FOR RECORD ONLY

Government of Madras

LAW (EDUCATION) DEPARTMENT

G.O. No. 1320, 13th July 1926

Elementary Education Act—The Assam Primary Education Bill—Papers recorded.

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Government of Madras

LAW (EDUCATION) DEPARTMENT

G.O. No. 1320, 13th July 1926

Elementary Education Act—The Assam Primary Education Bill—Papers recorded.

READ—the following papers:—

I

Letter from the Assistant Secretary to the Government of Madras, Law (Education) Department, to the Chief Secretary to the Government of Assam, Educational Department, dated Fort St. George, the 1st May 1926, No 1666 A-1.

I am directed to request that, if there is no objection, this Government may be furnished, as early as possible, with a set of the papers connected with the Assam Primary Education Bill, 1925.

II

Letter from G. T. LLOYD, Esq., I.C.S., Second Secretary to the Government of Assam, Educational Department, to the Secretary to the Government of Madras, Law (Education) Department, dated Shillong, the 10th May 1926, No. 2642-E.

In compliance with the request contained in your letter No. 1666 A-1, dated the 1st May 1926, I am directed to forward a copy of the Assam Primary Education Bill, 1925, together with a copy of the report of the Select Committee on the Bill.

2. I am to add that certain important points of the Bill are still under consideration.

ENCLOSURES

(1)

(The amendments made by the Select Committee are underlined.)

THE ASSAM PRIMARY EDUCATION BILL, 1925.

(As revised by the Select Committee.)

A Bill to provide facilities for the introduction of compulsory primary education in the Province of Assam.

WHEREAS it is expedient to make better provision for primary education and to compel the attendance of children at primary schools:

And whereas the previous sanction of the Governor-General has been obtained, under section 80 (*a*), sub-section (3), of the Government of India Act, to the passing of this Act;

It is hereby enacted as follows:—

PART I.

Short title. 1. (1) This Act may be called the Assam Primary Education Act, 1925.

Commencement and extent. (2) This Act shall come into force on such date or dates as the Local Government may, by notification, direct.

(3) Part I of this Act shall extend to the whole of Assam, excluding the backward tracts. Part II of this Act shall extend only to those local areas to which it may be applied in accordance with the provisions of Part I.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—

(1) To "attend" a recognised primary school means to be regularly present for instruction at such a school on such days, at such time or times, and for such period or periods on each day as may be prescribed.

(2) "Child" means a "boy" or a "girl" who is not less than six and not more than eleven years of age, at the beginning of a school year.

(3) "The local authority" means—

(*a*) in an area constituted a municipality under the Assam Municipal Act of 1923, the Municipal Board; Assam Act I of 1923.

(*b*) in a notified area or union under the Assam Municipal Act of 1923, the members of the town committee or union; Assam Act I of 1923.

Assam Act I of 1915.

(*c*) in any subdivision or part of a subdivision in which the Assam Local Self-Government Act, 1915, has come into force, the Local Board ; and

(*d*) in the backward tracts, the district or subdivisional authority

(4) "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.

(5) "Backward tracts" means the territories in the Province of Assam declared by the Governor-General in Council, under sub-section (2) of section 52A of the Government of India Act, to be 'backward tracts'.

(6) "Prescribed" means prescribed by rules made by the Local Government for the purposes of this Act.

(7) "Primary education" means education in such subjects and up to such standards as may be prescribed.

(8) "Recognized primary school" means a school or part of a school in which primary education is given and which is for the time being approved by the education committee or by an appellate authority.

(9) "Education committee" means a committee constituted under section 12 of this Act.

Scheme for introducing compulsion on declaration of local authority.

3. (1) Any local authority may resolve, by a majority of two-thirds of the members present, at a meeting specially convened for the purpose, to propose that Part II of this Act shall be applied to the whole or any part of the area within its jurisdiction or to the children of either sex or both sexes resident in the area wthin its jurisdiction, with or without the exemption of any particular community or communities.

(2) When a resolution has been passed under sub-section (1), the local authority shall publish it locally in the prescribed manner, and any adult person or persons likely to be affected thereby and objecting thereto in whole or in part may, within 40 days of the date of the publication of the resolution, object thereto in writing ; and the local authority shall, at a meeting convened for the purpose, take his objection into consideration.

(3) If no such objections are received by the local authority, or if, after consideration of any objection or objections received, the local authority decide at a meeting specially convened for the purpose by a resolution carried by the votes of at least two-thirds of the members present at such meeting, to proceed according to their resolution passed under sub-section (1), with or without modification, the local authority shall submit to the Government for consideration the resolution as published, the objection or objections, if any, received, and the modification or modifications, if any, decided on.

(4) The local authority shall at the same time submit to the Local Government in such form or forms as may be prescribed, a statement showing all necessary particulars relating to the measures necessary for making adequate provision in recognized primary schools for the education of all children who will be required to attend school in the event of the resolution being sanctioned and the means and ability of the local authority to undertake the work.

(5) The Local Government may thereupon sanction or refuse to sanction the action resolved on or may on one or on successive submissions refer the resolution or any modification thereof, to the local authority for further consideration, and sanction or refuse to sanction the action finally resolved upon by the local authority.

Share of cost of providing primary education.

4. (1) Subject to any rules which the Local Government may make in this behalf, the local authority of any area which resolves to introdue a scheme of compulsory primary education under section 3, shall have to find one-third of the cost of the scheme either from its own funds, without prejudice to its other responsibilities or by levying an education cess by a resolution carried by a two-third majority of a meeting specially called for the purpose on persons residing or holding property within its area. And the Local Government shall provide to the local authority the remaining two-thirds of the cost entailed by the scheme.

Provided that no person shall be liable to pay such cess if the children of the class of persons or community to which he belongs have been exempted under this part of the Act.

(2) The proceeds of the education cessand of all sums, received either from Government or from the local authority or under sections 16 and 17 shall be called the Education fund and applied by the local authority, solely, to the provision of primary education under this Act and purposes connected therewith.

(3) The incidence of the education cess, the maximum and the minimum rates of assessment and the manner of collection shall be prescribed.

Scheme for introducing compulsion on initiative of Local Government.

5. (1) It shall be lawful, for the Local Government, on the recommendation of the Legislative Council to call upon any local authority to submit a scheme to provide compulsory primary education, and the statement shall contain all necessary particulars, as prescribed.

(2) Every local authority shall, within the prescribed period, submit as complete a sheme as is possible on the lines mentioned above.

(3) The Government may, after such enquiry as seems necessary, sanction such a scheme with or without modification and simultaneously direct that Part II of this Act be applied within the area of that local authority.

(4) If the scheme is sanctioned, the Government shall bear two-thirds of the cost of the scheme. If the resources at the disposal of the local authority are inadequate to provide the balance of the cost from its own funds, the local authority shall be bound to impose an education cess in the manner provided in section 4, or the Local Government may itself impose such cess in the area of compulsion to finance the scheme.

(5) If a local authority, when called upon by Local Government, makes default in preparing a scheme, or after a scheme has been sanctioned as above, omits to make adequate provision for compulsory primary education in accordance with the scheme as sanctioned and to bring into operation or to keep in operation such scheme, the Government may, after due enquiry, appoint a person or persons to prepare the scheme or to bring it into operation, or to continue to keep it in operation, as the case may be, or to do all or any of these things, and the expense thereof shall be paid by the local authority to the Government.

(6) If the expense is not so paid, the Government may make an order directing any person who has, for the time being, custody of any money on behalf of the local authority either as banker or in any relation, to pay such expense from such moneys as he may have in his hands or may, from time to time, receive, and such person shall be bound to obey such order.

Notification.

6. (1) When the scheme for compulsory primary education is sanctioned by the Local Government on a resolution of the local authority under section 3 or when the scheme is inaugurated on the initiation of the Local Government under section 5, the local authority shall issue a notification, that, with effect from the beginning of the school session in the year following, primary education shall be compulsory in terms of the sanction and of this Act within the area specified in the resolution.

Provided always that such notification shall not issue less than six months before the date on which it is to receive effect.

(2) Every notification under sub-section (1) shall be published in the *Assam Gazette* and shall be advertised locally in such manner as may be prescribed.

General exemptions by Local Government.

7. The Local Government may by notification in the *Assam Gazette* exempt children of either sex or both sexes of any particular class or community in any area of compulsion or part thereof, from the operation of Part II of this Act.

Misapplication of educational fund.

8. If the Local Government consider that the educational fund of any local authority has been, or is about to be misused or misapplied, they may call upon such local authority for an explanation of such misuse or misapplication, and if not satisfied with the explanation given, may make such reduction in the grants payable to such local authority as they deem proper.

Review by Local Government.

9. If the Local Government is of opinion that a local authority has made default in any of the requirements of this Act, and in particular, if a local authority has introduced compulsory primary education under section 3, fails to impose such cess as is necessary the Local Government may, by notification stating the grounds of the order, cancel, suspend, limit or modify any notification which has been issued under section 6 or may make such other order as to the Local Government may seem fit.

Compulsory primary education in Hill Districts.

10. The Local Government may at any time introduce both parts of this Act, whenever it thinks fit and on such terms, as to cost, as it seems proper, in areas of backward tracts.

Rules.

11. (1) The Local Government may by notification make rules which shall be laid before the Legislative Council, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may—

(*a*) prescribe in consultation with local authorities, the subjects, the standards and duration of primary education under section 2, sub-sections (1) and (6);

(*b*) prescribe the particulars required under sections 3 and 5, the form or forms, in which such particulars are to be submitted to the Local Government ;

(*c*) prescribe the incidence of the education cess, levied under sections 4 and 5, the maximum and minimum rates of assessment and the manner of collection ;

(*d*) prescribe the manner in which a notification under section 6, sub-section (1) is to issue, and section 6, sub-section (2) is to be locally advertised ;

(*e*) prescribe the manner in which education committees shall be constituted under section 12, the number of members, the period of office, the duties, powers and responsibilities of such education committees, the manner in which they shall transact their business, their relations with the local authority and the circumstances in which separate education committees shall or may be appointed for separate portions of an area in respect of which a notification has issued under Part II of this Act ;

(*f*) prescribe the action required of education committee under section 13 for enforcement of the Act;

(*g*) prescribe the conditions warranting exemption from the obligation on guardians imposed by section 15.

Part II.

Education Committee.

12. (1) Where a notification under section 6 has been issued in respect of any area, the local authority shall appoint an education committee for the said area or separate education committees for separate portions of the said area, in accordance with rules prescribed.

(2) Every education committee shall be constituted in such manner and for such period and shall have such duties, powers and responsibilities as shall be prescribed.

Function of Education Committee.

13. (1) In particular and without prejudice to the generality of the provisions of this Act, it shall be the duty of education committees to enforce the provisions of this Act in regard to the attendance at school and the employment of children.

(2) From such date, as the Government may direct, in this behalf, in respect of each education committee and subject to the general control of the local authority, the education committee shall exercise and perform such powers and duties as may be enacted in this Act or prescribed under the rules framed thereunder.

(3) It shall be the duty of the education committees to obtain and keep a record of such information as may be necessary for the purpose of securing the observance of sections 14 and 17 of this Act.

Obligation on guardian to send children to school.

14. Where a notification under section 6 is in force in any area, every guardian shall cause his child or children to attend a recognized primary school in such area except in so far as such child or children may be exempted from school attendance under section 7 or section 15.

Provided always that no guardian shall be compelled to cause a child to attend a school which is maintained by a religious mission or organization in the interests of the religion or sect—not being the religion or sect of the guardian—which the mission or organization has been embodied to propagate.

Exemption from attendance at school.

15. A guardian shall not be compelled to send his children to school—

(*a*) when they are receiving education otherwise than in a recognized primary school to the satisfaction of the prescribed education committee;

(*b*) when they have already completed primary education prescribed;

(*c*) where it is impracticable or inexpedient that they should attend school, on account of illness, disease, injury, affliction, infirmity or other cause of this or of any nature regarded as sufficient by the education committee in accordance with rules prescribed in this behalf;

(*d*) where there is no recognized primary school within a distance of two miles from their homes, or which in the opinion of the education committee is not readily or conveniently accessible even though within two miles of their homes;

(*e*) when they have been exempted by the education committee on religious grounds, or on account of social custom.

Warning for failure to discharge obligation (section 14) and for interference (section 17).

16. (1) When the education committee has reason to believe that a guardian of any child within its area is failing to discharge the obligation, created by section 14 or that any person is interfering with the attendance of a child or children at a recognised primary school in the manner detailed in section 17, it shall warn him in writing to cause the child or children concerned to attend school, or to discontinue the offence under section 17, as the case may be, within one week from the receipt of such warning.

Action against defaulting guardian.

(2) When an education committee is satisfied that a guardian has failed to cause his child or children to attend school, or an employer is interfering with such attendance by a child or children, even after the warning mentioned in sub-section (1), it shall cause a complaint against such guardian or employer to be presented to a magistrate or a bench of magistrates having local jurisdiction.

(3) If satisfied that the complaint is well founded the magistrate shall pass an order directing the guardian or employer to cause the child or children concerned to attend school regularly after a specified date.

(4) If the guardian fails to comply with such order, the education committee shall sanction his prosecution, and, on conviction by a magistrate, the guardian shall be liable to a fine not exceeding five rupees.

Provided that any person who has on two or more occasions been convicted under this section shall on further conviction be liable to a fine not exceeding Rs. 20.

Penalty for employment of children or interference with their attendance at school.

17. Any person, other than the guardian, who shall utilize the time or services of a child in connection with any employment, whether for remuneration or not, in such way or at such time as to interfere with the attendance of the child at a recognized primary school, and fails to comply with orders passed under section 16, sub-section (3), shall be prosecuted by the

education committee, and shall on conviction before a magistrate be liable to a fine not exceeding Rs. 10 for a first offence and not exceeding Rs. 25 for each subsequent offence.

Complaint and limitation on prosecution.

18. (1) No court shall take cognizance of any offence under sections 16 and 17 except upon complaint made by the education committee or on behalf of the committee by a member duly authorized in this behalf, and unless a warning under section 16 has been given and disregarded.

(2) A prosecution under sections 16 and 17 shall be time-barred unless filed within two months of the specified date mentioned in section 16, clause (3).

Disposal of fines.

19. All fines levied by any magistrate in respect of an offence against the provisions of this Act shall be credited to the funds of the local authority.

No fees and free books, etc., where recommended.

20. (1) No fees shall be charged from any pupil for tuition in any recognized primary school maintained or aided by the local authority.

(2) The children of necessitous guardians too poor to buy books and writing materials, when recommended by the education committee, shall be provided with the use of necessary books and writing materials free of cost by the local authority.

Enforcement of Act and maintenance of schools, etc.

21. (1) The local authority and the education committee concerned shall be responsible for the enforcement of the provisions of this part of the Act.

(2) The local authority shall provide and maintain such school accommodation and equipment and shall employ such educational staff as the Director of Public Instruction may consider necessary.

Inspection of offices, books and accounts of local authorities and education committees.

22. (1) The offices, books and accounts of local authorities and education committees shall be open to inspection and audit at all times by any officer or officers empowered in this behalf by the Local Government by general or special order.

Inspection of schools.

(2) All recognized primary schools shall be open to inspection at all times by any officer or officers empowered in this behalf by the Local Government by general or special order.

Appeal.

23. An appeal from the refusal of the education committee to 'recognise' a primary school under section 2, sub-section (7), shall lie to the Local authority and thence to the Director of Public Instruction.

(2)

Report of the Select Committee on the Assam Primary Education Bill, 1925.

The undersigned members of the Select Committee deliberated over the Bill on 27th and 28th February 1926 (Maulavi Rashid Ali Laskar, M.L.C., being absent on the second day) and recommend as follows:—

1. That the words 'Hill Districts' in section 1, clause (3), section 2, clause (3) (*d*), and section 10 be replaced by the words 'backward tracts'.

2. That in section 2, the following definition of 'backward tracts' be inserted and the clauses re-numbered:—

'Backward tracts' means the territories in the Province of Assam declared by the Governor-General in Council under sub-section (2) of section 52A of the Government of India Act, to be 'backward tracts'.

That in clause (2), section 2, the words 'at the beginning of a school year' be added after the word 'age'.

That in clause (7) of section 2, the words 'instruction in' be omitted while the words 'the Government . . . approval' in the last two lines be replaced by the words 'an appellate authority'.

3. That in section 3, clause (1), the words 'the local limits of its authority' be substituted for the words 'its jurisdiction'.

That the words 'of any particular . . . communities' be omitted and that the words 'with or without the exemption of any particular community or communities' be added after the word 'jurisdiction' at the end of the paragraph.

Clause 3.—*Add* 'such' after 'no' in the first line and *omit* 'within . . . days' in the second line.

Clause 5.—*Add* 'and sanction or refuse to sanction the action finally resolved upon by the Local Authority' at the end of the paragraph.

Clause 6.—*Omit* it.

4. *Section* 1, *clause* (1).—*For* 'subjecting . . . activities' *substitute* 'prejudice to its other responsibilities'.

Proviso to clause (1).—*For* 'section 7 . . . this' *substitute* 'this Part of the'.

Clause (2).—*Add* 'either from Government or from the Local Authorities or' after the word 'received' in line 2.

Add 'called the Education Fund and' after 'be' in line 3.

5. *Section* 5, *clause* (1).—*Add* 'on the recommendation of the Legislative Council' after 'Government' in line 2.

Substitute 'statement' *for* 'scheme'.

Substitute 'all necessary particulars, as prescribed' *for* 'the following particulars' in the last line.

Omit sub-clauses (*a*) to (*g*).

Clause (4).—*Omit* 'without affecting . . . education'.

Replace the word 'half' by 'two-thirds' in line 5.

Omit 'additional . . . annual' in lines 5 and 6.

Clause (5).—*Add* 'or persons' after 'persons' in line 9.

Add 'or to do all or any of these things' after the words 'may be' in line 11.

6. *Section* 6, *clause* (1).—*For* '1st of January' *substitute* 'beginning of the school session'.

Proviso clause.—*Omit* the words 'or more than twelve'.

7. *Section* 9—*Omit* the words 'The actions . . . generality' from the beginning of the section, and the words 'whose resources are inadequate' and 'to make their resources adequate'.

8. *Section* 11, *clause* (1).—*Add* the words 'which shall be laid before the Legislative Council' after the word 'rules' in line 2.

Clause (2) (*c*).—*Substitute* 'sections 4 and 5' *for* 'section 4 . . . sub-section (4)'.

9. *Section* 15, *clause* (*a*)—*Omit* 'Primary' from line 1.

(*b*) *Omit* 'the course of' and 'prescribed'.

(*c*) *Omit* the whole clause.

(*f*) *Add* 'or social custom' at the end of the clause.

10. *Section* 16, *clause* (1).—*Substitute* 'interfering with the attendance of a child or children at a recognised Primary School in the manner detailed, in' *for* the words 'guilty of an offence under,' in line 6.

11. *Section* 17.—*Omit* clause (2) and remove the number from clause (1).

12. *Section* 18, *clause* (2).—*Substitute* 'Prosecution' *for* 'Complaint' and 'specified date mentioned in section 16, clause (3)' *for* 'offence complained of'.

13. *Section* 23.—*Insert* 'Local authority and thence to the' after the word 'the' in line 4.

One of the Committee has signed the report subject to a note of dissent; otherwise this report is unanimous. Srijuts Kamakhyaram Baruah, Nilmoni Phukan and Rai Bahadur Amar Nath Ray being absent, have not signed the report.

The Committee do not consider that republication of the Bill is necessary in consequence of the alterations suggested. The Bill was published in English in the *Assam Gazette* of September 2, 1925.

SAIYID MUHAMMAD SAADULLA.
RASHID ALI LASKAR.
J. R. CUNNINGHAM.
H. C. GARBETT.
* BRAJENDRA NARAYAN CHAUDHURI.
BEPIN CHANDRA GHOSE.
FAIZNUR ALI.
ABDUL RAHIM CHAUDHURI.

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* Subject to minute of dissent.

MINUTE OF DISSENT.

I have not been able to agree as to paragraphs 7 and 8 dealing with sections 9 and 11.

BRAJENDRA NARAYAN CHAUDHURI.

Order—No. 1320, Law (Education), dated 13th July 1926.

Recorded.

(By order of the Government, Ministry of Education)

V. T. Krishnama Achariyar,
Secretary to Government.

Copy to the Director of Public Instruction.

Law (Education) Department.

NOTES CONNECTED WITH G.O. No. 1320, LAW (EDUCATION), DATED 13th JULY 1926

[Subject.—*The Assam Primary Education Bill.*]

Please ask the Assam Government for papers connected with the Assam Primary Education Bill, 1925.

V. T. Krishnama Achariyar—27-4-26.

Draft submitted.

A.S.—29-4-26. S.A.—29-4-26. C. Ramanuja Achariyar—30-4-26.

[Letter No. 1666-A/1, dated 1st May 1926.]

From the Government of Assam, No. 2642, *dated* 10*th May* 1926.

The main points on which the Assam Bill differs from the Madras Elementary Education Act, 1920, are—

1. *District Educational Councils.*—The Assam Bill does not provide for the constitution of *district educational councils* as in Madras.

2. *Share of the cost of providing compulsory education.*—Subject to any rules which the Local Government may make in this behalf, the local authority of any area which resolves to introduce a scheme of compulsory primary education shall have to find one-third of the cost of the scheme either from its own funds, without prejudice to its other responsibilities or by levying an education cess by a resolution carried by a two-third majority of a meeting specially called for the purpose on persons residing or holding property within its area. And the *Local Government shall provide* to the local authority the remaining *two-thirds* of the cost entailed by the scheme.

Share of cost of providing primary education.

No such proportion has been defined in the Madras Act; but on the other hand there is nothing in the Assam Bill corresponding to section 37 of the Madras Elementary Education Act and the proviso to that section laying down that the Government should contribute every year from Provincial funds

(i) an amount equal to the education tax collected by a local authority; and

(ii) an amount equal to the expenditure incurred by the local authority from Provincial funds in the year preceding that in which the Madras Act was introduced.

3. *Initiative by the Government for introduction of compulsion.*—Under the Assam Bill the initiative in the matter of introducing compulsion may be taken by the Government themselves on the recommendation of the Legislative Council, while the Madras Act does not contain any similar provision. In such cases also the Government should bear two-thirds of the cost of the scheme and the balance should be borne by the local authority concerned. If the resources of the local authority are inadequate to provide its share of the cost, it shall be bound to impose an education cess or the Local Government may themselves impose such cess in the area of compulsion to finance the scheme.

Again if a local authority when called upon by the Local Government makes default in preparing a scheme for the introduction of compulsory education or after a scheme has been sanctioned as above omits to make adequate provision for compulsory primary education in accordance with the scheme as sanctioned and to bring into operation or to keep in operation such scheme, the Government may, after due enquiry, appoint a person or persons to prepare the scheme or to bring it into operation, or to continue to keep it in operation, as the case may be, or to do all or any of these things and the expense thereof shall be paid by the local authority to the Government.

4. *Exemption from compulsion and tax.*—When a local authority resolves to introduce a scheme of compulsory education it may, under the Assam Bill, provide or the exemption of the children of any particular community or communities from

the operation of the scheme. In the Madras Act also there is provision for Government exempting any person or class of persons from compulsion. But according to the Assam Bill no person who is a member of the community or communities so exempted shall be liable to pay the education cess. Under the Madras Act no person or class of persons can be so exempted from the payment of education tax.

5. *Rate of tax.*—The maximum and the minimum rates at which the education cess can be levied are not specified in the Assam Bill. It is left to the Local Government to frame rules prescribing the rates. In Madras, section 34 of the Act fixes a maximum rate.

6. *Date of effect of scheme.*—According to the Assam Bill the scheme of compulsory education can take effect only from the beginning of the school session in the year following that in which the notification is published in the Gazette provided also that such notification is published not less than six months before the date on which it is to receive effect. Under the Madras Act the scheme will have effect from the date to be specified in the notification.

7. *Religious instruction.*—According to the Assam Bill no guardian shall be compelled "to cause a child to attend a school which is maintained by a religious mission or organization in the interests of the religion or sect—not being the religion or sect of the guardian—which the mission or organization has been embodied to propagate."

The corresponding provision in the Madras Act is reproduced below:—

"If at any elementary school under private management and in receipt of aid under section 42 the children are required to be present during religious instruction based on the distinctive doctrines or creed of any particular religion, sect or denomination, and not less than ten guardians of children attending such school make an application in writing to the district educational council for the provision of elementary education in such a manner as to obviate their compulsory presence during religious instruction, the district educational council, on being satisfied that the requisite provision does not already exist in some other neighbouring elementary school, shall require the manager of the school to enter into an agreement for the exemption from presence during religious instruction of all children whose guardians make a written request therefor."

A.S.—28-5-26. S.A.—28-5-26. C. RAMANUJA ACHARIYAR—30-5-26.

The Director of Public Instruction may like to see these papers.

V. T. KRISHNAMA ACHARIYAR—1-6-26.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION.

Returned with thanks. Section 5 (5) would be useful in this Presidency.

R. G. GRIEVE—12-6-26.

LAW (EDUCATION) DEPARTMENT.

Submitted for orders.

2. If a provision similar to the one in section 5 (5) of the Assam Bill is to be introduced in Madras, the Madras Elementary Education Act will have to be amended. This may be noted for inclusion in any Bill for amendment of the Act which may be taken up.

Yes.
V.T.K.—19-6-26.

A.S.—17-6-26. S.A.—17-6-26. C.R.—18-6-26. V.T.K.—19-6-26.

Seen. The clause has to be recast completely. We had a similar clause in the draft Bill.

A. P. P[ATRO]—22-6-26.

A draft order recording the papers is submitted for approval.

A.S.—25-6-26. S.A.—25-6-26. C.R.—28-6-26. V.T.K.—29-6-26.

[G.O. No. 1320, Law (Education), dated 13th July 1926.]

C. no 1666 A (6) Law (Edn.) Dept.

No 1666 A-1 dt 1-5-26

Letter to the Chief Secretary to the Govt. of Assam, Educational dept.

DESPATCHED 1-MAY1926

Sir,

I am directed to request that, if there is no objection, this Govt. may be furnished, as early as possible with a set of the papers connected with the Assam Primary Education Bill, 1925.

I have &c

(Asst. Secy initialled in ink)

Assam Schedule V, Form No. 26 A.
[Approved in letter No. 3923 G., d. 6 5 21.]

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GOVERNMENT OF ASSAM.

THE GOVERNOR AND THE MINISTER OF Education.



Letter No. 2642. E.

Education DEPARTMENT.

" BRANCH.

FROM

G. T. Lloyd, Esq., I. C. S.,
Second Secretary to the Government of Assam,

To

The Secretary to the Government of Madras,
Law(Education) Department,
Fort St. George.

3P

Shillong, the 10 11 May 1926.

SIR,

In compliance with the request contained in your letter No.1666-A.I., dated the 1st May 1926, I am directed to forward a copy of the Assam Primary Education Bill, 1925, together with a copy of the report of the Select Committee on the Bill.

2. I am to add that certain important points of the Bill are still under consideration.

I have the honour to be,

Sir,

Your most obedient servant,

G T Lloyd

Second Secretary to the Government of Assam.

10/5/26.

A.C.J.P.—A 187—22-6 1921—2409—30,000

(The amendments made by the Select Committee are underlined).

THE ASSAM PRIMARY EDUCATION BILL, 1925.

(As revised by the Select Committee.)

A BILL

To provide facilities for the introduction of compulsory Primary Education in the Province of Assam.

WHEREAS it is expedient to make better provision for primary education and to compel the attendance of children at primary schools :

And whereas the previous sanction of the Governor General has been obtained, under section 80A, sub-section (3), of the Government of India Act, to the passing of this Act ;

It is hereby enacted as follows :—

PART I.

1. (1) This Act may be called the Assam Primary Education Act, 1925.

Short title.

(2) This Act shall come into force on such date or dates as the Local Government may, by notification, direct.

Commencement and extent.

(3) Part I of this Act shall extend to the whole of Assam, excluding the backward tracts. Part II of this Act shall extend only to those local areas to which it may be applied in accordance with the provisions of Part I.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) To "attend" a recognised primary school, means to be regularly present for instruction at such a school on such days, at such time or times, and for such period or periods on each day as may be prescribed.

(2) "Child" means a "boy" or a "girl" who is not less than six and not more than eleven years of age, at the beginning of a school year.

(3) "The local authority" means :—

(*a*) in an area constituted a municipality under the Assam Municipal Act of 1923, the Municipal Board ; Assam Act I of 1923.

(*b*) in a notified area or union under the Assam Municipal Act of 1923, the members of the town committee or union ; Assam Act I of 1923.

(*c*) in any subdivision or part of a subdivision in which the Assam Local Self-Government Act, 1915, has come into force, the Local Board ; Assam Act I of 1915.

(*d*) in the backward tracts, the district or subdivisional authority.

(4) "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.

(5) "Backward tracts" means the territories in the Province of Assam declared by the Governor General in Council, under sub-section (2) of Section 52A of the Government of India Act, to be 'backward tracts.'

(6) "Prescribed" means prescribed by rules made by the Local Government for the purposes of this Act.

(7) "Primary education" means education in such subjects and up to such standards as may be prescribed.

(8) "Recognized primary school" means a school or part of a school in which primary education is given and which is for the time being approved by the education committee or by an appellate authority.

(9) "Education committee" means a committee constituted under section 12 of this Act.

Scheme for introducing compulsion on declaration of local authority.

3. (1) Any local authority may resolve, by a majority of two-thirds of the members present, at a meeting specially convened for the purpose, to propose that Part II of this Act shall be applied to the whole or any part of the area within its jurisdiction or to the children of either sex or both sexes resident in the area within its jurisdiction, with or without the exemption of any particular community or communities.

(2) When a resolution has been passed under sub-section (1), the local authority shall publish it locally in the prescribed manner, and any adult person or persons likely to be affected thereby and objecting thereto in whole or in part, may, within 40 days of the date of the publication of the resolution, object thereto in writing; and the local authority shall, at a meeting convened for the purpose, take his objection into consideration.

(3) If no such objections are received by the local authority, or if after consideration of any objection or objections received, the local authority decide at a meeting specially convened for the purpose by a resolution carried by the votes of at least two-thirds of the members present at such meeting, to proceed according to their resolution passed under sub-section (1), with or without modification, the local authority shall submit to the Government for consideration the resolution as published, the objection or objections, if any, received, and the modification or modifications, if any, decided on.

(4) The local authority shall at the same time submit to the Local Government in such form or forms as may be prescribed, a statement showing all necessary particulars relating to the measures necessary for making adequate provision in recognized primary schools for the education of all children who will be required to attend school in the event of the resolution being sanctioned and the means and ability of the local authority to undertake the work.

(5) The Local Government may thereupon sanction or refuse to sanction the action resolved on or may on one or on successive submissions refer the resolution or any modification thereof, to the local authority for further consideration, and sanction or refuse to sanction the action finally resolved upon by the Local authority.

Share of cost of providing primary education.

4. (1) Subject to any rules which the Local Government may make in this behalf, the local authority of any area which resolves to introduce a scheme of compulsory primary education under section 3, shall have to find one-third of the cost of the scheme either from its own funds, without prejudice to its other responsibilities or by levying an education cess by a resolution carried by a two-third majority of a meeting specially called for the purpose on persons residing or holding property within its area. And the Local Government shall provide to the local authority the remaining two-third of the cost entailed by the scheme.

Provided that no person shall be liable to pay such cess if the children of the class of persons or community to which he belongs have been exempted under this part of the Act.

(2) The proceeds of the education cess and of all sums, received either from Government or from the Local authority or under sections 16 and 17 shall be called the Education fund and applied by the local authority, solely, to the provision of primary education under this Act and purposes connected therewith.

(3) The incidence of the education cess, the maximum and the minimum rates of assessment and the manner of collection shall be prescribed.

Scheme for introducing compulsion on initiative of Local Government.

5. (1) It shall be lawful, for the Local Government, on the recommendation of the Legislative Council to call upon any local authority to submit a scheme to provide compulsory primary education, and the statement shall contain all necessary particulars, as prescribed.

(2) Every local authority shall, within the prescribed period, submit as complete a scheme as is possible on the lines mentioned above.

(3) The Government may, after such enquiry as seems necessary, sanction such a scheme with or without modification and simultaneously direct that Part II of this Act be applied within the area of that local authority.

(4) If the scheme is sanctioned, the Government shall bear two-thirds of the cost of the scheme. If the resources at the disposal of the local authority are inadequate to provide the balance of the cost from its own funds, the local authority shall be bound to impose an education cess in the manner provided in section 4, or the Local Government may itself impose such cess in the area of compulsion to finance the scheme.

(5) If a local authority, when called upon by Local Government, makes default in preparing a scheme, or after a scheme has been sanctioned as above, omits to make adequate provision for compulsory primary education in accordance with the scheme as sanctioned and to bring into operation or to keep in operation such scheme, the

Government may, after due enquiry, appoint a person or persons to prepare the scheme or to bring it into operation, or to continue to keep it in operation, as the case may be, or to do all or any of these things, and the expense thereof shall be paid by the local authority to the Government.

(6) If the expense is not so paid, the Government may make an order directing any person who has, for the time being, custody of any money on behalf of the local authority either as banker or in any relation, to pay such expense from such monies as he may have in his hands or may, from time to time, receive, and such person shall be bound to obey such order.

Notification.

6. (1) When the scheme for compulsory primary education is sanctioned by the Local Government on a resolution of the local authority under section 3 or when the scheme is inaugurated on the initiation of the Local Government under section 5, the local authority shall issue a Notification, that, with effect from the beginning of the school session in the year following, primary education shall be compulsory in terms of the sanction and of this Act within the area specified in the resolution.

Provided always that such notification shall not issue less than six months before the date on which it is to receive effect.

(2) Every notification under sub-section (1) shall be published in the *Assam Gazette* and shall be advertised locally in such manner as may be prescribed.

General exemptions by Local Government.

7. The Local Government may by notification in the *Assam Gazette* exempt children of either sex or both sexes of any particular class or community in any area of compulsion or part thereof, from the operation of Part II of this Act.

Misapplication of educational fund.

8. If the Local Government consider that the educational fund of any local authority has been, or is about to be misused or misapplied, they may call upon such local authority for an explanation of such misuse or misapplication, and if not satisfied with the explanation given, may make such reduction in the grants payable to such local authority as they deem proper.

Review by Local Government.

9. If the Local Government is of opinion that a local authority has made default in any of the requirements of this Act, and in particular, if a local authority has introduced compulsory primary education under section 3, fails to impose such cess as is necessary the Local Government may, by notification stating the grounds of the order, cancel, suspend, limit or modify any notification which has been issued under section 6 or may make such other order as to the Local Government may seem fit.

Compulsory primary education in Hill Districts.

10. The Local Government may at any time introduce both parts of this Act, whenever it thinks fit and on such terms, as to cost, as it seems proper, in areas of backward tracts.

Rules.

11. (1) The Local Government may by notification make rules which shall be laid before the Legislative Council, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may—

(*a*) prescribe in consultation with local authorities, the subjects, the standards and duration of primary education under section 2, sub-sections (1) and (6) ;

(*b*) prescribe the particulars required under sections 3 and 5, the form or forms, in which such particulars are to be submitted to the Local Government ;

(*c*) prescribe the incidence of the education cess, levied under sections 4 and 5, the maximum and minimum rates of assessment and the manner of collection ;

(*d*) prescribe the manner in which a notification under section 6, sub-section (1) is to issue, and section 6, sub-section (2) is to be locally advertised ;

(*e*) prescribe the manner in which education committees shall be constituted under section 12, the number of members, the period of office, the duties, powers and responsibilities of such education committees, the manner in which they shall transact their business, their relations with the local authority and the circumstances in which separate education committees shall or may be appointed for separate portions of an area in respect of which a notification has issued under Part II of this Act ;

(*f*) prescribe the action required of education committees under section 13 for enforcement of the Act ;

(*g*) prescribe the conditions warranting exemption from the obligation on guardians imposed by section 15.

PART II.

Education Committee.

12. (1) Where a notification under section 6 has been issued in respect of any area, the local authority shall appoint an education committee for the said area or separate education committees for separate portions of the said area, in accordance with rules prescribed.

(2) Every education committee shall be constituted in such manner and for such period and shall have such duties, powers and responsibilities as shall be prescribed.

Function of Education Committee.

13. (1) In particular and without prejudice to the generality of the provisions of this Act, it shall be the duty of education committees to enforce the provisions of this Act in regard to the attendance at school and the employment of children.

(2) From such date, as the Government may direct, in this behalf, in respect of each education committee and subject to the general control of the local authority, the education committee shall exercise and perform such powers and duties as may be enacted in this Act or prescribed under the rules framed thereunder.

(3) It shall be the duty of the education committees to obtain and keep a record of such information as may be necessary for the purpose of securing the observance of sections 14 and 17 of this Act.

Obligation on guardian to send children to school.

14. Where a notification under section 6 is in force in any area, every guardian shall cause his child or children to attend a recognized primary school in such area except in so far as such child or children may be exempted from school attendance under section 7 or section 15 :

Provided always that no guardian shall be compelled to cause a child to attend a school which is maintained by a religious mission or organization in the interests of the religion or sect—not being the religion or sect of the guardian—which the mission or organization has been embodied to propagate.

Exemption from attendance at school.

15. A guardian shall not be compelled to send his children to school—

(*a*) when they are receiving education otherwise than in a recognized primary school to the satisfaction of the prescribed education committee ;

(*b*) when they have already completed primary education prescribed ;

(*c*) where it is impracticable or inexpedient that they should attend school, on account of illness, disease, injury, affliction, infirmity or other cause of this or of any nature regarded as sufficient by the education committee in accordance with rules prescribed in this behalf ;

(*d*) where there is no recognized primary school within a distance of two miles from their homes, or which in the opinion of the education committee is not readily or conveniently accessible even though within two miles of their homes ;

(*e*) when they have been exempted by the education committee on religious grounds, or on account of social custom.

Warning for failure to discharge obligation (section 14) and for interference (section 17).

16. (1) When the education committee has reason to believe that a guardian of any child within its area is failing to discharge the obligation, created by section 14 or that any person is interfering with the attendance of a child or children at a recognised primary school in the manner detailed in section 17, it shall warn him in writing to cause the child or children concerned to attend school, or to discontinue the offence under section 17, as the case may be, within one week from the receipt of such warning.

Action against defaulting guardian.

(2) When an education committee is satisfied that a guardian has failed to cause his child or children to attend school, or an employer is interfering with such attendance by a child or children, even after the warning mentioned in sub-section (1), it shall cause a complaint against such guardian or employer to be presented to a magistrate or a bench of magistrates having local jurisdiction.

(3) If satisfied that the complaint is well founded the magistrate shall pass an order directing the guardian or employer to cause the child or children concerned to attend school regularly after a specified date.

(4) If the guardian fails to comply with such order, the education committee shall sanction his prosecution, and, on conviction by a magistrate, the guardian shall be liable to a fine not exceeding five rupees.

Provided that any person who has on two or more occasions been convicted under this section shall on further conviction be liable to a fine not exceeding Rs. 20.

Penalty for employment of children or interference with their attendance at school.

17. Any person, other than the guardian, who shall utilise the time or services of a child in connection with any employment, whether for remuneration or not, in such way or at such time as to interfere with the attendance of the child at a recognised primary school, and fails to comply with orders passed under section 16, sub-section (3), shall be prosecuted by the education committee, and shall on conviction before a magistrate be liable to a fine not exceeding Rs. 10 for a first offence and not exceeding Rs. 25 for each subsequent offence.

Complaint and limitation on prosecution.

18. (1) No court shall take cognizance of any offence under sections 16 and 17 except upon complaint made by the education committee or on behalf of the committee by a member duly authorised in this behalf, and unless a warning under section 16 has been given and disregarded.

(2) A prosecution under sections 16 and 17 shall be time-barred unless filed within two months of the specified date mentioned in section 16, clause (3).

Disposal of fines.

19. All fines levied by any magistrate in respect of an offence against the provisions of this Act shall be credited to the funds of the local authority.

No fees and free books, etc., where recommended.

20. (1) No fees shall be charged from any pupil for tuition in any recognised primary school maintained or aided by the local authority.

(2) The children of necessitous guardians too poor to buy books and writing materials, when recommended by the education committee, shall be provided with the use of necessary books and writing materials free of cost by the local authority.

Enforcement of Act and maintenance of schools, etc.

21. (1) The local authority and the education committee concerned shall be responsible for the enforcement of the provisions of this part of the Act.

(2) The local authority shall provide and maintain such school accommodation and equipment and shall employ such educational staff as the Director of Public Instruction may consider necessary.

Inspection of offices, books and accounts of local authorities and education committees.

22. (1) The offices, books and accounts of local authorities and education committees shall be open to inspection and audit at all times by any officer or officers empowered in this behalf by the Local Government by general or special order.

Inspection of schools.

(2) All recognized primary schools shall be open to inspection at all times by any officer or officers empowered in this behalf by the Local Government by general or special order.

Appeal.

23. An appeal from the refusal of the education committee to 'recognise' a primary school under section 2, sub-section 7 shall lie to the Local authority and thence to the Director of Public Instruction.

A. S. P. O. (L. R.) No. 205—200—5-3-1926—O. M. B.

REPORT OF THE SELECT COMMITTEE ON THE ASSAM PRIMARY EDUCATION BILL, 1925.

The undersigned members of the Select Committee deliberated over the Bill on 27th and 28th February 1926 (Maulavi Rashid Ali Laskar, M. L. C., being absent on the second day) and recommend as follows :—

1. That the words 'Hill Districts' in section 1, clause (3), Section 2, clause (3) (*d*) and Section 10 be replaced by the words 'backward tracts'.

2. That in Section 2, the following definition of 'backward tracts' be inserted and the clauses renumbered :—

'Backward tracts' means the territories in the Province of Assam declared by the Governor-General in Council under sub-section (2) of Section 52A of the Government of India Act, to be 'backward tracts'.

That in clause (2), Section 2, the words 'at the beginning of a school year' be added after the word 'age'.

That in clause (7) of Section 2, the words 'instruction in' be omitted while the words 'the Government.....approval' in the last 2 lines be replaced by the words 'an appellate authority'.

3. That in Section 3 clause (1), the words 'the local limits of its authority' be substituted for the words 'its jurisdiction'.

That the words 'of any particular.....communities' be omitted and that the words 'with or without the exemption of any particular community or communities' be added after the word 'jurisdiction' at the end of the paragraph.

Clause 3.—Add 'such' after 'no' in the first line and omit 'within.....days' in the second line.

Clause 5.—Add 'and sanction or refuse to sanction the action finally resolved upon by the Local Authority' at the end of the paragraph.

Clause 6.—Omit it.

4. *Section* 4, *clause* (1).—For 'subjecting.....activities' substitute 'prejudice to its other responsibilities.'

Proviso to clause (1).—For 'section 7.....this' substitute 'this Part of the.'

Clause (2).—Add 'either from Government or from the Local Authorities or' after the word 'received' in line 2.

Add 'called the Education Fund and' after 'be' in line 3.

5. *Section* 5, *clause* (1).—Add 'on the recommendation of the Legislative Council' after 'Government' in line 2.

Substitute 'statement' for 'scheme.'

Substitute 'all necessary particulars, as prescribed' for 'the following particulars' in the last line.

Omit sub-clauses (*a*) to (*g*).

Clause (4).—Omit 'without affecting.....education.'

Replace the word 'half' by 'two-thirds' in line 5.

Omit 'additional.....annual' in lines 5 and 6.

Clause (5)—Add 'or persons' after 'persons' in line 9.

Add 'or to do all or any of these things' after the words 'may be' in line 11.

6. *Section* 6, *clause* (1).—For '1st of January' substitute 'beginning of the school session.'

Proviso clause.—Omit the words 'or more than twelve.'

7. *Section* 9.—Omit the words 'The actions.....generality' from the beginning of the section, and the words 'whose resources are inadequate' and 'to make their resources adequate.'

8. *Section* 11, *clause* (1).—Add the words 'which shall be laid before the Legislative Council' after the word 'rules' in line 2.

Clause (2)(*c*).—Substitute 'sections 4 and 5' for 'section 4.....sub-section (4).'

9. *Section* 15, *clause* (*a*).—Omit 'Primary' from line 1.

(*b*) Omit 'the course of' and 'prescribed.'

(*c*) Omit the whole clause.

(*f*) Add 'or social custom' at the end of the clause.

10. *Section* 16, *clause* (1).—Substitute 'interfering with the attendance of a child or children at a recognised Primary School in the manner detailed, in' for the words 'guilty of an offence under,' in line 6.

11. *Section* 17.—Omit clause (2) and remove the number from clause (1).

12. *Section* 18, *clause* (2).—Substitute 'Prosecution' for 'Complaint' and 'specified date mentioned in section 16, clause (3)' for 'offence complained of.'

13. *Section* 23.—Insert 'Local authority and thence to the' after the word 'the' in line 4.

One of the Committee has signed the report subject to a note of dissent; otherwise this report is unanimous. Srijuts Kamakhyaram Baruah, Nilmoni Phukan and Rai Bahadur Amar Nath Ray being absent, have not signed the report.

The Committee do not consider that republication of the Bill is necessary in consequence of the alterations suggested. The Bill was published in English in the *Assam Gazette* of September 2, 1925.

SAIYID MUHAMMAD SAADULLA.

RASHID ALI LASKAR.

J. R. CUNNINGHAM.

H. C. GARBETT.

*BRAJENDRA NARAYAN CHAUDHURI.

BEPIN CHANDRA GHOSE.

FAIZNUR ALI.

ABDUL RAHIM CHAUDHURI.

---

* Subject to minute of dissent:—

MINUTE OF DISSENT.

I have not been able to agree as to paragraphs 7 and 8 dealing with sections 9 and 11.

BRAJENDRA NARAYAN CHAUDHURI.

(1) fw

(2) L.em. 1666 A / 30.4.26.

Madras office

Please ask the Assam Govt for papers connected with the Assam Primary Education Bill 1925.

J.V.T.K. 27.4.26

A

Draft Subd

28.4.26

29/4.

30/4

p. 1 C.F [Letter no 1666A-1 dy 1.5.26]

p. 2 [C no 1847A] from the Govt of Assam no 2642 dy 10.5.26

The papers on pages 2-11 C.F are submitted for perusal

24/5/26

Please note the distinctive features of the Bill as compared with the provisions of the Madras Act—Only the broad differences.

24/5.

Omit in print

The main points an which the Assam Bill differs from the Madras E.E.Act, 1920 are:-

(1) The Assam Bill does not provide for the constitution of D.E.Cs. as in Madras;

(2) Share of the cost of providing compulsor education.

Share of cost of providing primary education.

Subject to any rules which the Local Go may make in this behalf, the local authority of any area which resolves to introduce a scheme of compulsory primary education ~~(under section 3)~~, shall have to find one-third the cost of the scheme either from its own funds, without prejudice to its other responsibilities or by levying an education cess by a resolution carried by a two-third majority o a meeting specially called for the purpose, on persons residing or holding property within its area And the Local Government shall provide to the loc authority the remaining two-third of the cost entailed by the scheme.

~~Provided that no person shall be liable to pay such cess if the children of the class of persons of community to which he belongs have been exempted under this part of the Act.~~

No such proportion has been ~~deferred~~ defined in the Madras Act, but on the other hand there is nothing in the Assam Bill corresponding to section 37 of the Madras E.E.Act and the proviso to that section laying down that the Government should contribute every year from Provincial funds

(i) an amount equal to the education tax collected by a local authority; and

(ii) an amount equal to the expenditure incurred by the local authority from Provincial fu in the year preceding that in which the Madras Act was introduced.

3. Under the Assam Bill the initiative in the matter of introducing compulsion may be taken by the Government themselves on the recommendation of the Legislative Council. In such cases also the Government should bear two thirds of the cost of the scheme and the balance should be borne by the local authority concerned. If the resources of the

local authority are inadequate to provide its share of the cost it shall be bound to impose an education cess or the Local Government may themselves impose such cess in the area of compulsion to finance the scheme.

Again If a local authority when called upon by the Local Government makes default in preparing a shheme for the introduction of Compulsory education or after a scheme has been sanctioned as above, omits to make adequate provision for compulsory primary education in accordance with the scheme as sanctioned and to bring into operation or to keep in operation such scheme, the Government may, after due enquiry appoint a person or persons to prepare the scheme or to bring it into operation, or to continue to keep it in operation, as the case may be, or to do all or any of these things and the expense thereof shall be paid by the local authority to the Government.

Section 5(5) of p 4 CF

Exemption from compulsion and tax

See 3(1) of p 3 CF

4. When a local authority resolves to introduce a scheme of compulsory education it may, under the Assam Bill, provide for the exemption of the children of any particular community or communities from the operation of the scheme. In the Madras Act also there is provision for Government exempting ~~persons~~ any person or class of persons from compulsion. But according to the Assam Bill no person who is a member of the community or communities so exempted shall be liable to pay the education cess. Under the Madras Act no person or class of persons can be so exempted from the payment of education tax.

Vide See 48 of the Act

Vide proviso to Section 4(1) of p 4 CF

Rate of tax

5. The maximum and the minimum rates at which the education cess can be levied are not specified in the Assam bill. It is left to the local Government to frame rules prescribing the rates. In Madras, S. 31 of the Act fixes a maximum rate

Section 4(3) of p 4 CF

Date of effect of scheme

6. According to the Assam Bill the scheme of compulsory education ~~bill~~ can take effect only from the beginning of the school session in the year following that in which the notification is published in the Gazette provided also that such notification is published not less than six months before the date on which it is to receive effect. Under the Madras Act the scheme will have effect from the date to be specified in the notification

Sec 6(1) of p 5 CF

Vide proviso to do- S. 46 q Madras Act

Religious instruction

7. ~~Section 5 and 6 Duties.~~

According to the Assam Bill no guardian shall be compelled, etc., etc.

Vide proviso to Sec 14 of p 7 CF

SECRETARY TO GOVT. OF MADRAS
16 JUN 1926
EDUCATIONAL DEPARTMENT

~~That no guardian shall be compelled to~~ cause a child to attend a school which is maintained by a religious mission or organization in the interests of the religion or sect - not being the religion or sect of the guardian - which the mission or organization has been embodied to propagate."

The corresponding provision in the Madras Act is reproduced below:-

"If at any elementary school under private management and in receipt of aid under section 42 the children are required to be present during religious instruction based on the distinctive doctrines or creed of any particular religion, sect or denomination, and not less than ten guardians of children attending such school make an application in writing to the district educational council for the provision of elementary education in such a manner as to obviate their compulsory presence during religious instruction, the district educational council, on being satisfied that the requisite provision does not already exist in some other neighbouring elementary school, shall require the manager of the school to enter into an agreement for the exemption from presence during religious instruction of all children whose guardians make a written request therefor.

Cl 3075

D.P.I may like to see these papers.

1.6

Educ 1047 A-1/26

D.P.I U.O D.P.I. W.O Reply No. 1380-B Dated 12-6-26

Returned with thanks. Section 5(5) would be useful in this Presidency

L. Ed 2233 A 16/6/26.

12.6.26

GOVERNMENT
3 JUN 1926
EDUCATIONAL DEPARTMENT

DIRECTOR OF PUBLIC INSTRUCTION
C 13813/26
4-JUN 1926
MADRAS

5

Submitted for order Law (Edn.) Dept.
2.26

~~& the introduction of~~ a provision similar to the one in Section 5 (5) of the Assam Bill is to be introduced in Madras, the Madras E.E Act will have to be amended. This may be noted for inclusion in any Bill for amendment of the Act which may be taken up.

17/6/26

28/6 V.T.K 19.6

5

Sagm

Print up V.T.K 19.6

Law (Edn.) Dept.

A draft order recording the papers is submitted for approval.

25/6/26

2. The papers will be recorded as directed by Secretary above

28/6 V.T.K

5 9/6

E.E Act re Assam Primary Education bill - papers recorded

SECRETARY TO GOVT. OF MADRAS 1 JUL 1926 DEPARTMENT

SECRETARY TO GOVT. OF MADRAS 24 JUN 1926 LAW DEPARTMENT

SECRETARY TO GOVERNMENT OF MADRAS 22 JUN 1926 LAW

Law (Edn.) Dept.

13/7/26

13th

FOR RECORD ONLY

1320 Law (Education) G.O. No. 1 , 1 July 1926

Elementary Education Act—The Assam Primary Education Bill—Papers recorded.

READ—the following papers:—

I

Letter from the Assistant Secretary to the Government of Madras, Law (Education) Department to the Chief Secretary to the Government of Assam, Educational Department, dated Fort St. George, the 1st May 1926, No. 1666 A-1.

I am directed to request that, if there is no objection, this Government may be furnished, as early as possible, with a set of the papers connected with the Assam Primary Education Bill, 1925.

II

Letter from G. T. LLOYD, Esq., I.C.S., Second Secretary to the Government of Assam, Educational Department, to the Secretary to the Government of Madras, Law (Education) Department, dated Shillong, the 10th May 1926, No. 2642-E.

In compliance with the request contained in your letter No. 1666 A-1, dated the 1st May 1926, I am directed to forward a copy of the Assam Primary Education Bill, 1925, together with a copy of the report of the Select Committee on the Bill.

2. I am to add that certain important points of the Bill are still under consideration.

ENCLOSURES

(1)

(The amendments made by the Select Committee are underlined.)

THE ASSAM PRIMARY EDUCATION BILL, 1925.

(As revised by the Select Committee.)

A Bill to provide facilities for the introduction of compulsory primary education in the Province of Assam.

WHEREAS it is expedient to make better provision for primary education and to compel the attendance of children at primary schools:

And whereas the previous sanction of the Governor-General has been obtained, under section 80 (*a*), sub-section (3), of the Government of India Act, to the passing of this Act;

It is hereby enacted as follows:—

PART I.

Short title. 1. (1) This Act may be called the Assam Primary Education Act, 1925.

Commencement and extent. (2) This Act shall come into force on such date or dates as the Local Government may, by notification, direct.

(3) Part I of this Act shall extend to the whole of Assam, excluding the backward tracts. Part II of this Act shall extend only to those local areas to which it may be applied in accordance with the provisions of Part I.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—

(1) To "attend" a recognised primary school means to be regularly present for instruction at such a school on such days, at such time or times, and for such period or periods on each day as may be prescribed.

(2) "Child" means a "boy" or a "girl" who is not less than six and not more than eleven years of age, at the beginning of a school year.

14 JUL 1926

(3) "The local authority" means—

(*a*) in an area constituted a municipality under the Assam Municipal Act, of 1923, the Municipal Board; Assam Act I of 1923.

(*b*) in a notified area or union under the Assam Municipal Act of 1923, the members of the town committee or union; Assam Act I of 1923.

(*c*) in any subdivision or part of a subdivision in which the Assam Local Self-Government Act, 1915, has come into force, the Local Board; and Assam Act I of 1915.

(*d*) in the backward tracts, the district or subdivisional authority

(4) "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.

(5) "Backward tracts" means the territories in the Province of Assam declared by the Governor-General in Council, under sub-section (2) of section 52A of the Government of India Act, to be backward tracts.'

(6) "Prescribed" means prescribed by rules made by the Local Government for the purposes of this Act.

(7) "Primary education" means education in such subjects and up to such standards as may be prescribed.

(8) "Recognized primary school" means a school or part of a school in which primary education is given and which is for the time being approved by the education committee or by an appellate authority.

(9) "Education committee" means a committee constituted under section 12 of this Act.

Scheme for introducing compulsion on declaration of local authority.

3. (1) Any local authority may resolve, by a majority of two-thirds of the members present, at a meeting specially convened for the purpose, to propose that Part II of this Act shall be applied to the whole or any part of the area within its jurisdiction or to the children of either sex or both sexes resident in the area wthin its jurisdiction, with or without the exemption of any particular community or communities.

(2) When a resolution has been passed under sub-section (1), the local authority shall publish it locally in the prescribed manner, and any adult person or persons likely to be affected thereby and objecting thereto in whole or in part may, within 40 days of the date of the publication of the resolution, object thereto in writing; and the local authority shall, at a meeting convened for the purpose, take his objection into consideration.

(3) If no such objections are received by the local authority, or if, after consideration of any objection or objections received, the local authority decide at a meeting specially convened for the purpose by a resolution carried by the votes of at least two-thirds of the members present at such meeting, to proceed according to their resolution passed under sub-section (1), with or without modification, the local authority shall submit to the Government for consideration the resolution as published, the objection or objections, if any, received, and the modification or modifications, if any, decided on.

(4) The local authority shall at the same time submit to the Local Government in such form or forms as may be prescribed, a statement showing all necessary particulars relating to the measures necessary for making adequate provision in recognized primary schools for the education of all children who will be required to attend school in the event of the resolution being sanctioned and the means and ability of the local authority to undertake the work.

(5) The Local Government may thereupon sanction or refuse to sanction the action resolved on or may on one or on successive submissions refer the resolution or any modification thereof, to the local authority for further consideration, and sanction or refuse to sanction the action finally resolved upon by the local authority.

Share of cost of providing primary education.

4. (1) Subject to any rules which the Local Government may make in this behalf, the local authority of any area which resolves to introdue a scheme of compulsory primary education under section 3, shall have to find one-third of the cost of the scheme either from its own funds, without prejudice to its other responsibilities or by levying an education cess by a resolution carried by a two-third majority of a meeting specially called for the purpose on persons residing or holding property within its area. And the Local Government shall provide to the local authority the remaining two-thirds of the cost entailed by the scheme.

Provided that no person shall be liable to pay such cess if the children of the class of persons or community to which he belongs have been exempted under this part of the Act.

(2) The proceeds of the education cess and of all sums, received either from Government or from the local authority or under sections 16 and 17 shall be called the Education fund and applied by the local authority, solely, to the provision of primary education under this Act and purposes connected therewith.

(3) The incidence of the education cess, the maximum and the minimum rates of assessment and the manner of collection shall be prescribed.

Scheme for introducing compulsion on initiative of Local Government.

5. (1) It shall be lawful, for the Local Government, on the recommendation of the Legislative Council to call upon any local authority to submit a scheme to provide compulsory primary education, and the statement shall contain all necessary particulars, as prescribed.

(2) Every local authority shall, within the prescribed period, submit as complete a scheme as is possible on the lines mentioned above.

(3) The Government may, after such enquiry as seems necessary, sanction such a scheme with or without modification and simultaneously direct that Part II of this Act be applied within the area of that local authority.

(4) If the scheme is sanctioned, the Government shall bear two-thirds of the cost of the scheme. If the resources at the disposal of the local authority are inadequate to provide the balance of the cost from its own funds, the local authority shall be bound to impose an education cess in the manner provided in section 4, or the Local Government may itself impose such cess in the area of compulsion to finance the scheme.

(5) If a local authority, when called upon by Local Government, makes default in preparing a scheme, or after a scheme has been sanctioned as above, omits to make adequate provision for compulsory primary education in accordance with the scheme as sanctioned and to bring into operation or to keep in operation such scheme, the Government may, after due enquiry, appoint a person or persons to prepare the scheme or to bring it into operation, or to continue to keep it in operation, as the case may be, or to do all or any of these things, and the expense thereof shall be paid by the local authority to the Government.

(6) If the expense is not so paid, the Government may make an order directing any person who has, for the time being, custody of any money on behalf of the local authority either as banker or in any relation, to pay such expense from such moneys as he may have in his hands or may, from time to time, receive, and such person shall be bound to obey such order.

Notification.

6. (1) When the scheme for compulsory primary education is sanctioned by the Local Government on a resolution of the local authority under section 3 or when the scheme is inaugurated on the initiation of the Local Government under section 5, the local authority shall issue a notification, that, with effect from the beginning of the school session in the year following, primary education shall be compulsory in terms of the sanction and of this Act within the area specified in the resolution.

Provided always that such notification shall not issue less than six months before the date on which it is to receive effect.

(2) Every notification under sub-section (1) shall be published in the *Assam Gazette* and shall be advertised locally in such manner as may be prescribed.

General exemptions by Local Government.

7. The Local Government may by notification in the *Assam Gazette* exempt children of either sex or both sexes of any particular class or community in any area of compulsion or part thereof, from the operation of Part II of this Act.

Misapplication of educational fund.

8. If the Local Government consider that the educational fund of any local authority has been, or is about to be misused or misapplied, they may call upon such local authority for an explanation of such misuse or misapplication, and if not satisfied with the explanation given, may make such reduction in the grants payable to such local authority as they deem proper.

Review by Local Government.

9. If the Local Government is of opinion that a local authority has made default in any of the requirements of this Act, and in particular, if a local authority has introduced compulsory primary education under section 3, fails to impose such cess as is necessary the Local Government may, by notification stating the grounds of the order, cancel, suspend, limit or modify any notification which has been issued under section 6 or may make such other order as to the Local Government may seem fit.

Compulsory primary education in Hill Districts.

10. The Local Government may at any time introduce both parts of this Act, whenever it thinks fit and on such terms, as to cost, as it seems proper, in areas of backward tracts.

Rules.

11. (1) The Local Government may by notification make rules which shall be laid before the Legislative Council to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may—

(*a*) prescribe in consultation with local authorities, the subjects, the standards and duration of primary education under section 2, sub-sections (1) and (6);

(*b*) prescribe the particulars required under sections 3 and 5, the form or forms, in which such particulars are to be submitted to the Local Government;

(*c*) prescribe the incidence of the education cess, levied under sections 4 and 5, the maximum and minimum rates of assessment and the manner of collection;

(*d*) prescribe the manner in which a notification under section 5, sub-section (1) is to ~~is to~~ issue, and section 6, sub-section (2) is to be locally advertised;

(*e*) prescribe the manner in which education committees shall be constituted under section 12, the number of members, the period of office, the duties, powers and responsibilities of such education committees, the manner in which they shall transact their business, their relations with the local authority and the circumstances in which separate education committees shall or may be appointed for separate portions of an area in respect of which a notification has issued under Part II of this Act;

(*f*) prescribe the action required of education committes under section 13 for enforcement of the Act;

(*g*) prescribe the conditions warranting exemption from the obligation on guardians imposed by section 15.

Part II.

Education Committee.

12. (1) Where a notification under section 6 has been issued in respect of any area, the local authority shall appoint an education committee for the said area or separate education committees for separate portions of the said area, in accordance with rules prescribed.

(2) Every education committee shall be constituted in such manner and for such period and shall have such duties, powers and responsibilities as shall be prescribed.

Function of Education Committee.

13. (1) In particular and without prejudice to the generality of the provisions of this Act, it shall be the duty of education committees to enforce the provisions of this Act in regard to the attendance at school and the employment of children.

(2) From such date, as the Government may direct, in this behalf, in respect of each education committee and subject to the general control of the local authority, the education committee shall exercise and perform such powers and duties as may be enacted in this Act or prescribed under the rules framed thereunder.

(3) It shall be the duty of the education committees to obtain and keep a record of such information as may be necessary for the purpose of securing the observance of sections 14 and 17 of this Act.

Obligation on guardian to send children to school.

14. Where a notification under section 6 is in force in any area, every guardian shall cause his child or children to attend a recognized primary school in such area except in so far as such child or children may be exempted from school attendance under section 7 or section 15.

Provided always that no guardian shall be compelled to cause a child to attend a school which is maintained by a religious mission or organization in the interests of the religion or sect—not being the religion or sect of the guardian—which the mission or organization has been embodied to propagate.

Exemption from attendance at school.

15. A guardian shall not be compelled to send his children to school—

(*a*) when they are receiving education otherwise than in a recognized primary school to the satisfaction of the prescribed education committee;

(*b*) when they have already completed primary education prescribed;

(*c*) where it is impracticable or inexpedient that they should attend school, on account of illness, disease, injury, affliction, infirmity or other cause of this or of any nature regarded as sufficient by the education committee in accordance with rules prescribed in this behalf;

(*d*) where there is no recognized primary school within a distance of two miles from their homes, or which in the opinion of the education committee is not readily or conveniently accessible even though within two miles of their homes;

(*e*) when they have been exempted by the education committee on religious grounds, or on account of social custom.

Warning for failure to discharge obligation (section 14) and for interference (section 17).

16. (1) When the education committee has reason to believe that a guardian of any child within its area is failing to discharge the obligation, created by section 14 or that any person is interfering with the attendance of a child or children at a recognised primary school in the manner detailed in section 17, it shall warn him in writing to cause the child or children concerned to attend school, or to discontinue the offence under section 17, as the case may be, within one week from the receipt of such warning.

(2) When an education committee is satisfied that a guardian has failed to cause his child or children to attend school, or an employer is interfering with such attendance by a child or children, even after the warning mentioned in sub-section (1), it shall cause a complaint against such guardian or employer to be presented to a magistrate or a bench of magistrates having local jurisdiction.

Action against defaulting guardian.

(3) If satisfied that the complaint is well founded the magistrate shall pass an order directing the guardian or employer to cause the child or children concerned to attend school regularly after a specified date.

(4) If the guardian fails to comply with such order, the education committee shall sanction his prosecution, and, on conviction by a magistrate, the guardian shall be liable to a fine not exceeding five rupees.

Provided that any person who has on two or more occasions been convicted under this section shall on further conviction be liable to a fine not exceeding Rs. 20.

17. Any person, other than the guardian, who shall utilize the time or services of a child in connection with any employment, whether for remuneration or not, in such way or at such time as to interfere with the attendance of the child at a recognized primary school, and fails to comply with orders passed under section 16, sub-section (3), shall be prosecuted by the education committee, and shall on conviction before a magistrate be liable to a fine not exceeding Rs. 10 for a first offence and not exceeding Rs. 25 for each subsequent offence.

Penalty for employment of children or interference with their attendance at school.

18. (1) No court shall take cognizance of any offence under sections 16 and 17 except upon complaint made by the education committee or on behalf of the committee by a member duly authorized in this behalf, and unless a warning under section 16 has been given and disregarded.

Complaint and limitation on prosecution.

(2) A prosecution under sections 16 and 17 shall be time-barred unless filed within two months of the specified date mentioned in section 16, clause (3).

Disposal of fines.

19. All fines levied by any magistrate in respect of an offence against the provisions of this Act shall be credited to the funds of the local authority.

No fees and free books, etc., where recommended.

20. (1) No fees shall be charged from any pupil for tuition in any recognized primary school maintained or aided by the local authority.

(2) The children of necessitous guardians too poor to buy books and writing materials, when recommended by the education committee, shall be provided with the use of necessary books and writing materials free of cost by the local authority.

Enforcement of Act and maintenance of schools, etc.

21. (1) The local authority and the education committee concerned shall be responsible for the enforcement of the provisions of this part of the Act.

(2) The local authority shall provide and maintain such school accommodation and equipment and shall employ such educational staff as the Director of Public Instruction may consider necessary.

Inspection of offices, books and accounts of local authorities and education committees.

22. (1) The offices, books and accounts of local authorities and education committees shall be open to inspection and audit at all times by any officer or officers empowered in this behalf by the Local Government by general or special order.

Inspection of schools.

(2) All recognized primary schools shall be open to inspection at all times by any officer or officers empowered in this behalf by the Local Government by general or special order.

Appeal.

23. An appeal from the refusal of the education committee to 'recognise' a primary school under section 2, sub-section (7) shall lie to the Local authority and thence to the Director of Public Instruction.

(2)

Report of the Select Committee on the Assam Primary Education Bill, 1925.

The undersigned members of the Select Committee deliberated over the Bill on 27th and 28th February 1926 (Maulavi Rashid Ali Laskar, M.L.C., being absent on the second day) and recommend as follows:—

1. That the words 'Hill Districts' in section 1, clause (3), section 2, clause (3) (*d*), and section 10 be replaced by the words 'backward tracts'.

2. That in section 2, the following definition of 'backward tracts' be inserted and the clauses re-numbered:—

'Backward tracts' means the territories in the Province of Assam declared by the Governor-General in Council under sub-section (2) of section 52A of the Government of India Act, to be 'backward tracts'.

That in clause (2), section 2, the words 'at the beginning of a school year' be added after the word 'age'.

That in clause (7) of section 2, the words 'instruction in' be omitted while the words 'the Government . . . approval' in the last two lines be replaced by the words 'an appellate authority'.

3. That in section 3, clause (1), the words 'the local limits of its authority' be substituted for the words 'its jurisdiction'.

That the words 'of any particular . . . communities' be omitted and that the words 'with or without the exemption of any particular community or communities' be added after the word 'jurisdiction' at the end of the paragraph.

Clause 3.—*Add* 'such' after 'no,' in the first line and *omit* 'within . . . days' in the second line.

Clause 5.—*Add* 'and sanction or refuse to sanction the action finally resolved upon by the Local Authority' at the end of the paragraph.

Clause 6.—*Omit* it.

4. *Section* 4, *clause* (1).—*For* 'subjecting . . . activities' *substitute* 'prejudice to its other responsibilities'.

Proviso to clause (1).—*For* 'section 7 . . . this' *substitute* 'this Part of the'.

Clause (2).—*Add* 'either from Government or from the Local Authorities or' after the word 'received' in line 2.

Add 'called the Education Fund and' after 'be' in line 3.

5. *Section* 5, *clause* (1).—*Add* 'on the recommendation of the Legislative Council' after 'Government' in line 2.

Substitute 'statement' *for* 'scheme'.

Substitute 'all necessary particulars, as prescribed' *for* 'the following particulars' in the last line.

Omit sub-clauses (*a*) to (*g*).

Clause (4).—*Omit* 'without affecting . . . education'.

Replace the word 'half' by 'two-thirds' in line 5.

Omit 'additional . . . annual' in lines 5 and 6.

Clause (5).—*Add* 'or persons' after 'persons' in line 9.

Add 'or to do all or any of these things' after the words 'may be' in line 11.

6. *Section* 6, *clause* (1).—*For* '1st of January' *substitute* 'beginning of the school session'.

Proviso clause.—*Omit* the words 'or more than twelve'.

7. *Section* 9.—*Omit* the words 'The actions . . . generality' from the beginning of the section, and the words 'whose resources are inadequate' and 'to make their resources adequate'.

8. *Section* 11, *clause* (1).—*Add* the words 'which shall be laid before the Legislative Council' after the word 'rules' in line 2.

Clause (2) (*c*).—*Substitute* 'sections 4 and 5' *for* 'section 4 . . . sub-section (4)'.

9. *Section* 15, *clause* (*a*).—*Omit* 'Primary' from line 1.

(*b*) *Omit* 'the course of' and 'prescribed'.

(*c*) *Omit* the whole clause.

(*f*) *Add* 'or social custom' at the end of the clause.

10. *Section* 16, *clause* (1).—*Substitute* 'interfering with the attendance of a child or children at a recognised Primary School in the manner detailed, in' *for* the words 'guilty of an offence under,' in line 6.

11. *Section* 17.—*Omit* clause (2) and remove the number from clause (1).

12. *Section* 18, *clause* (2).—*Substitute* 'Prosecution' *for* 'Complaint' and 'specified date mentioned in section 16, clause (3)' *for* 'offence complained of'.

13. *Section* 23.—*Insert* 'Local authority and thence to the' after the word 'the' in line 4.

One of the Committee has signed the report subject to a note of dissent; otherwise this report is unanimous. Srijuts Kamakhyaram Baruah, Nilmoni Phukan and Rai Bahadur Amar Nath Ray being absent, have not signed the report.

The Committee do not consider that republication of the Bill is necessary in consequence of the alterations suggested. The Bill was published in English in the *Assam Gazette* of September 2, 1925.

SAIYID MUHAMMAD SAADULLA.
RASHID ALI LASKAR.
J. R. CUNNINGHAM.
H. C. GARBETT.
*BRAJENDRA NARAYAN CHAUDHURI.
BEPIN CHANDRA GHOSE.
FAIZNUR ALI.
ABDUL RAHIM CHAUDHURI.

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* Subject to minute of dissent—

MINUTE OF DISSENT.

I have not been able to agree as to paragraphs 7 and 8 dealing with sections 9 and 11.

BRAJENDRA NARAYAN CHAUDHURI.

Order—No. , Law (Education), dated July 1926.

Recorded.

(By order of the Government, Ministry of Education)

V. T. Krishnama Achariyar,
Secretary to Government.

Copy to the Director of Public Instruction.

Press
Please carry out corrections & strike copies

NOTES CONNECTED WITH G.O. No. 1, LAW (EDUCATION), DATED 1 JULY 1926.

[SUBJECT.—~~*Elementary Education Act*~~—*The Assam Primary Education Bill.*]

LAW (EDUCATION) DEPARTMENT.

Please ask the Assam Government for papers connected with the Assam Primary Education Bill, 1925.

V. T. KRISHNAMA ACHARIYAR—27-4-26.

Draft submitted.

A.S.—29-4-26. S.A.—29-4-26. C. RAMANUJA ACHARIYAR—30-4-26.

[Letter No. 1666-A/1, dated 1st May 1926.]

From the Government of Assam, No. 2642, *dated* 10*th May* 1926.

The main points on which the Assam Bill differs from the Madras Elementary Education Act, 1920, are—

(1) *District Educational Councils.*—The Assam Bill does not provide for the constitution of *district educational councils* as in Madras.

(2) *Share of the cost of providing compulsory education.*—Subject to any rules which the Local Government may make in this behalf, the local authority of any area which resolves to introduce a scheme of compulsory primary education shall have to find one-third of the cost of the scheme either from its own funds, without prejudice to its other responsibilities or by levying an education cess by a resolution carried by a two-third majority of a meeting specially called for the purpose on persons residing or holding property within its area. And the *Local Government shall provide* to the local authority the remaining *two-thirds* of the cost entailed by the scheme.

Share of cost of providing primary education.

2. No such proportion has been defined in the Madras Act; but on the other hand there is nothing in the Assam Bill corresponding to section 37 of the Madras Elementary Education Act and the proviso to that section laying down that the Government should contribute every year from Provincial funds:—

(i) an amount equal to the education tax collected by a local authority; and

(ii) an amount equal to the expenditure incurred by the local authority from Provincial funds in the year preceding that in which the Madras Act was introduced.

3. *Initiative by the Government for introduction of compulsion.*—Under the Assam Bill the initiative in the matter of introducing compulsion may be taken by the Government themselves on the recommendation of the Legislative Council, while the Madras Act does not contain any similar provision. In such cases also the Government should bear two-thirds of the cost of the scheme and the balance should be borne by the local authority concerned. If the resources of the local authority are inadequate to provide its share of the cost, it shall be bound to impose an education cess or the Local Government may themselves impose such cess in the area of compulsion to finance the scheme.

Again if a local authority when called upon by the Local Government makes default in preparing a scheme for the introduction of compulsory education or after a scheme has been sanctioned as above omits to make adequate provision for compulsory primary education in accordance with the scheme as sanctioned and to bring into operation or to keep in operation such scheme, the Government may, after due enquiry, appoint a person or persons to prepare the scheme or to bring it into operation, or to continue to keep it in operation, as the case may be, or to do all or any of these things and the expense thereof shall be paid by the local authority to the Government.

4. *Exemption from compulsion and tax.*—When a local authority resolves to introduce a scheme of compulsory education it may, under the Assam Bill, provide for the exemption of the children of any particular community or communities from the operation of the scheme. In the Madras Act also there is provision for Government exempting any person or class of persons from compulsion. But according to the Assam Bill no person who is a member of the community or communities so exempted shall be liable to pay the education cess. Under the Madras Act no person or class of persons can be so exempted from the payment of education tax.

5. *Rate of tax.*—The maximum and the minimum rates at which the education cess can be levied are not specified in the Assam Bill. It is left to the Local Government to frame rules prescribing the rates. In Madras, section 34 of the Act fixes a maximum rate.

6. *Date of effect of scheme.*—According to the Assam Bill the scheme of compulsory education can take effect only from the beginning of the school session in the year following that in which the notification is published in the Gazette provided also that such notification is published not less than six months before the date on which it is to receive effect. Under the Madras Act the scheme will have effect from the date to be specified in the notification.

7. *Religious instruction.*—According to the Assam Bill no guardian shall be compelled "to cause a child to attend a school which is maintained by a religious mission or organization in the interests of the religion or sect—not being the religion or sect of the guardian—which the mission or organization has been embodied to propagate."

The corresponding provision in the Madras Act is reproduced below:—

"If at any elementary school under private management and in receipt of aid under section 42 the children are required to be present during religious instruction based on the distinctive doctrines or creed of any particular religion, sect or denomination, and not less than ten guardians of children attending such school make an application in writing to the district educational council for the provision of elementary education in such a manner as to obviate their compulsory presence during religious instruction, the district educational council, on being satisfied that the requisite provision does not already exist in some other neighbouring elementary school, shall require the manager of the school to enter into an agreement for the exemption from presence during religious instruction of all children whose guardians make a written request therefor."

A.S.—28-5-26. S.A.—28-5-26. C. RAMANUJA ACHARIYAR—30-5-26.

The Director of Public Instruction may like to see these papers.

V. T. KRISHNAMA ACHARIYAR—1-6-26.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION.

Returned with thanks. Section 5 (5) would be useful in this Presidency.

R. G. GRIEVE—12-6-26.

LAW (EDUCATION) DEPARTMENT.

Submitted for orders.

2. If a provision similar to the one in section 5 (5) of the Assam Bill is to be introduced in Madras, the Madras Elementary Education Act will have to be amended. This may be noted for inclusion in any Bill for amendment of the Act which may be taken up.

Yes.
V.T.K.—19-6-26.

A.S.—17-6-26. S.A.—17-6-26. C.R.—18-6-26.
V.T.K.—19-6-26.

~~Print up.~~
~~V.T.K.—19-6-26.~~

Seen. The clause has to be recast completely. We had a similar clause in the draft Bill.

A. P. P[ATRO]—22-6-26.

A draft order recording the papers is submitted for approval.

~~2. The papers will be printed as directed by the Secretary above.~~

A.S.—25-6-26. S.A.—25-6-26. C.R.—28-6-26.
V.T.K.—29-6-26.

[G.O. No. 1320, Law (Education), dated 13 July 1926.]

Sectt. II-5.(5)—25,000—25-11-25. (6)

12 Law (Edn) (24)

Law (Edn) DEPARTMENT.

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‡ *To be initialled and dated.*

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.

(*b*1) For rules regarding printing of notes, see rule 315 of the office Manual.

(*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 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 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, only the first time when they appear on the left side, the initials alone being printed later.

[P.T.O.]

TO PRESS, MADRAS, OOTY.

A

Pleasee send proof in duplicate. The papers have been carefully edited.

3/7/26 *Referencer.*
Clerk.

Supt.

B

Proof returned corrected. Please strike off and send number of copies as indicated.

Type may be released ~~after usual interval~~, at once.

Referencer.
Clerk.

Supt.

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.

Referencer.
Clerk.

Supt.

SPECIAL INSTRUCTIONS.

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.
Received in Press on..... 3/7/26	.....
First proof furnished on..... 8/7/26	.....
Call for revised proof received on.....	.....
Revised proof furnished on.....	.....
Corrected proof received for striking on.....	.....
Final copies supplied on.....	.....

Account of copies.	Complete copies.	Notes.	Issue copies.	Special E.T. edition.
Supplied to Secretariat for Record.....	.....	.....	.....	.....
„ „ „ Issue.....	.....	.....	.....	.....
„ „ „ for Extra E.T. copies to supply requisitions for sale to the public.	.....	.....	.....	4
For Volumes.....	.....	.....	.....	.....
For supply to newspapers and institutions admitted to the privileges of the E.T.	.....	.....	.....	.....
Total ...				