These words were substituted for the words “ *Fort St. George Gazette* ” by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

- (xi) 'prescribed' means prescribed by ¹[this Act or by] rules made by the ²[Provincial Government] under this Act; 'Prescribed'.
- (xii) 'public management' ³[* * *] means management by the ²[Provincial Government] or, by a local authority; all other management shall be deemed to be 'private management'; 'Public management.' 'Private management.'
- (xiii) 'school-age' means such age as the ²[Provincial Government] may prescribe in respect of children of either sex in any local area or of any particular community; 'School-age.'
- ⁴[* * *]

⁵[CHAPTER II—* * *]

CHAPTER III.

ELEMENTARY EDUCATION FUNDS.

(1) *Their constitution and control.*

32. 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— Elementary education fund.

- (i) the proceeds of any tax levied within the jurisdiction of such authority under the provisions of this Act ;
- ⁶[(i-a) an annual contribution from the general funds of such authority, not being less than a minimum fixed by the ²(Provincial Government) in that behalf] ;
- ⁶[(i-b) such additional contribution from the general funds of such authority as the ²(Provincial 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 ²[Provincial Government] for the benefit of elementary education ;

¹ These words were inserted by section 3 (iv) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

² These words were substituted for the words "Local Government" by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

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

⁴ Clause (xiv) was omitted by section 53 (ii) of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁵ Chapter II was omitted by section 3 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

⁶ These clauses were inserted by section 56 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

- (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.

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

33. (1) The education fund constituted under section 32 shall be lodged in such bank or Government treasury as the ¹[Provincial 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) ;

(b) all expenses incurred by the ¹[Provincial 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.*

Education taxes.

²[34. (1) Any municipal council may with the previous sanction of the ¹(Provincial Government) and shall, if so directed by them, levy within its area taxes not exceeding twenty-five per centum of 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.

(2) Any district board may with the previous sanction of the ¹(Provincial Government), and shall, if so directed by them, levy within its area or any part thereof taxes not exceeding twenty-five per centum of 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 These words were substituted for the words " Local Government " by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

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).

¹[35. (1) The rates of levy of any tax under section 34 shall, subject to the maxima specified in that section, be determined—

Rates of levy of the taxes.

- (a) by the local authority with the previous sanction of the ²(Provincial Government), in case the tax is levied by the local authority of its own motion; and
- (b) by the ²(Provincial Government), in case the tax is levied at their direction.

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

³[36. (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.

Assessment and realization of taxes.

Provided that the ²(Provincial 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 Madras Local Boards Act, 1920. Out of the proceeds of the tax so realized 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).]

37. When an elementary education fund is constituted under section 32, the ²[Provincial Government] shall contribute thereto a sum not less than the proceeds of the taxation levied under section 34 on behalf of the fund :—

Government contribution to elementary education fund.

¹ 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).

² These words were substituted for the words "Local Government" by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

³ 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).

⁴ These words were substituted for the words "taluk board" by section 8 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

Provided that such contribution shall be in addition to, and not in lieu of, the amount of recurring expenditure incurred from provincial funds during the financial year before the coming in to force of this Act on education in elementary schools under public management situated within the area for which such elementary education fund has been constituted.

(3) *Budget and audit.*

Budget of elementary education fund.

38. (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[Provincial 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[Provincial 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.

Audit of accounts of elementary education fund.

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

(4) *Saving clause.*

Saving clause.

40. Save as otherwise expressly provided by this Act, nothing in the Madras District Municipalities Act, 1920, or in the Madras Local Boards Act, ⁴[1920], or in the Madras City Municipal Act, 1919, shall affect any of the provisions of this ⁵[Act].

‘[CHAPTER IV—* * *.]

* * * *

¹ These words were substituted for the words “Local Government” by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

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).

⁴ These figures were substituted for the figures “1884” by section 7, *ibid.*

⁵ This word was substituted for the word “Chapter” by section 7, *ibid.*

⁶ Chapter IV was omitted by section 5 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

CHAPTER V.

COMPULSORY ELEMENTARY EDUCATION.

(1) *Introduction of Compulsion.*

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 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—

Local authority may resolve to make education compulsory.

- (a) for all children of school-age, or
- (b) for boys of school-age, or
- (c) for girls of school-age,

²[(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.]

45. (1) Every resolution passed under section 44 shall be submitted ³[through the Director of Public Instruction] to the ⁴[Provincial Government].

Local authority to submit its resolution to Government.

(2) The ⁴[Provincial Government] may accept or reject any such resolution :

Provided that the ⁴[Provincial 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) the ⁴[Provincial Government] ⁵[are satisfied] that adequate arrangements have been made for the provision of trained teachers and that the number

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

² Clauses (d), (e) and (f) were added by section 7 (ii), *ibid.*

³ 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).

⁴ These words were substituted for the words "Local Government" by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws Order, 1937).

⁵ 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).

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 ¹[Provincial 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 ¹[Provincial Government] may in each case direct.

Explanation.—The number of elementary school-places shall 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 ¹[Provincial Government] may, by notification, vary the distance herein laid down for such period of time ²[as they may think fit.]

Power of Provincial Government to require local authorities to frame schemes for compulsory elementary education.

³[45-A. (1) The ¹(Provincial 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 ¹(Provincial Government) through ⁴(. . .) the Director of Public Instruction.

(2) The ¹(Provincial 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 ¹(Provincial Government) may themselves frame a scheme for such purposes.]

¹ These words were substituted for the words "Local Government" by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

² 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).

³ Section 45-A was inserted by section 8 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935).

⁴ 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).

¹[46. If the ²(Provincial 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 ³[(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.]

Publication of resolution or scheme.

⁴[47. (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.

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 ⁵(the District Educational Officer) in consultation with the local authority concerned shall be reserved in such school.]

(2) *Exemptions.*

48. The ²[Provincial 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 ⁶[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 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 "Local Government" by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

³ These words were substituted for the words "Fort St. George Gazette" by *ibid.*

⁴ 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).

⁵ These words were substituted for the words "the District Educational Council" by section 8 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

⁶ These words were inserted by section 11 of the Madras Elementary Education (Amendment) Act, 1931 (Madras 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 :—

- (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 ;
- (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.

²[(4) *Enforcement of compulsion.*

Enforcement of the liability of guardians under section 49.

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

(2) Against any order of the chairman of a municipality or the president of a district board 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 Revenue Divisional Officer in the case of an order passed by a municipal chairman and to the District Collector in the case of an order

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

² Section 51 and the heading thereto were substituted for the original sections 51 and 52 and the heading thereto by section 11, *ibid*

passed by a district board president. The Revenue Divisional Officer or District Collector may confirm, reduce or cancel the penalty :

Provided that no appeal shall lie under this sub-section where the penalty is imposed by the Revenue Divisional Officer as chairman of a municipality or by the District Collector as president of a district board.

(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[52. * * *]

²[CHAPTER VI— * * *.]

CHAPTER VII.

MISCELLANEOUS.

³[55. * * *.]

56. (1) The ⁴[Provincial Government] may, after previous publication, make rules not inconsistent with this Act to carry out all or any of the purposes of this Act.

Power of
Provincial
Government
to make
rules.

(2) In particular and without prejudice to the generality of the foregoing provision ⁵[they may make] rules—

⁶[(a) with reference to all matters expressly required or allowed by this Act to be prescribed] ;

⁷[(aa)] declaring what shall constitute ' elementary education ', ' elementary school-place ', ' school-age ' and ' attendance at school ' ;

(b) declaring what schools ⁸[or departments of schools] shall be classed as elementary ⁹[schools] ;

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

² Chapter VI was omitted by section 9 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

³ This section was omitted by section 60 of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934).

⁴ These words were substituted for the words " Local Government " by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵ 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).

⁶ New clause (a) was inserted by section 13 (i), *ibid.*

⁷ Original clause (a) was re-lettered as clause (aa) by *ibid.*

⁸ These words were inserted by section 13 (ii), *ibid.*

⁹ This word was inserted by *ibid.*

¹[(c), (d) and (e) * * *.]

(f) laying down the registers, statements, reports, returns, budgets and other information to be maintained or furnished ²[.....] by local authorities, ³[by panchayats], by managers of elementary schools under private management and by attendance committees ⁴[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.

⁵[(i) * * *].

⁶[(j) * * *]

¹ Clauses (c), (d) and (e) were omitted by section 10 (i) of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

² The words "by district educational councils" were omitted by section 10 (ii), *ibid.*

³ These words were inserted by section 13 (iv) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁴ These words were added by *ibid.*

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

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

APPENDIX I.

Provisions of the Madras Local Boards and Elementary Education (Amendment) Act, 1934 (Madras Act II of 1934) not incorporated in the Act.

62. In giving effect to the provisions of [* * *] the Madras Elementary Education Act, 1920, as amended by this Act the said provisions shall be read subject to the rules contained in the Schedule.

Madras Acts VIII of 1920, as amended by this Act, to be read subject to the rules in the Schedule.

THE SCHEDULE.

Transitional Provisions.

1. (1) Save as provided in rule 5, all property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in or held in trust by or for, any taluk board constituted under the Madras Local Boards Act, 1920, as well as all liabilities legally subsisting against such board shall, on and from the date of the commencement of this Act and subject to such directions as the ¹[Provincial Government] may by general or special order give in this behalf, pass to the district board concerned.

Explanation.—All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a taluk board at the commencement of this Act may be recovered by the district board concerned.

(2) All proceedings taken by or against any taluk board and pending at the commencement of this Act may, thereafter, be continued by or against the district board concerned.

(3) Any remedy by way of application, suit or appeal available to or against a taluk board at the commencement of this Act shall, after such commencement, be available to or against the district board concerned.

2. Any action taken by a taluk board before the commencement of this Act shall, subject to such directions as the ¹[Provincial Government] may by general or special

¹ These words were substituted for the words "Local Government" by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

order give in this behalf, be deemed to have been taken by the district board concerned unless and until superseded by action taken by such district board.

* * * *

¹[9 and 10. * * *.]

11. The elementary education funds constituted for taluk boards in any district board area shall, on the commencement of this Act, form part of the elementary education fund constituted for the district board under the Madras Elementary Education Act, 1920, as amended by this Act.

12. Any tax levied by a taluk board under the Madras Elementary Education Act, 1920, before the commencement of this Act shall be deemed to have been levied by the district board under that Act as amended by this Act.

13. If any difficulty arises in giving effect to the provisions of these rules [* * *] or of the Madras Elementary Education Act, 1920, as amended by this Act, the ²[Provincial Government] as occasion may require may by order do anything which appears to them to be necessary for the purpose of removing the difficulty.

¹ Rules 9 and 10 were omitted by section 11 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

² These words were substituted for the words "Local Government" by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

APPENDIX II.

Provisions of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935), not incorporated in the Act.

¹[13. * * *.]

14. If any difficulty arises in first giving effect to the provisions of this Act or of the said Act as amended by this Act, the ²[Provincial Government] may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

Removal of difficulty in giving effect to Act.

¹ Section 13 of the Madras Elementary Education (Amendment) Act, 1935 (Madras Act XI of 1935) was omitted by section 12 of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939).

² These words were substituted for the words "Local Government" by paragraph 4 (1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

APPENDIX III.

Provisions of the Madras Elementary Education (Amendment) Act, 1939 (Madras Act II of 1939), not incorporated in the Act.

* * * * *

Audit of accounts of district educational councils up to the commencement of the Act.

13. The accounts of every district educational council up to the date on which this Act comes into force, shall be examined and audited by an officer appointed by the Provincial Government in that behalf.

Continuance of orders according recognition or admitting schools to aid.

14. All orders of recognition in respect of elementary schools and all orders admitting elementary schools to aid, made or deemed to have been made by a district educational council before the commencement of this Act under sections 41 and 42 of the said Act respectively, shall be deemed to have been made by the Director of Public Instruction or by such authority as may be empowered by him after this Act comes into force to grant recognition to elementary schools or to admit elementary schools to aid, as the case may be, and any such order shall be liable to cancellation or modification as if it had been made after the commencement of this Act.

Orders of a district educational council fixing the number of free places deemed to be those of the District Educational Officer.

15. All orders passed by a district educational council before the commencement of this Act under the proviso to sub-section (2) of section 47 of the said Act fixing the number of free places, shall have effect as if they had been passed after such commencement by the District Educational Officer.

Devolution of properties and rights of district educational councils to Provincial Government and continuance of proceedings pending at the commencement of the Act.

16. (1) All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by, or for, any district educational council constituted under the said Act, including all moneys standing to the credit of the fund referred to in section 28 of the said Act, as well as all liabilities legally subsisting against such council shall, on and from the date of the commencement of this Act, pass to the Provincial Government.

(2) All proceedings taken by or against any district educational council and pending at the commencement of this Act may, after such commencement, be continued, subject to the provisions of this Act, by or against the Provincial Government or by or against such authority as may be designated by them in this behalf.

(3) Any remedy by way of application, suit or appeal available to or against a district educational council at the commencement of this Act shall, after such commencement, be available, subject to the provisions of this Act, to or against the Provincial Government.

17. The repeal of section 21 of the said Act by this Act shall not be deemed to affect the powers of the Provincial Government to act under that section in respect of any resolution passed or order issued by any district educational council or the president thereof before the commencement of this Act, or in respect of any act which is about to be done or is being done at such commencement.

Power of Provincial Government to suspend action.

18. If any difficulty arises in giving effect to the provisions of this Act or of the said Act as amended by this Act, the Provincial Government as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

Power to remove difficulties in giving effect to Act.

