

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1911.

Enclosures

Spare copies

G.O., No. 188, 1st April 1911.

Elementary Education Bill.

Referring the — for opinion to the Honourable the Judges of the High Court and certain selected officers and bodies.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Letter—from the Hon'ble Mr. J. M. MACPHERSON, C.S.I., Secretary to the Government of India, Legislative Department.

To—the Secretary to the Government of Madras, Legislative Department.

Dated—Calcutta, the 21st March 1911.

No.—1166.

I am directed to forward herewith 40 copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this department with an expression of his opinion on the provisions of the Bill and with the opinions of the Honourable the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George Gazette* in English and in such other languages as the Governor in Council may deem proper, and that the dates of such publication may be communicated in your reply.

3. The reply to this letter should be sent in by the 1st August 1911.

Order—No. 188, Educational, dated 1st April 1911.

The Elementary Education Bill of the Hon'ble Mr. Gokhale will be referred for favour of opinion to the Honourable the Judges of the High Court, the Director of Public Instruction, the Senate of the University of Madras, all district boards and municipal councils, the Corporation of Madras, the Missionary Council on Aided Education and the Council of Native Education, with the request that their replies may be forwarded so as to reach the Government not later than the 10th June 1911.

2. The Bill will be published in the *Fort St. George Gazette* in English and in the Tamil, Telugu, Malayalam, Canarese, Hindustani and Uriya languages.

(True Extract.)

L. DAVIDSON,
Ag. Secretary to Government.

To the Honourable the Chief Justice of the High Court of Judicature (with C.L.),
" " Director of Public Instruction,
" " Registrar of the University of Madras,
" " President of the Corporation of Madras,
" " Secretary, Missionary Council on Aided Education,
" " Council of Native Education,
" " Local and Municipal Department,
" " Legislative Department,
" " Tamil, Telugu, Malayalam and Canarese
" " Translators to Government, through the Legislative Department,
" " Hindustani Translator to Government, through the Public Department,
" " Collector of Ganjam,
" " all Presidents of District Boards,
" " Chairmen of Municipal Councils,

with Bill and Statement of Objects
and Reasons.

[Appendix.

APPENDIX.

A

BILL

TO

Make better provision for the extension of elementary education.

WHEREAS it is expedient to make better provision for the extension of elementary education; It is hereby enacted as follows :—

1. (1) This Act may be called the
Short title, commence- Elementary Education
ment and extent. Act, 1911.

(2) It shall come into force on [], but it shall not be operative except in the local areas to which it may be applied by a notification issued under section 3.

(3) It extends to the whole of British India.

2. In this Act, unless there is anything repugnant in the subject or context,—
Definition. [Elementary Education Act (England and Wales), 1870, sec. 3.]

"Parent" includes the guardian and every person who is liable to maintain or has the actual custody of any child :

"Department of Public Instruction" means the Department in charge of public instruction under the Local Government of the province in which the municipality or district board concerned is situated :

"recognised school" means a school recognised by the Department of Public Instruction :

"elementary education" means the courses in reading, writing and arithmetic and other subjects, if any, prescribed from time to time by the Department of Public Instruction for elementary schools :

"District Board" includes a "District Local Board" and a "District Council" :

"Magistrate" does not include a "village Magistrate."

3. Every municipality or district board may from time to time, with the previous sanction of the Local Government, and subject to such rules as the Governor-General in

Council may make in this behalf, by notification declare that this Act shall apply to the whole or any specified part of the area within the local limits of its authority and the provisions of this Act shall apply to such area or part accordingly.

[Irish Education Act, 1892, sec. 1 (1).] ✓ 4. In every area, to which this Act applies, it shall be the duty of the parent of every boy, not under

six and not over ten years of age, residing within such area, to cause such boy to attend a recognised school for elementary education for so many days in the year and for such time on each day of attendance as may be prescribed by the Department of Public Instruction, unless there is a reasonable excuse for the non-attendance of the boy.

[Irish Education Act, 1892, sec. 1 (3).] ✓ 5. Any of the following circumstances is a reasonable excuse for non-attendance:—

- (a) that there is no recognised school within a distance of one mile, measured along the nearest road, from the residence of the boy, which the boy can attend, and to which the parent has no objection, on religious grounds, to send the boy;
- (b) that the child is prevented from attending school by reason of sickness, infirmity, domestic necessity, the seasonal needs of agriculture, or other sufficient cause;
- (c) that the child is receiving instruction in some other satisfactory manner.

[Irish Education Act, 1892, sec. 2 (1); Elementary Education Act (England and Wales), 1876, sec. 5.] ✓ 6. No person shall take into his employment any boy who ought to be at school under this Act.

7. For every area to which this Act applies, the municipality or district board shall provide such school accommodation as the Department of Public Instruction considers necessary and sufficient.

8. In any such area as aforesaid, the municipality or district board may, with the previous sanction of the Local Government, levy a special education rate, the proceeds of which

shall be devoted exclusively to the provision of elementary education for the boys residing in the area.

✓ 9. (1) No fee shall be charged in respect of the instruction of a boy required to attend school under section 4 if the monthly income of the parent does not exceed Rs. 10.

(2) In every other case, the municipality or district board may, on the ground of poverty, or for other sufficient reason, remit the whole or any part of the fee payable by a parent on account of his boy required to attend school under section 4.

10. (1) For every area to which this Act applies, the School Attendance Committee of the municipality or district board shall appoint a school attendance committee, to be constituted in such manner as may be prescribed by bye-laws framed in that behalf.

(2) It shall be the duty of the school attendance committee, subject to bye-laws framed in that behalf, to secure the attendance of every boy within its area that ought to be at school. [Irish Education Act, 1892, sec. 3 (1).]

✓ 11. (1) Whenever the school attendance committee is satisfied that a boy in its area that ought to attend school does not do so, it may, after due warning, make a complaint against the parent of the boy before a magistrate. [Irish Education Act, 1892, sec. 4 (1).]

(2) The magistrate shall, if satisfied of the truth of the complaint, issue an order directing the parent to cause the boy to attend school before a certain date.

✓ 12. (1) If such order is not complied with and the school attendance committee does not see any satisfactory cause for the non-compliance, it may prosecute the defaulting parent before a magistrate. [Irish Education Act, 1892, sec. 4 (2).]

(2) The parent shall be liable, on conviction, to a fine not exceeding rupees two.

✓ 13. In cases of repeated non-compliance, the parent shall, on conviction, be liable to a fine not exceeding rupees ten.

[Irish Education Act, 1892, secs. 5 and 6.]

14. (1) The school attendance committee may, after due warning, prosecute any employer who violates the provisions of section 6.

(2) Unless such employer is able to satisfy the magistrate that there is no recognised school within a distance of one mile, measured along the nearest road, from the residence of the boy, or

that the time and nature of the boy's employment are such that he is not prevented from receiving elementary education at school, or

that the boy is receiving instruction in some other satisfactory manner, or

that the boy was employed under false representations as to age, residence and other conditions, or

without his knowledge and consent by an agent or workman under him for whose prosecution he is willing to afford the necessary facilities,

he shall, on conviction, be liable to a fine not exceeding rupees twenty.

[Irish Education Act, 1892 sec. 6 (1).]

15. When the act of taking a boy into employment in contravention of this Act is in fact committed by an agent or workman of the employer, that agent or workman shall be liable to the same penalty, in the same manner, and subject to the same conditions as if he were the employer.

16. The Local Government may exempt particular classes or communities from the operation of this Act.

17. In any area in respect of which a notification has been issued under section 3, the municipality or

District Board may, with the previous sanction of the Local Government and subject to such rules as the Governor-General in Council may make in this behalf, by notification declare that the foregoing provisions relating to boys, shall, from a date to be specified in the notification, apply also in the case of girls residing within such area, and the said provisions shall apply in the case of girls accordingly.

18. (1) The Governor-General in Council may make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the fixing of the percentage of boys, or of girls that should be at school in an area before a notification in respect thereof may be issued under section 3 or section 17, as the case may be; and

(b) the prescribing of the proportions in which the cost of providing elementary education under this Act should be divided between the Municipality or District Board and the Local Government, as the case may be.

(3) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication.

19. A Municipality or District Board may, with the previous sanction of the Local Government, make bye-laws prescribing—

(a) the manner in which the school attendance committee should be constituted, the number of its members, their duties and their mode of transacting business.

(b) the steps which the school attendance committee may take to secure the attendance of children at school.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide for the gradual introduction of the principle of compulsion into the elementary education system of the country. The experience of other countries has established beyond dispute the fact that the only effective way to ensure a wide diffusion of elementary education among the mass of the people is by a resort to compulsion in some form or other. And the time has come when a beginning at least should be made in this direction in India. The Bill is of a purely permissive character and its provisions will apply only to areas notified by Municipalities or District Boards, which will have to bear such proportion of the increased expenditure, which will be necessitated, as may be laid down by the Government of India by rule. Moreover no area can be notified without the previous sanction of the Local Government, and further it must fulfil the test which the Government of India may, by rule, lay down, as regards the percentage of children already at school within its limits. Finally the provisions are intended to apply in the first instance only to boys, though later on a Local Body may extend them to girls; and the age limits proposed are only six and ten years. It is hoped that these are sufficient safeguards against any rash or injudicious action on the part of Local Bodies. The measure is essentially a cautious one—indeed, to some, it may appear to err too much on the side of caution.

The provisions of the Bill are based largely on the Irish Education Act of 1892 and the English Education Acts of 1870 and 1876.

Clauses 1 and 2 call for no remark.

Clause 3 provides for the application of the provisions of the Bill to notified areas.

Clause 4 imposes on the parent or guardian of a boy in a notified area, between the ages of six and ten the obligation to cause him to attend a recognised elementary school in the absence of a reasonable excuse, and clause 5 lays down what circumstances may constitute a reasonable excuse.

Clause 6 prohibits the employment by employers of labour, of a boy who should be at school under the provisions of the Bill.

Clause 7 requires Municipalities and District Boards to provide sufficient school accommodation in a notified area, and clause 8 empowers them, subject to the previous sanction of the Local Governments, to levy a special education rate.

Clause 9 provides for the exemption of poor parents and guardians from the payment of school fees for their boys.

Clause 10 provides for the appointment of school attendance committees in notified areas.

Clauses 11 to 15 provide penalties and the proceedings to be taken for their enforcement in the case of parents and guardians, failing without reasonable excuse to cause their boys to attend school, as required by the Bill, and of employers and their agents or workmen, acting in contravention of the provisions of the Bill.

Clause 16 enables the Local Government to exempt particular classes or communities from the operation of the Bill.

Clause 17 provides for the extension of the provisions of the Bill to girls between the ages of six and ten.

Clauses 18 and 19 provide for the making of rules by the Government of India and of bye-laws by Local Bodies.

G. K. GOKHALE.

The 28th February 1911.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 188, EDUCATIONAL, DATED
1st APRIL 1911.

[SUBJECT.—*The Elementary Education Bill.*]

LEGISLATIVE DEPARTMENT.

From the Government of India, Legislative Department, dated 21st March 1911,
No. 1166.

The current is one for disposal in Educational Department to which it may be transferred u.o.

The Legislative Department is concerned with publication only. A copy of the Bill has been sent to the press for publication in English. Educational may be requested to state in what vernaculars the Bill should be published.

Vide notes with G.O., No. 1, dated 9th January 1902, and G.O., No. 73, dated 2nd October 1906.

C.R.V.—25-3-11.

K. RANGASWAMI AIYANGAR—25-3-11.

M. S. MASCARENHAS—25-3-11.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

As the proposed Act is of general application it is submitted that the Bill may be translated into all the vernaculars of the Presidency, including Hindustani and Uriya.

G. F. PADDISON—10-2-11.

2. The Bill may be referred to the High Court, the Director of Public Instruction, the University of Madras, the Missionary Council of Aided Education, the Council of Native Education, the Madras Teachers' Guild, all non-official Members of the Legislative Council and selected Collectors of districts. The Director of Public Instruction may also be requested to obtain the opinions of some selected educational officers.

3. As the Government of India want a reply by the 1st August 1911, the officers and others consulted may be requested to send in their replies by the 1st of July next.

Please say 10th June and arrange for despatch before 10th April.

L. DAVIDSON—31-3-11.

T.K.—28-3-11.

K.R.—28-3-11.

I think the opinion of municipalities and district boards or at all events selected ones might be taken also.

G. F. PADDISON—29-3-11.

Certainly municipalities and district boards must be consulted. They are the bodies most affected by the Bill. I do not think individual Members of Legislative Council need be consulted—their opinions are not worth more than anybody else's opinion. Refer to—

Draft so.

L. DAVIDSON—31-3-11.

District boards.
Municipalities including Madras City.
Director of Public Instruction.
High Court.
Senate of the University of Madras.
Missionary Council of Aided Education.
Council of Native Education.

M. H[AMMICK]—29-3-11.

A draft order is placed below.

C.R.V.—31-3-11.

K. RANGASWAMI AIYANGAR—31-3-11.

Passed.

L. DAVIDSON—31-3-11.

[G.O., No. 188, Educational, dated 1st April 1911.]

To the Honble the Chief Justice of the High Court,
of Judicature (with C.L.)
" " D. P. S.
" " Registrar of the University of Madras
" " President of the Corporation of Madras
" " Secretary, Missionary Council of Aided Education
" " " Council of Native Education
" " Local Municipal Deptt
" " Legislative Deptt
" " Tamil, Telugu, Malayalam & Sanskrit
Translators to Govt the Legal Deptt
" " Hindustani Translator to Govt the Public Deptt
" " Collector of Ganjam.
" " All Presidents of District Boards
" " Chairmen of Municipal Councils
with Bill statement of objects

[Cuo 694]

From the Govt of India No.

Order 188 of 21/4/11
PS

The elementary education
The Honble Mr Gokhale will be re-
ferred to the Honble the judges
High Court, the Director of Public In-
struction, the Senate of the University of Madras, and
District Board and Municipal Councils,
the Corporation of Madras, the Missionary
Council on Aided Education and the Council
of Native Education with the request that
their replies
the opinion may be forwarded so as to reach
not later than
the Government by the 10th June 1911

2. The Bill will be published in the Fort
St. George Gazette in English and in the
Tamil, Telugu, Malayalam, Canarese, Hindustani and
Urdu Languages.

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ORDINARY.

PRESS SLIP.

PREFERENCE.

EDUCATIONAL DEPARTMENT.

URGENT.

7 APR 1911

Current No., dated 190 ..

G.O., No. 188, dated 1. 4. 1911.

Number of MS. pages sent { Correspondence including order or orders
(b)
(b)
Notes.....

Docket Elementary Education Bill

Referring the Bill for opinion to the Honble the members of the High Court and certain select officers and bodies.

Number (c) of copies required when struck off (not including copies for volumes and editors' table which are retained in the Press).

Complete Correspondence and orders.

Notes

FOR RECORD.*

Madras Records	...	30	15
Ooty Records	...	3	3
For filing with original	...	1	1
Total	...	34	19

FOR ISSUE.†

	Letter only.	Complete G.O.	(b) Special issue copies of G.O.		Notes.
			No.	Papers.	
Signature copies.....			20	(without for)	
India Office.....					
Govt. of India.....Dept.					
Public Department.....					
Judicial Department.....					
Financial Department.....					
Revenue Department.....					
Public Works Department.....					
Local and Municipal Department.....					
Dept. <u>Local</u>			4		
Total			4		
Spare copies.	The Director of Public Instruction.....	4			
	The Comr. for Govt. Examinations.....				
	The Superintendent, Govt. Museum.....				
	The Surgeon-General.....				
	The Accountant-General.....				
	The Collector of.....				
	The P. D. B.....				
	The <u>Ad. Dt. Bd.</u>	150			
	The <u>Ad. Munt. Comm.</u>	150			
	The <u>P. D. B. Comm.</u>	4			
	The <u>Ad. Munt. Comm.</u>	10			
	The <u>Ad. Munt. Comm.</u>	150			
	The <u>Ad. Munt. Comm.</u>	4			
	The <u>Ad. Munt. Comm.</u>	4			
	The <u>Ad. Munt. Comm.</u>	4			
	Total				

INSTRUCTIONS FOR THE SECRETARIAT.

(a) If a paper is marked to be printed urgently, the Superintendent of the section concerned should sign the Press slip. The Superintendent should exercise a careful discretion in the matter.

(b) Each letter, memorandum, or order, or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.) by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(b¹) For rules regarding printing of notes, see the rules in G.O., No. 1220, Public, dated 30th November 1900.

(c) The number of copies and the details of distribution should be filled in by the Superintendent or Referencer concerned.

(d) In the absence of special instructions to the Press to keep matter standing for a specified period, ordinary papers of 8 pages and under will be kept standing for one week, and larger papers for two weeks only. The type of notes and of all confidential papers is distributed immediately after striking.

(e) This slip, properly and completely filled in, should accompany every paper sent to Press; it will be returned by the Press when proofs are furnished; it should be sent to the Press when a call is made for revised proofs or when a corrected proof is sent for striking. When finally returned by Press it should be filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of the Press, a paper has been marked urgent unnecessarily, he should send the Press slip to the Deputy Registrar with a remark to that effect.

(b) Unless a note to the contrary is made against the matter, pencil entries should not be printed. The Superintendent of the Press may bring to the notice of the Deputy Registrar any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, but only the first time when they appear on the left side, the initials alone being printed later.

* Copies distributed on.....*(Press Clerk.)

† Copies distributed on.....*(Despatcher.)

* To be initialed and dated.

A	B	C
Please send proof in triplicate. The papers have been carefully edited.	Proof returned corrected. Please strike off and send number of copies as indicated.	As the matter is clear manuscript and has been carefully edited, (b) proof need not be sent. Please print and supply number of copies as indicated.
	Type may be released after usual interval at once.	Type may be released after usual interval.
.....Clerk.	Clerk.	Clerk.
.....Supdt.	Supdt.	Supdt.

(b) Three copies of proof of all notes should be sent for approval, except when instructions are given to the contrary.

SPECIAL INSTRUCTIONS.

No G.O. has to issue by the 10th April - Please therefore send very urgently ^{proof} signatures ~~copy and~~ ²⁰ copies of the G.O. omitting the letter from the Govt of India. Record set copies with the letter from the Govt of India may afterward be printed. 2-4-11

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.
Received in Press on.....	2/4/11 L.S.
First proof furnished on.....	5-4-11 L.S.
Call for revised proof received on.....	
Revised proof furnished on.....	
Corrected proof received for striking on.....	7-4-11 L.S.
Final copies supplied on.....	11-4-11 L.S.

Account of copies.	Complete copies.	Notes.	Issue copies.
Supplied to Secretariat for Record.....	84		
" " " Issue.....	811		
For Volumes.....	16		
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Total	827		