Sectt. II-27—104,000—4-11-40.

Education (1947) Department.

Press. SERIES. (I) Close

M
2/8/7

G.O. NO. 1236 Edn.

Dated 13. 6. 1947.

[Despatch Abstract.]

Elementary Education Dept Rules. Draft Amendments published for criticism.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O	2216	Edn	16.10.47				

Government of Madras

EDUCATION AND PUBLIC HEALTH
(Education)

②

G.O. No. 1236, 13th June 1947

Elementary Education Act—Rules—Draft Amendments published for criticism.

Order—No. 1236, Education, dated 13th June 1947.

The Madras Elementary Education Act, 1920, was amended in 1946 providing for the transfer to the District Educational Officers of the power to impose penalties on guardians of defaulting pupils in areas where elementary education has been made compulsory. The Amendment Act has been brought into force from 1st June 1947. The rules framed under the Elementary Education Act require revision consequent on the provisions of the Amendment Act. Certain amendments to the rules have also been found necessary for the effective working of the scheme of compulsory elementary education. A draft of the amendments proposed to be made will be published for criticism.

2. The appended notification will be published in the *Fort St. George Gazette*.

(By order of His Excellency the Governor)

M. V. Subramanian,
Secretary to Government.

To the Special Officers of all District Boards.
" all Executive Authorities of Municipal Councils.
" the Commissioner, Corporation of Madras (through the Mayor).
" the Superintendent, Government Press (for publication of notification in the *Fort St. George Gazette*).
" the Director of Public Instruction.
" the Legal Department.

APPENDIX.

NOTIFICATION.

The following draft of certain amendments, to the rules published with Law (Education) Department Notification No. 45, dated the 21st February 1922, at pages 146-178 of Part I-B of the *Fort St. George Gazette*, dated the 21st February 1922, as subsequently amended, which it is proposed to make in exercise of the powers conferred by section 56 of the Madras Elementary Education Act, 1920 (Madras Act VIII of 1920), is hereby published for the information of all persons likely to be affected thereby, as required by section 56 (1) of the said Act.

Notice is hereby given that the draft amendments will be taken into consideration after six weeks from the date of publication of this notification and that objections and suggestions which may be received from any person with respect thereto before the expiry of the period aforesaid will be considered by the Government of Madras.

DRAFT AMENDMENTS.

In the said rules—

I. Under the heading " section 44—Compulsory Elementary Education ".—

(1) in rule 7, for the words " Director of Public Instruction " the words " Divisional Inspector of Schools concerned " shall be substituted and to the same rule, the following proviso shall be added, namely :—

" Provided that in the case of the attendance committees constituted separately for girls' schools the nomination of members may be made by the Director of Public Instruction."

(2) in rule 8—

(*a*) at the end of sub-rule (1), the following sentence shall be added, namely :—

" In any area under the jurisdiction of a District Board where compulsory education is introduced, on or after 1st August 1945, the Senior Deputy Inspector or Junior Deputy Inspector who has jurisdiction over that area shall be president of the committee constituted under rule 7 ".

(*b*) sub-rules (3) and (4) shall be renumbered as sub-rules (4) and (5) respectively and the following shall be inserted as sub-rule (3), namely :—

" (3) In non-municipal areas the village munsif shall be an ex officio member of the Committee ".

(3) in the second paragraph of rule 9, for the word " one-half " the word one-third shall be substituted.

(4) for rule 11, the following rule shall be substituted, namely :—

" The final defaulter's list shall be prepared by each headmaster in the form in Appendix 4 and submitted to the President of the Committee constituted under rule 7, an office copy being maintained in the school in a register with numbered pages."

II. For the rule under the heading " Section 50 (iii)—Prescribed Officer for granting exemptions from attendance ", the following rule shall be substituted, namely :—

" In areas in respect of which notification under section 46 of the Madras Elementary Eduction Act, 1920, has been issued, the District Educational Officer of the district in which a child is resident shall be the prescribed Officer for purposes of section 50 (iii) of the Act."

III. For the rules under the heading " Section 51 (1)—Enforcement of compulsion " the following rules shall be substituted, namely :—

1. (1) The President of the Committee constituted under rule 7 of the rules framed under section 44 shall serve or cause to be served a notice on the guardian of the defaulting pupil or pupils calling on the guardian to appear before him to explain the default at a specified place in the compulsory area at a specified time and on a specified date.

(2) The notice referred to in sub-rule (1) shall be issued after the receipt of the defaulters list from the headmasters. At least ten days shall be allowed between the date of service of the notice and the date fixed under sub-rule (1).

(3) If the guardian fails to appear on the date fixed to explain the default, the President of the Committee shall report the matter to District Educational Officer who shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

(4) If the guardian applies for time for explaining the default, the President may, if the reasons given are satisfactory, grant time not exceeding a week and may appoint another date for his appearance. If the guardian does not appear even on that date, his case shall be reported to the District Educational Officer who shall impose a penalty in accordance with sub-section (1) of section 51.

(5) If the President considers that the reasons adduced are not satisfactory, he may refuse to grant the time asked for under sub-rule (4). He shall then report the case to the District Educational Officer who shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

(6) If the guardian appears at the place and date specified under sub-rule (1), the president shall conduct an oral enquiry and record in writing the explanation of the guardian for the absence of the child or children from school in the presence of at least one nominated member of the Committee. He shall then forward the records of the case to the District Educational Officer.

(7) The District Educational Officer shall on receipt of the records referred to in sub-rule (6) investigate whether the absence of the child is covered by any one of the grounds specified in section 50. If not, he shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

2. Every order imposing a penalty under rule 1 shall be communicated to the person on whom it is imposed, to the headmaster of the school, to the President of the Committee, to the president, district board, or the Commissioner, Corporation of Madras, or the executive authority of the municipal council, as the case may be, and to the village munsif in areas within the jurisdiction of district boards.

3. In the City of Madras and in other municipalities, the Commissioner shall take steps to collect the penalties, imposed under rule 1. In areas within the jurisdiction of district boards, the penalties shall be collected by the village munsif concerned.

4. For the first breach of the obligation created by section 49, no penalty shall be imposed and the guardian shall be let off with a warning, but, for the second and every subsequent breach, a penalty shall be levied on the following scale :—

	Minimum.			Maximum.		
	RS.	A.	P.	RS.	A.	P.
Second breach	0	12	0	0	15	0
Third breach	1	8	0	1	14	0
Fourth breach	2	4	0	2	13	0
Fifth breach	3	0	0	3	12	0
Sixth and subsequent breaches	6	0	0	7	8	0

5. No penalty shall be levied on any guardian after the lapse of one full quarter from the date of receipt of the report of default by the President of the Committee.

6. No penalty shall be imposed in respect of any default occurring in any quarter which has not been reported upon in the quarter succeeding the same.

7. Every notice issued by the President of the Committee to a guardian and every order imposing any penalty on a guardian shall be served on him by the village munsif in non-municipal areas. A copy of the memorandum forwarding the notice or order to the village munsif shall be sent to the Tahsildar concerned for information. In municipal areas the notice or order shall be sent to the executive authority of the municipality who shall arrange for the service of the notice or order on the guardian through a suitable municipal employee. The service of the notice or order in the City of Madras may be effected in the manner laid down in section 374 of the Madras City Municipal Act, 1919. The Commissioner, Corporation of Madras, or the executive authority of a municipal council or the village munsif., as the case may be, shall return the counterfoil of the notice to the President of the Committee and the counterfoil of the order of the District Educational Officer specifying the date on which the notice or order has been served with the signature of the guardian. In cases where the counterfoil cannot be returned with the signature of the guardian, a report as to the mode of service should be made to the President of the Committee or to the District Educational Officer, as the case may be.

8. If any difficulty arises in the interpretation or enforcement of these rules, the matter shall be reported to the Director of Public Instruction whose decision thereon shall be final.

IV. (1) In Appendix 3, for note (iii), the following shall be substituted, namely :—

" (iii) In areas where compulsory elementary education has been introduced on or after the 1st August 1945, compulsion cannot be enforced in the case of a boy if he has completed fourteen years of age and in the case of a girl if she has completed twelve years of age. Compulsion may however be enforced up to the age of fourteen if the girl is reading in a special girls' school functioning in those areas. In other areas compulsion cannot be enforced in respect of children of either sex, if they have completed twelve years of age."

(2) In Appendix 4, for items 7 and 8, the following items shall be *substituted*, namely :—

" 7. Date of report to the President of the Committee constituted under rule 7 of the rules framed under section 44 of the Elementary Education Act.

8. Issue of notice by the President of the Committee."

167/40 S/— 24/6/47

(4)

Government of Madras

EDUCATION AND PUBLIC HEALTH
(Education)

G.O. No. 1236, 13th June 1947

Elementary Education Act—Rules—Draft Amendments published for criticism.

Order—No. 1236, Education, dated 13th June 1947.

The Madras Elementary Education Act, 1920, was amended in 1946 providing for the transfer to the District Educational Officer's of the powers to impose penalties on guardians of defaulting pupils in areas where elementary education has been made compulsory. The Amendment Act has been brought into force from 1st June 1947. The rules framed under the Elementary Education Act require revision consequent on the provisions of the Amendment Act. Certain amendments to the rule have also been found necessary for the effective working of the scheme of compulsory elementary education. A draft of the amendments proposed to be made will be published for criticism.

2. The appended notification will be published in the *Fort St. George Gazette*.

(By order of His Excellency the Governor)

M. V. Subramanian,
Secretary to Government.

To the Special Officers of all District Boards.
,, all Executive Authorities of Municipal Councils (through the Chairmen of Municipal Councils).
,, the Commissioner, Corporation of Madras (through the Mayor).
,, the Superintendent Government Press (for publication of notification in the *Fort St. George Gazette*).
,, the Director of Public Instruction.
,, the Legal Department.

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Notice is hereby given that the draft amendments will be taken into consideration after six weeks from the date of publication of this notification and that objections and suggestions which may be received from any person with respect thereto before the expiry of the period aforesaid will be considered by the Government of Madras.

DRAFT AMENDMENTS.

In the said rules—

1. Under the heading " section 44—Compulsory Elementary Education."

(1) in rule 7, for the words " Director of Public Instruction " the words " Divisional Inspector of Schools concerned " shall be substituted and to the same rule the following proviso shall be added, namely :—

" Provided that in the case of the attendance committees constituted separately for girls, schools the nomination of members may be made by the Director of Public Instruction."

27

(2) in rule 8—

(a) at the end of sub-rule (1), the following sentence shall be added, namely :—

" In any area under the jurisdiction of a District Board where compulsory education is introduced, on or after 1st August 1945, the Senior Deputy Inspector or Junior Deputy Inspector who has jurisdiction over that area shall be president of the committee constituted under rule 7 ".

(b) sub-rules (3) and (4) shall be renumbered as sub-rules (4) and (5) respectively and the following shall be inserted as sub-rule (3), namely—

" (3) In non-municipal areas the village munsif shall be an ex officio member of the Committee ".

(3) in the second paragraph of rule 9, for the word " one-half " the word one-third shall be substituted.

(4) for rule 11, the following rule shall be substituted, namely :—

" The final defaulter's list shall be prepared by each headmaster in the form in Appendix 4 and submitted to the President of the Committee constituted under rule 7, an office copy being maintained in the school in a register with numbered pages."

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III. For the rules under the heading " Section 51 (1)—Enforcement of compulsion " the following rules shall be substituted, namely :—

1. (1) The President of the Committee constituted under rule 7 of the rules framed under section 44 shall serve or cause to be served a notice on the guardian of the defaulting pupil or pupils calling on the guardian to appear before him to explain the default at a specified place in the compulsory area at a specified time and on a specified date.

(2) The notice referred to in sub-rule (1) shall be issued after the receipt of the defaulters list from the headmasters. At least ten days shall be allowed between the date of service of the notice and the date fixed under sub-rule (1).

(3) If the guardian fails to appear on the date fixed to explain the default, the President of the Committee shall report the matter to District Educational Officer who shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

(4) If the guardian applies for time for explaining the default, the President may, if the reasons given are satisfactory, grant time not exceeding a week and may appoint another date for his appearance. If the guardian does not appear even on that date, his case shall be reported to the District Educational Officer who shall impose a penalty in accordance with sub-section(1) of section 51.

(5) If the President considers that the reasons adduced are not satisfactory, he may refuse to grant the time asked for under sub-rule (4). He shall then report the case to the District Educational Officer who shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

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3. In the City of Madras and in other municipalities, the Commissioner shall take steps to collect the penalities, imposed under rule 1. In areas within the jurisdiction of district boards, the penalities shall be collected by the village munsif concerned.

4. For the first breach of the obligation created by section 49, no penalty shall be imposed and the guardian shall be let off with a warning, but, for the second and every subsequent breach, a penalty shall be levied on the following scale :—

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Third breach	1	8	0	1	14	0
Fourth breach	2	4	0	2	13	0
Fifth breach	3	0	0	2	12	0
Sixth and subsequent breaches	6	0	0	7	8	0

---

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8. If any difficulty arises in the interpretation or enforcement of these rules, the matter shall be reported to the Director of Public Instruction whose decision thereon shall be final.

IV. (1) In Appendix 3, for note (iii) the following shall be *substituted*, namely :—

" (iii) In areas where compulsory elementary education has been introduced on or after the 1st August 1945, compulsion cannot be enforced in the case of a boy if he has completed fourteen years of age and in the case of a girl if she has completed twelve years of age. Compulsion may however be enforced up to the age of fourteen if the girl is reading in a special girls' school functioning in those areas. In other areas compulsion cannot be enforced in respect of children of either sex, if they have completed twelve years of age."

(2) In Appendix 4 for items 7 and 8, the following items shall be *substituted*, namely;—

" 7. Date of report to the President of the Committee constituted under rule 7 of the rules framed under section 44 of the Elementary Education Act."

8. Issue of notice by President of the Committee."

Scott. 11-22—9,000—10-10-38.

PRESS SLIP.

ORDINARY. URGENT (*a*). SPECIAL (*a*).

18 JUN 1947

Education DEPARTMENT. ⑥

161 8-6
40

Current No. 38091/B2/47, dated 28. 8. 45 ~~194~~.

G.O. No. 1236, dated 13. 6. 47 194 .

Number of MS. pages sent {(*b*) Correspondence ~~6~~ 8 pages
{(*c*) Notes nil

Brief subject Elementary Education Act Rules. Draft Amendments Published for criticism

(*d*) Number of copies required when struck off (*not including copies for volumes and editors' table which are retained in the Press*). (1)	"Press" copies to supply on requisitions for purchase by the public. (2)	Complete correspondence and orders. (3)	Notes. (4)
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For filing with original		1	
Total ...		~~11~~ 10	

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Govt. of India .... Dept.					
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Home Dept.					
Dev. Dept.					
Finance Dept.					
Legal Dept.					
Sectt. of the Madras Legislature					
Total ...					
Spare copies. The Special Officers of ~~The~~ Dist. Bds	24 ✓				
~~The~~					
The Executive authorities ~~The~~ of Ml. Cls (Hon' CMC)	82 —				
The Commr. Corpn. of ~~The~~ Madras (Hon CMC)	5 ✓				
The S.G.P. (for publication ~~The~~ in the F.S.G.G.)	1 ✓				
The D.P.I.	40 ✓				
The Legal Dept.	2 ✓				
~~The~~ Spare	32 ✓				
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Copies distributed on ‡(Press Despatcher).

‡ *To be initialled and dated.*

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(*a*) If a paper is marked to be printed urgently or as special 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 had 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.

(*c*) For rules regarding printing of notes, see the chapter on printing and proof correction in the Secretariat Office Manual.

(*d*) The number of copies and the details of distribution should be filled in by the Superintendent or clerk concerned.

(*e*) 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.*

(*f*) 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 special of urgent unnecessarily, he should send the Press slip to the Assistant Secretary 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 Assistant Secretary any instance of incomplete or carelesse diting.

(*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 Ministers or Advisers 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.

50

TO PRESS, MADRAS, OOTY.

A

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

..............................Clerk.

2 ....Supt.
13/7/47

B

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

Type may be released after usual interval. / at once.

..............................Clerk.

..............................Supt.

C

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.

..............................Clerk.

..............................Supt.

SPECIAL INSTRUCTIONS.

Certified that the number of copies indented for is the minimum required.

Lb
13/6/47

V. Ramanan
Asst Secy to Govt
Edn. P.H. Dept
2
13/7/47 B2

TO BE FILLED IN BY THE PRESS.

Diary.		Initials of Press official.
Received in Press on	18-6-47.	Lbg
First proof furnished on	24-6-47	Lbg
Call for revised proof received on	/	
Revised proof furnished on	/	
Corrected proof received for striking on	17-7-47.	Lbg
Final copies supplied on	25-7-47.	Lbg

C.NO.2037-B/45. A

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS, DATED 24-5-45.

11

23603 (7)

ASST. SECRETARY TO GOVERNMENT
26 MAY 1945
EDUCATION AND PUBLIC HEALTH DEPT.

From

Dr. B.B.Dey, D.Sc.(Lond.), F.R.I.C.
Officiating Director of Public Instruction, Madras.

To

The Secretary to Government,
Education and Public Health Department.

Sir,

Sub:- Elementary Education Act - Amendment to the rules - suggesting. ---

Under the rules framed under Section 50 (iii) of the Madras Elementary Education Act the District Educational Officer of the District is the prescribed officer to grant exemption from attendance in areas under the jurisdiction of District Boards in respect of which a notification under Section 46 of the Madras Elementary Education Act has been issued. Under the same rule, the Commissioner, Corporation of Madras, in the city and the concerned Chairmen in other Municipal Areas are the prescribed officers to grant exemption from attendance. I consider that the District Educational Officers of the District may be made the prescribed officers in the case of municipalities and Madras City also. I therefore suggest the following amendment to the rules framed under the Madras Elementary Education Act.

For the existing rules framed under Section 50 (iii) of the Madras Elementary Education Act substitute the following "In areas in respect of which a notification under Section 46 of the Madras Elementary Education Act, 1920, has been issued, the District Educational Officer of the District in which a child is resident shall be the prescribed officer for purposes of Section 50 (iii) of the Act."

for Director of Public Instruction.

kp.25/5. sd
25/5

Education and P.H. Deptt.

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⑥

13

MEMORANDUM No. 23603A1 dated 2[illegible].6.45

UD 27/6

6/22-6

Compulsory elementary education--
"Prescribed officer" under section
50(iii) of the Elementary Education
Act.

Under the existing rules, in District Board areas in respect of which a notification under section 46 of the Madras Elementary Education, 1920 has been issued, the District Educational Officer concerned is the prescribed officer for purposes of section 50(iii) of the Act. Following that provision, it has been suggested that the District Educational Officer may be appointed as the prescribed officer for the City of Madras also, instead of the Commr.
municipalities Chairmen
as at present. The Commr., Corpn. of Madras,
Chairman of the * Ml.Cl.
....
is requested to offer his remarks on the suggestion.

25-6-45

* P.T.O.

To ... P.T.O.

Register Number 5173

[illegible]

Subject English II Paper

School at which the Examination is held V.T.H. School

School of which candidate is a pupil V.T.H. School

Veeresalingam Theistic High School, Rajahmundry.

Instructions to Candidates

Before you begin your answers, fill in the above particulars.

You should enter only your register number on this page and also on the first page.

If you enter your S.S.L. Certificate number or your name or both, your answer-book will not be valued.

Write your answers on **both sides of the paper.**

All rough work must be shown on the lower half of the page. No marks will be given where the working by which the answer has been arrived at is not shown.

Do not write in the margin.

No loose sheets of paper will be allowed in the examination room, and no paper must be detached from the answer-books.

In case additional books are used, fasten all the books together.

The answers of candidates must be legibly written.

14

To the C.C.M.
Ch'man,
*.. Ml.Cl.

- * Vellore.
- Kumbakonam.
- Tirunelveli.
- Madura.
- Calicut.
- Vizagapatam.
- Nellore.
- Coimbatore.
- Bezwada.
- Salem.
- Cocanada.

Despd
Krl
27-6-45

A (9) 15

No.4994/45-A3.

Municipal Office, Kumbakonam.
Dated 5--7--1945.

From

Sri M.V.Thiagarajan, M.B.B.S.,
Chairman, Municipal Council, Kumbakonam.

To

The Secretary to Government,
Education and Public Health Department, Madras.

ASST. SECRETARY
[illegible] - JUL 1945
EDUCATION AND PUBLIC HEALTH

Sir,

Compulsory Elementary Education - 'Prescribed Officer' under Section 50(iii) of the Elementary Education Act.
Government Memorandum No.23603-A1, dated 26-6-1945.

From the time of the introduction of the scheme of compulsary elementary education in this municipal town in 1922, the Chairman, Municipal Council, has been functioning as the prescribed officer for purposes of section 50(iii) of the Act and this system has been found in practice effective and smooth working. The Chairman, Municipal Council is the local authority charged with enforcing the penal provisions of the Act; as such it will be proper and fit that he continues to be the 'prescribed officer' as before for the reason he will be easily and readily accessible to the public for representation and examination and the Chairman being the local officer he can personally verify cases easily, coming for exemption under section 50(iii) of the Act, whereas the District Educational Officer having jurisdiction over the district and having more work to do than an Honorary Chairman who after the introduction of the Commissioner in the municipality has more leisure to attend to these things in detail. The District Educational Officer has to be on tour constantly and cannot devote his personal attention necessary in such cases.

I, therefore, think that the present practice of the Chairman being the 'Prescribed Officer' in the Municipal Compulsary Areas under Section 50(iii) of the Act may be continued.

30945

M. V. Thiagarajan
Chairman.

sg.5-7.

16

[illegible]

The replies from other chairmen & the Commissioner Corporation of Madras may be awaited.

9.7.45

9.7.45.

12-7-45

A

(10)

From

Rao Bahadur Sri M.Pattabhiram Reddi, B.A.,
Chairman, Municipal Council,
Vizagapatam.

31820

To

The Secretary to the
Government of Madras,
Education & Public Health,
Madras.

17

L.Dis No. 7086/45 dated 7-7-1945.

Sir,

* Compulsory Elementary Education-"Prescribed Officer" under Section (iii) of the Elementary Education Act.

Ref:- Government Memorandum No.23603-A.1 dated 26th June 1945.

I am in complete agreement with the suggestion that the District Educational Officer may be appointed as the Prescribed Officer, for Municipalities also, for the purposes of section 50 (iii) of the Act, instead of the Chairman at present, the reason being that the District Educational Officer is often in a better position to judge of the satisfactory nature of the instruction received by a pupil claiming exemption from compulsory attendance at an Elementary School. This will also ensure uniformity of procedure in local boards as well as municipalities.

M. Pattabhiram Reddy
Chairman M.C.

C.N.

7/7

A 19

L.Dis.20668-45.

(11)

31821

From

Rao Bahadur Sri P. Rangaswami Naidu, B.A.,B.L.,
Chairman, Municipal Council,
MADURA.

To

The Secretary to Government,
Education and Public Health Department,
MADRAS.

Sir,

EDUCATION - Elementary - Compulsory education - 'Prescribed Officer' under Section 50 (iii) of Elementary Education Act.

Ref: Government Memorandum No.23603-A.1.dated 26th June 1945.

A point has been raised as to whether the District Educational Officer may not be appointed as the 'prescribed officer' for the municipalities instead of the chairmen at at present, so far as the provision of Section 50(iii) of the Madras Elementary Education Act is concerned.

2. As regards the District Board the District Educational Officer is the "prescribed officer." The district board schools are scattered throughout the district and therefore the District Educational Officer has, I presume, been chosen as the 'prescribed officer.' So far as the municipalities are concerned the chairmen are residents within the municipalities and well acquainted with the nature and standard of education given in the schools and as such they will be in a position to find out if the instruction received by a pupil can be declared satisfactory. The parents also will be in a position to satisfy the chairmen on this point. Such instances are very rare. I do not think that so far as the municipalities are concerned the District Educational Officer need be made the prescribed officer.

P. Rangaswami Naidu
10/7/45
Chairman.

A

C.F. 32.

ASST. SECRETARY TO GOVERNMENT
23 JUL 1945
EDUCATION AND PUBLIC HEALTH DEPT.

Received ~~33108~~ Registered 2/

(12)

From (Name) Sri. Rao Bahadur T. S[illegible]
Kantimatinatha Pillai,
Designation Chairman, Municipal Council,
Station Tirunelveli.

The Secretary to the Government
of Madras,
Education & Public Health Department,
Madras.

Enclosures:

No. L.7924/45 dated 20th July 1945.

Sir,

Sub:- Compulsory Education "Prescribed Officer" under section 50(iii) of the Elementary Education Act-appointment of District Educational Officer-not conducive -intimated.

Ref:- Government Memorandum No.23603-A-1 dated 26-6-45.

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In reply to the above I am of opinion that the Chairman of a local Municipality will be the better judge to know the actual condition of the residents living within his jurisdiction rather than a District Educational Officer who has to be guided by the reports of the subordinate officials of the department and that the appointment of the District Educational Officer as the Prescribed Officer contemplated in section 50(iii) of the Elementary Education Act will involve unnecessary ~~kx~~ delay in correspondence and expenditure by way of additional establishment for the work.

T. Sriman Kantimatinathan

Chairman. 20/7/4

20/7 20/7

Memo 23603A-2
28.7.45

Edn. & P.H. Dept.

Compulsory elementary edn.: "Prescribed officer" under section 50(iii) of the Elementary Edn. Act

The Commissioner, Corporation of Madras
Chairman x x
x x x is requested to ~~ex~~ say when the remarks called for in Govt. Memo. 23603A1, of 26.6.45, may be expected.

23.7.45

23.7.45

27.7.45

The Commr. Corporation of Madras ✓

The Chm. x x x ✓

✓ Vellore
✓ Calicut
✓ Vellore
✓ Coimbatore
✓ Bezwada
✓ Salem
~~Cocanada~~

Despd
KM
30-7-45

8
30-7

15

(Special)

ASST. SECRETARY TO GOVERNMENT
26 JUL 1945
EDUCATION AND PUBLIC HEALTH DEPT.

O.F. 32.

In reply, please quote number, date and short title.*

Local Administration DEPARTMENT.

(13)

Received .... Registered ....

From (Name) SriSripada Ramayya, B.A.,

33716

(Designation) Chairman,
Municipal Council,
Post Box ...., (Station) Cocanada.

Telegraphic Address ....

To

The Secretary to Government,
Education & Public Health Department,
Fort St. George, Madras.

L.Dis.No. 5461/45, dated 23rd July 1945.

Sir,

* Subject:-Compulsory Elementary Education - "Prescribed Officer" under sec. 50(iii) of the Elementary Education Act - Remarks - Submitted.

Reference:- Government Memorandum No. 23603-A-1 dated 26th June 1945.

--

Enclosures ....

Spare Copies ....

In the Municipal area the Chairman will have better opportunities than the District Educational Officer to know personally whether any child is receiving instruction satisfactorily or not. Being

/2/

24

121

a local man he is better fitted to contact the parents more often, if necessary, to induce them to see that their children are satisfactorily educated. Such advice is likely to be more effective than the order of an officer of the Educational Department. Further, the District Educational Officer may not have either time or opportunity to make personal enquiries in matters of this kind as he is a district officer having wide area for supervision.

As the Chairman will always be a non-official and the municipal area being a compact one he will have the time and opportunity to be in constant touch with the parents to take interest in the education of the citizens of the place. As such I am of opinion that the Chairman is better fitted than the District Educational Officer in the municipal area to be the "prescribed officer" for purposes of section 50 (iii) of the Elementary Education Act.

Sripada Ramayya
Chairman, M.C.,
Cocanada.

G 24.7.45

ROC.No.B5-8678/45. (14) A 25

Municipal Office,
Vellore, 25-7-45.

From
Sri.N.Somasundara Iyer,
Chairman,
Municipal Council,
Vellore.

To
The Secretary to Government,
Education & Public Health Department,
MADRAS.

28 JUL 1945
34033

Sir,

Sub:- COMPULSORY ELEMENTARY EDUCATION - "Prescribed Officer" under section 50 (iii) of the Elementary education Act

Ref:- Government memorandum No.23603-A.1 E & PH. Department dated 26-6-1945.

---v---

I request that Government may be pleased to inform me what hardships or difficulties have been experienced by having the Chairman as the 'Prescribed Officer' for purposes of Section 50 (iii) of the Madras Elementary Education Act, 1920 and why the change has now been contemplated. The reasons may kindly be intimated to me so that I may be able to offer my remarks on the suggestion.

N.Somasundara Iyer
CHAIRMAN.

Rs.28/a.

27/7/45

G. D. III—365.
1,000—July 1944.

Registered 17

A

194 .

From
J. P. L. SHENOY, Esq., I.C.S.,
Commissioner,
Corporation of Madras.

To
THE SECRETARY
To The Government of Madras,
Education & Pub. Health Department,
FORT ST. GEORGE, MADRAS.

E.D. C. NoC.1.2699 of 1945 , Dated 31-7-45. (15)

Through the Mayor of Madras.

Enclosures : No.

2 AUG 1945

34832

Sir,

Subject:— Compulsory Elementary Education - 'Prescribed Officer' under Section 50 (iii) of the Elementary Education Act, 1920.

Ref:Government Memorandum No.23603 A-1 dated 26-6-45,

In the memorandum cited, Government were pleased to suggest that the District Educational Officer might be made the 'Prescribed Officer' instead of the Commissioner, Corporation of Madras for purposes of Section 50 (iii) of the Madras Elementary Education Act, 1920. I am not in favour of the proposed change for the following reasons:

(1) Under Section 51 (1) of the Madras Elementary Education Act, the Commissioner is the officer responsible for the enforcement of the provisions of Section 49 of the said Act in the City of Madras and for imposing a penalty according to the rules on any guardian who fails to discharge his obligation under that Section. It is, therefore, appropriate that he should continue to be the Prescribed Officer for deciding whether a child claiming exemption on the ground of receiving satisfactory instruction is entitled to such exemption or not.

(2) Section 50 of the Act specifies the grounds on which attendance of a child at school shall not be compulsory. That a child is receiving instruction in some other manner declared to be satisfactory by a 'Prescribed Officer' is one of them. Where a guardian claims exemption of his child from attendance at school on this ground, the Commissioner, Corporation of Madras as the 'Prescribed Officer' under Section 50 (iii) of the Act can grant exemption in the light of the report made by the Deputy Inspector of Schools under Rule 4 of the Rules prescribed under Section 51 (1) of the Act.

(3) When a notice is served on the guardian of a defaulting pupil, the guardian can plead any one of the five grounds specified in

p.t.o.

continue.

~~The ag Head Accountant is exempted from the prescribed qualifications for the Accountant's place, for this period also.~~

38/3/34
Commr

E.O.

2/5/34

2.5.34

~~To individuals concerned~~

Despd
6.5.34

Section 50 of the Act in justification of his Child's default. Every such reply has to be referred to the Deputy Inspector of Schools concerned for investigation and report. The Commissioner passes his orders - either levies a penalty or exempts the child from attendance - only on the strength of the report of the Deputy Inspector. If the District Educational Officer is made the Prescribed Officer as proposed, all replies from the guardians who claim exemption on the ground that the child is receiving instruction in some other satisfactory manner have to be forwarded to the Deputy Inspector of Schools whose reports on such replies should come to the Commissioner only through the District Educational Officer who, as the Prescribed Officer, should decide whether the party is entitled to such exemption or not. Even the District Educational Officer has to rely mostly on the report of his Deputy Inspector in passing orders on such claims for exemption. While in the case of the other 4 grounds for exemption, the Deputy Inspector can forward his remarks direct to the Commissioner, in this particular case, his remarks should come only through the District Educational Officer which means delay. Even as it is, it is becoming difficult to complete the whole process of serving notices on the guardians of defaulting pupils, forwarding their replies to the Deputy Inspector, obtaining his remarks and passing orders on such remarks and serving the final orders on the guardians before the end of the quarter immediately succeeding the one to which the default relates. Any change of procedure which involves further delay will not conduce to effective enforcement of compulsion. I am not, therefore, in favour of the proposed change.

C. Narasim

FOR COMMISSIONER.

Forwarded.

Mayor.

8/1/8

svs.1-8-45.

A

(16)

99

C.F. 32 (a).

MUNICIPAL Department

From (Name) Rao Bahadur Sri A.T.Krishnaswami Mudaliar

Designation Chairman, Municipal Council

Station Coimbatore.

Received .... Registered ....

To

The Secretary to Government,
Education & Public Health Department,
Madras.

8 - AUG 1945

Enclosures:

No. D.Dis.10100/45-C3 dated the 6th August 1945.

Sir,

Sub:- Compulsory Elementary Education - Prescribed Officer under section 50(iii) of the Elementary Education Act.

Ref:- Your No.23603-A1 dated 26th June 45 and reminder dated 28-7-45.

35566

The field of the District Educational Officer is too wide. The Chairman of the Municipality will be able to acquaint himself better about the special circumstances of the children in his jurisdiction, affected by section 50(3) of the Act. Hence my opinion is not in favour of the new suggestion.

A.T. Krishnaswami

Chairman,
Coimbatore Municipal Council.

KSL.7-8.

-7. AUG. 1945

Ref.No.C5-7242/45. A ⑰ Nellore Municipal Office,
Dated: 6.8.1945.

From Sri S. Krishnaiah Chetty, B.A., B.L.,
Commissioner, Nellore Municipality, Nellore.

36112

To The Secretary to Government of Madras,
Education and Public Health Department,
Madras.

ASST. SECRETARY TO GOVERNMENT
11 AUG 1945
EDUCATION AND PUBLIC HEALTH DEPT.

Through

The Chairman,
Municipal Council, Nellore.

Sir,

COMPULSORY ELEMENTARY EDUCATION - Prescribed Officer - Under Section 50 (iii) of the Elementary Education Act.
Ref: Government Memorandum No.23603-A-1, Education dated 26.6.1945 and reminder dated 28.7.1945.

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As the Chairman, Municipal Council, is absent from

p.t.o.

32

the Town, a reply will be submitted to the Government Memorandum quoted above after he returns to the town, i.e. about the 3rd week of this month.

Commissioner. 7/8/45

Forwarded.

8/8.

Vice-Chairman in charge
under Section 18 (1).

krr.6.8.

A (18) 33

Rc.B5-8678/45.

Municipal Council,
Vellore, 6-8-45.

From Sri N.Somasundara Iyer,
Chairman,
Vellore Municipal Council.

To
The Secretary to Government,
Education and Public Health
Department, Madras.

3611

ASST. SECRETARY TO GOV
11 AUG 1945
EDUCATION AND PUBLIC

Sir,

EDUCATION - Compulsory Elementary Education - "Prescribed Officer" under section 50(iii) of the Elementary Education Act.

Government Memo No.23603-A2 E & P.H., dated 28-7-1945.

--v--

In my letter Rc.No.B5-8678/45 dated 25-7-1945, Government were addressed to inform me what hardships or difficulties have been experienced by having the Chairman as "The Prescribed Officer" for purposes of section 50(iii) of the Madras Elementary Education Act, 1920 and why the change has now been contemplated. On receipt of the above information, I may be able to offer my remarks on the suggestion.

N.Somasundaram

CHAIRMAN.

Mg.7/8.a. 7/8

34

has been sanctioned, the Department should examine the application, pl
and specifications in the light of the provisions of the Madras Town
Planning Act and the rules made there under and the proposals and provi
intended to be made in the Town Planning Scheme or contained in the
sanctioned Town Planning Scheme.

(3) The Health Department should scrutinize the plans and
specifications in the light of rules 5, 11, 12, and 13 of the building
rules and also see if the provisions of the Madras Public HealthAct
and the rules made thereunder are satisfied in all respects or are not co
-ravened in any respect. The Public Health aspect of the proposed buil
ventilation, means of smoke secope, drainage of storm water, sullage an
sewage from the premises, Sanitary conveniences, water supply for domestic
purpos s, insanitary conditions, overcrowding, nuisances, etc., should
specially noted.

A 35 LOCAL ADMINISTRATION DEPARTMENT.

From
Sri Rao Sahib D. Govindarajulu,
L.C.P &S.,(Cal.)
Chairman, Municipal Council
Bezwada.

To
The Secretary to the
Government of Madras,
Education & Public
Health Department,
Fort St. George,
MADRAS.

(19)

362/1

12 AUG 1945

L.Dis.12032-45. Dated.8----8---1945.

Sir,

Compulsory Elementary Education - Prescribed Officer under Section 50(iii) of the Elementary Education Act - Remarks - Submitted -

*****

Government Memorandum No.20603-A1 Edn. & P.H.Department dated 26-6-45 and 28-8-45 -

**

I agree with the suggestion of the Government.

P.V.S.9/8. 9-8.

Chairman.M.C., 10/8.

C.F. 32 (*a*).

In reply, please quote number, date and short title.*

A

37

~~Local Administration~~ **DEPARTMENT.**

ASST. SECRETARY TO GOVERNMENT
17 AUG 1945
EDUCATION AND PUBLIC HEALTH DEPT.

Received .... *Registered* ....

20

From (Name) Rao Bahadur Dr. K.V. Suryanarayana Iyer,
B.A., B.L.,
(Designation) Chairman, Municipal Council,
POST BOX ...., (STATION) ~~Calicut.~~
Telegraphic Address ....

36866

To

The Secretary to Government,
Education & Public Health Department,
Madras.

No. ...., *dated* 14th August 1945

Sir,

ENCLOSURES ....

SPARE COPIES ....

* Education - Elementary - Compulsory Education - "Prescribed Officer" under section 50(iii) of the Elementary Education Act - Remarks - Furnished. Memorandum No.23603.A.1., dated 26th June 1945.

In my opinion, the District Educational Officer is the proper officer for granting exemption from attendance. I am, therefore, in favour of the adoption of the suggestion referred to in the Government memorandum cited above.

K.V. Suryanarayana
Chairman. 1578

U

Rc.B5-8678/45. A (4)

Municipal Council,
Vellore, 11-9-45.

From Sri N.Somasundara Iyer,
Chairman, Municipal Council, Vellore.

(22)

To

The Secretary to Government,
Education and Public Health Department, Madras.

13 SEP 1945

Sir,

EDUCATION - Compulsory - Elementary Education - "Prescribed Officer" under section 50(iii) of the Elementary Education Act.
Government Memo No.23603-A1 E & P.H., dated 26-6-1945 and my letters Rc.B5-8678/45 dated 26-7-1945 and 6-8-1945.

40489

---v---

I request that Government may be pleased to issue early orders in the matter.

N.Somasundara

CHAIRMAN.

Mg.11/9.p.

11.9.45

70

~~not to make us to break the gosha~~
~~important for Muslim women. I have~~
~~et to the Chairman, Municipal Council,~~
~~n my letter dated 2--12--54, Copy of which~~
~~rs. J. Nathaniel the present Lady Municipal~~
~~well.~~

~~I beg to remain,~~

~~Sir,~~

~~Your most obedient servant,~~

~~Lalloti Begum~~
~~Hd. Mistress.~~

98/8/10

Education & P.H. (A) Dept.

COMPULSORY Elementary Education - Exemption from attendance as schools - Prescribed officer for Municipal areas.

From the C.M.C., Vellore, Roc.No.B.5.8678/45 dated 25-7-1945.

MEMORANDUM No. 23603 A. 1 Edn. dated 8 October 1945.

- -

The C.M.C., Vellore, is informed that Post-War Education Sub-Committee has recommended that the enforcement of compulsory attendance should be the duty of the Educational Department and not of local bodies and that the proposal in Memorandum No. 23603.A.1.Edn., dated 26-6-1945 to appoint the D.E.O., as a prescribed officer for Municipalities is one of the steps that would be necessary to give effect to that recommendation. The

p 3 CF

p.t.o.

44

-2-

Chairman is also informed that the Government are considering the question of amending Section 51 of the Madras Elementary Education Act with a view to transfer to the D.E.O. the power to impose penalties on guardians of defaulting pupils.

O/M
8760/45

To the C.M.C.
Vellore.

Despd
9-10-45

L.No.8678/45.

(24)

A

45

Municipal Office,
Vellore, 13-10-45.

From
Sri N.Somasundara Iyer,
Chairman,
Municipal Council,
Vellore.

To
The Secretary to Government,
Education and Public Health
Department, Madras.
MADRAS.

19 OCT 1945

46827

Sir,

Sub:- EDUCATION - elementary - Compulsory elementary education - "Prescribed Officer" under section 50 (iii) of the elementary education Act - Change of - Suggestion - Remarks on the - Offered.

Ref:- Government memoes Nos. 23603-A1-Edn dated 26-6-45 and 23603 A-3 Edn., dated 8-10-1945.

---v---

I am not in favour of the suggestion of the Government to appoint the District Educational Officer as the prescribed Officer for the municipalities instead of the chairman as at present, as the proposals involve the taking away of even the very meagre powers which the local bodies possess under the present statue. There is no meaning in the elementary education within municipal limits being financed by the local body and all powers of control exercised by the Educational Department. I do not for a moment concede that the educational authorities are fitted to do the job better than the local bodies concerned.

N.Somasundara Iyer
CHAIRMAN.

16/10. RS.16/10.p.

42 (25)

From
Sri R. Lakshminarasa Reddy,
Chairman, Municipal Council,
Nellore.

To
The Secretary to Government,
Education and Public Health Department,
Madras.

ASST. SECRETARY TO GOVT. EDUCATION AND PUBLIC HEALTH DEPT. 2 - NOV 1945

L.Dis.7242/45 dated 17.10.1945.

Sir,

Education - Elementary - Compulsory Elementary Education Scheme - 'Prescribed Officer' under Section 50 (iii) of the Elementary Education Act.
Ref:- Government Memorandum No.23603.A.1. Education and Public Health, dated 26.6.1945.

46906.

I have no objection to the proposal for the appointment of the

P.T.O.

Order

~~So recommended by~~

The D.R.O. Leave on med. certificate for a period of ~~2~~ one months from 27.8.34 is sanctioned to the teacher

~~This cancels the order N. 6349A/34 d. 28.8.34 sanctioning 15 days leave from 15.8.34~~

O/c

18.9.34

This teacher has not turned up. So the period is altered as 1 month as already applied by him.

17/9

- 2 -

District Educational Officer as prescribed officer for the purpose of Section 50 (iii) of the Elementary Education Act, 1920.

Chairman.

krr.17.10.
17/10

G. D. III—365.
1,00… …ly 1944.

27 AUG 1945

Registered 194 .

4/A

From
J. P. L. SHENOY, Esq., I.C.S.,
Commissioner,
Corporation of Madras.

To
THE SECRETARY
To The Government of Madras,
Education & Pub. Health Department,
FORT ST. GEORGE, MADRAS.

E.DC. No.C.1. 3707 of 1945 , Dated 23-8-45. (26) Through the Mayor of Madras.

Enclosures : Nil No.

Sir,

Subject:— Elementary Education - Compulsion - Enforcement - Handicaps-suggestions for amending rules.

W

In G.O.Mis.No.1042 (Education) dated 13-7-45, Government were pleased to sanction the appointment of an additional staff of two clerks and four attendance checkers for the enforcement of the penal provisions of the Elementary Education Act, 1920, relating to the attendance at school of children of school-age. Necessary steps are being taken, in accordance with the rules framed in G.O.No.206 (Education) dated 29-1-37, to admit into schools children of school age not under instruction. To start with, certain Municipal Divisions in the City where the largest number of defaulting children are residing, have been selected for intensive work.

J

It may, however, be stated that the existing rules for the enforcement of compulsion are somewhat cumbersome and, therefore, tend to be ineffectual. The difficulties encountered in working compulsion according to these rules and my suggestions for removing them as far as possible are set out below.

J

2. Under rule 3 of Section 51 (1) of the Elementary Education Act, 1920, no penalty shall be levied under rule 1 on any guardian after the lapse of one full quarter from the date of receipt of the report of default by the Commissioner. It is found by experience that the time allowed is inadequate owing to the following elaborate procedure to be gone through.

(1) The preparation of notices of defaults in triplicate;

(2) Obtaining the facsimile of the Commissioner on each of the notices;

(3) Serving them on the guardians concerned and obtaining

their signatures on the counterfoils;

(4) Waiting for 10 days* for replies from the guardians (Invariably they do not send replies and the few who do so take their own time)

(5) Forwarding such replies to the Deputy Inspector of Schools for investigation;

(6) Receipt of the remarks of the Deputy Inspector of Schools, and

(7) Finally imposing the penalty as recommended by the Deputy Inspector, and serving the order of penalty on the guardians concerned and obtaining their signatures on the counterfoils.

The remedy lies not in extending the time for levying the penalty as that will make it more belated and therefore less effective but in simplifying the procedure so as to facilitate quick disposal.

3. The procedure may, therefore, be simplified as follows:-

(a) As soon as the defaulters' lists are received by the Commissioner, Corporation of Madras, he shall serve or cause to be served a notice calling on the guardians to appear before him or the Educational Officer duly authorised by him in this behalf at a specified Corporation School in each Municipal Division and at a specified time and date to explain the default. Time not exceeding ten days may be fixed for the purpose. If a guardian fails to appear on the specified date for acceptable reasons, he may at the discretion of the Commissioner or by the Educational Officer authorised by him be granted some more time not exceeding a week. If he fails to attend even then, the Commissioner may pass orders summarily imposing the penalty, unless one or another of the grounds specified in Section 50 of the Elementary Education Act exists. At the time of holding this enquiry one or more of the non-official members of the Attendance Committee pertaining to the region may be requested to be present.

(b) Punishment: The guardian may be let off with a warning for the first breach and a penalty not exceeding Rs.5/- for the second and third and subsequent breaches may be levied by the Commissioner or by the Educational Officer authorised by him in this behalf.

(c) With regard to service of summons, the signature of the guardians on the counterfoils need not be insisted on, as the guardians sometimes refuse to sign the counterfoil. It is also found difficult to obtain the signatures of the guardians with the date of service particularly in the labour and slum areas as the guardians leave their homes early in the morning and return late in the evening. The service may be effected in the manner specified in Section 374 of the Madras City Municipal Act 1919 (as amended).

4. If all children of elementary school-age not attending any school have to be brought under instruction, a correct census of all children of elementary school-age in the City has got to be taken and maintained uptodate. At present, this census is taken with the help of the school teachers, both public and aided. As there is no penal provision for failure on the part of the public to furnish particulars regarding children of school-age, the figures that are now being collected cannot be considered accurate or reliable. It is, therefore, suggested that a rule may be framed under Section 49 of the Elementary Education Act - "Responsibility of the guardian", as shown below:-

"A guardian of a child of Elementary School-age should furnish within 15 days after the reopening of the schools in the school year or before the 30th June every year whichever is earlier, particulars, in the prescribed form, relating to children of elementary school-age under his charge, to the Headmaster of the Corporation School in his division or to such other Headmaster as may be notified.

A penal clause may also be inserted for default on the part of the guardian in this respect. A fine not exceeding Rs.50/- as in the case of failure to register births and deaths may be imposed. The penal clause may run as follows:-

"If a guardian fails to register the name of a child of Elementary School-age under his or her charge living in a compulsory area, and to furnish particulars about it as required in the prescribed form, to the Headmaster of the Corporation School in his division or to any other headmaster in the division as may be required, within 15 days after the reopening of the schools in the new school year or before the 30th June of every year, whichever is earlier, he shall be deemed to have failed to discharge his obligation created by Section 49 of the Act and shall be punishable with a fine which shall extend upto Rs.50/-."

5. The authority, so far as the Madras City compulsory area is concerned, for the imposition of fine may be the Presidency Magistrate having jurisdiction over the area in which the school is located and the fine so levied may be made recoverable as property tax.

6. It is well known that, owing to economic conditions, children aged between 9 and 12 or 13 are also employed in beedy factories, tailoring houses, hotels and other such places. Apart from the action ~~taken~~ that may be taken on the guardians of such children for default, it is considered necessary to penalise the employers of child labour. The following rule may also be framed under Section 56 (1) of the Elementary Education Act:-

"If a school-age child living in an area where compulsory Elementary Education under Section 44 of the Elementary Education Act is in force, is employed and ~~has~~ does not attend~~ed~~ any elementary school, the employer or employers of such child shall on prosecution before a Presidency Magistrate be liable to punishment with a fine which may extend upto Rs.50/-."

7. The Government Inspecting authorities insist that 25 per cent of children reading in Standard I should be found in Standard V. As a result of representation made to the Director of Public Instruction, this rule has been slightly modified so as to exclude the scheduled class children reading in Standard I. This alone will not be helpful. Various other reasons stand in the way of maintaining the proportion of 25% of strength of Standard I in Standard V. Children migrate to aided schools and to primary sections attached to secondary schools and they are admitted as 'private study' students. Children not only of poor and middle class people, but also of upper class people and sometimes of well-to-do parents

are admitted in the Corporation schools in the lower standards 1 and 2. There is, therefore, a rush for admissions in the lower standards. After completing standard III, children are withdrawn and admitted in the primary departments attached to Secondary Schools. Very many parents desire this change as in primary departments attached to Secondary Schools, the teaching of English is begun in Standard III or sometimes much earlier, while in the Corporation Schools, English is taught only from Standard IV. Of late, there has been an increasing tendency on the part of the parents even of lower middle class to get their children admitted in the primary departments attached to Secondary Schools. If the 25 % rule is not insisted upon, there will be free scope for bringing in as many children as possible into standard I. In any event, when a large scale drive for admissions into our elementary schools is first initiated, the admissions will necessarily be into our 1st standard and not into the higher standards. It will not, therefore, be practicable to insist on the 25% rule at this stage. I have, therefore, instructed all the Head-teachers of the Corporation Elementary Schools not to refuse admissions in Standard I on the plea that such admissions will militate against the maintenance of the 25% proportion rule. With a view to enforce compulsion effectively, the Government may direct that the Inspecting authorities should not insist on the observance of the 25% proportion rule in Corporation Schools at least for a period of 5 years.

I may add that though some slight progress has been shown after the introduction of compulsion two decades ago, it can hardly be said that compulsion has been enforced effectively even in limited areas. In the absence of suitable and necessary amendments as suggested in this note, it will not be possible to work compulsion effectively. I, therefore, request that Government may be pleased to consider these suggestions

P.T.O.

4

and amend the rules suitably at a very early date.

C. Narasimhan
For Commissioner.

8/24/8

Forwarded.

R. Ramakrishna
Mayor.

svs.24-8-45.

Paras 3 (h) and 6 above

25th H. [illegible] dept.

It has been decided to undertake this legislation
E
8.9.45

The question of amending the E.E. Act so as to transfer the power to impose penalties on defaulting guardians to the D.E.C. & to provide for penalising the employers of school children is separately under consideration. ~~The other points raised in the~~ ~~circumstances~~

This is still in the preliminary examination stage
E
8.9.45

the letter of the Commissioner, Corporation of Madras ~~also~~ may be ~~examined~~ taken up and considered with the amendments to the rules resulting from the amendment ~~after~~ ~~the question is decided~~ ~~[illegible] a decision~~ of the Act referred to above ~~[illegible] on the question~~. This may lie over for the present. for orders.

~~Para 6 requires~~ ~~[illegible]~~ ~~legislation~~

[illegible]
~~2~~.9.45

[illegible]
6.9.45

E
8.9.45

S
Leave as 'P' above for the present. I think on the position of [illegible], it is desirable to [illegible] now the examination of all the other points raised — simplification of procedure, method of service of summons, levies & the [illegible] of [illegible] a guardian in his absence, the E.F. rules — to decide in what manner the rules will have to be amended or executive instructions issued as the case may be. [illegible]

A

58

29

EDUCATION DEPARTMENT.

C.F. 36.

Received 7 SEP 1945 19 Registered 19

OFFICE OF THE SECRETARY TO GOVERNMENT

Subject.

ELEMENTARY EDUCATION-ACT RULES--Amendments to certain rules framed under the Act--Suggesting.

⁂

39763

ENCLOSURES.
No.
Spare copies

C. No. 3458-B/45.

Station Madras, Dated the 5th September 1945

From (Name) Dr. B.B. Dey, D.Sc.(Lond.), F.R.I.C.

(Designation) Offg. Director of Public Instruction.

To The Secretary to the Government of Madras,

Education and Public Health Department.

Fort St. George, Madras.

Sir,

J 2 2 (J)

I have the honour to state that according to sub-para of rule 5 of the rules framed under section 44 of the Elementary Education Act 1920 no business shall be transacted at an attendance committee meetings unless these be present atleast one half of the number of members then on the committee This rule presents no difficulties in areas where there is a large number of schools since the headmasters would always out number the other nominated members. In areas where compulsion is now introduced(in rural areas) the areas of schools is limited and the number of nominated members will be greater than that of the headmasters and headmistresses. Nominated members are generally not very keen on attending meetings and work will be held up when meetings have to be dissolved for want of a quorum. I, therefore, recommend that the quorum may be reduced to one-third.

J 2 2 (J)

2 Under Rule 7 of the rules framed under section 44 of the Elementary Education Act the Director is empowered to nominate members for the attendance committees in consultation with the Commissioner, Corporation of Madras, the President, District Board, or the Chairman, Municipal Council as the case

P.T.O.

56/

~~Page 2.~~

may be. Since a large number of committees have to be constituted in the new compulsory areas, the work in connection with the nomination of members to each of the committees will considerably increase in my office. Hence I recommend that the work of nominating members to the various attendance committees may be entrusted to the Divisional Inspectors of schools concerned. The nomination of members for the attendance committees constituted separately for girls schools, if any, will be done by me as usual. Necessary amendments may kindly be issued to rule 7 of the rules framed under Section 44 of the Elementary Education Act empowering the Divisional Inspectors to make the nomination of members for the attendance committees except those formed separately for girls schools if any.

J/2

3. The date of birth of a pupil is important in the matter of applying the penal provisions of the rules framed under the Elementary Education Act; but it is not possible for the headmasters to check the correctness of the dates furnished by the parents or guardians. The application form for admission is no doubt signed by the parents but in some cases they give false information. Such parents should be penalised. I therefore request Government to lay down a penalty for such an offence.

A

I have the honour to be,
Sir,
Your most obedient servant,

For Director of Public Instruction.

ks. 6-9.

56/
6/9

Edn. & H. Dept

It has been separately decided that the E.E. Act shd. be amended providing for ~~the transfer~~ of the power of imposition of penalties to D.E.Cs. The rules framed under the Act will require modification. The amendment now proposed may be included in the revision to be made consequent on the amendment of the Act. As regards A above the D.P.I. has not specified the nature of the penalty to be imposed for giving false date of birth. This point may also be considered later [Another Communication on the amendment of rules has also been received from the Comm. Corporation of Madras)

12/9/45

12.9.45

57/ (30)

C.NO.3567-B/45

A

18 SEP 1945

Office of the
Director of Public Instruction,
Madras, Dated 15-9-1945.

From
Dr. B. B. Dey, D.Sc. (Lond.), F.R.I.C.
Offtg. Director of Public Instruction, Madras.

To
The Secretary to Government,
Education and Public Health Department.

Sir,

Sub: Elementary Education Act Rules - Amendment to rule 8(1) of the section 44 - Suggesting.

1-2-J (J)

I have the honour to state that as per rule 8(1) of the rules framed under section 44 of the Elementary Education Act 1920 the Deputy Inspector of Schools shall be the President Ex-officio of the attendance committee. Compulsion has been introduced in a number of centres in rural areas in each District and attendance committees have to be constituted in each of the centres. In a few Taluks the Deputy Inspectors have a number of centres (ranging from 10 to 13). It will not be possible for the Senior Deputy Inspectors of the ranges concerned to be the Presidents of the attendance committees of the several centres in each range without serious detriment to their regular work. It is therefore necessary to make the Junior Deputy Inspectors of the ranges Presidents of the attendance committees of the centres in their jurisdiction. Hence I recommend the addition of the following as a sub para to rule 8(1).

41341

M

"In any"

: 2 :

"In any area under the jurisdiction of the District Board where compulsory education is introduced on or after 1-8-1945 the Senior Deputy Inspector or Junior Deputy Inspector who has jurisdiction over ~~that over~~ that area shall be the President of the Committee constituted under rule 7"

for Director of Public Instruction.

RVR 17/9/-

SR
17/9

22/9. 10/22/9

Education & P.H. (A) Department.

Elementary Education Act - Rules - Amendments.

...

Memorandum No. 38091 A7 Edn. dated 21.9.45

The D.P.I. is informed that it has been decided to amend section 51 of the E.E. Act with a view to transferring to the D.E.Os. the power to impose penalties on guardians of defaulting pupils. The Act will be amended in due course. The amendment ~~of the Act~~ will involve consequential amendments to the Rules framed under the Act. The Director is requested to submit proposals for amending the rules framed under the several sections of the Act relating to compulsory education. His attention is invited to the letter of the Commissioner, Corporation of Madras, containing ~~xxx~~ proposals for the enforcement of compulsory education in the city and he is requested to offer his remarks on the various points raised in the letter.

Separate file

✓ Desp'd with encl
KS
22-9-45

A1-6 f

To the D.P.I. (with commr's letter in orgl. to be retd. with reply).
(except the last sheet a copy of which shd. go)

2
19.9.45

J
20.9.45

ORM
20/9/45

Note.

for

Note:

The Memorandum is put up with reference to Secretary's orders on page 6 c.f. The proposals of the D.P.I. on pages 7-10 c.f. may be considered on receipt of the Director's reply to the memorandum.

19.9.45 29.9.45

20/9/45 S

[illegible]

52473

32

R.C.No.3567 B/45.

Office of the Director of Public Instruction, Madras, dated 16-11-45.

From

Dr. S.R.U. Savoor M.A., D.Sc., I.E.S.
Director of Public Instruction, Madras.

1[illegible] NOV 1945

To

The Secretary to Government,
Education & Public Health Department, Madras.

Sir,

Sub: Elementary Education Act - Rules - amendment to rule 8(1) of section 44.

Ref: My letter R.C.No.3567 B/45, dated 15-9-45. 19 ante

I have the honour to invite your kind attention to my letter referred to above and request you to be good enough to let me know when orders of Government may be expected.

for Director of Public Instruction.

TRB.17/11

sol
17/11

Memo 38091 A-2 21.11.45 Edn. & P.H. Dept.

19-10 ante

Letter from the D.P.I. No. 3458-D/45 d. 8.9.45 and No. 3567 D/45 d. 15.9.45.

Introduction of compulsory elementary edn. Amendment of rules framed under the E.E. Act

The D.P.I. is informed that the proposal contained in his letter read above will be considered on receipt of his reply to Govt. Memo. 38091 A-1 d. 21.9.45. He is requested to expedite his reply to the Memo.

11 ante

20/11/45

20/11/45

21/11/45

To the D.P.I. ✓

Despd. 23-11-45

G. D. III—369.
1,000—July 1945.

Registered

194 .

65

From
J. P. L. SHENOY, Esq., I.C.S.,
Commissioner,
Corporation of Madras.

To
THE SECRETARY
To The Government of Madras,
Education & Public Health Department,
FORT ST. GEORGE, MADRAS.

(33)

E.D.C. No. C1.3707 of 1945, Dated 6-2-1946.

Through the Mayor of Madras.

ASST. SECRETARY TO GOVERNMENT EDUCATION AND PUBLIC HEALTH DEPT. 10 FEB 1946

Enclosures : No.

Sir,

Subject:— Elementary Education - Compulsion - Enforcement of - Suggestions for amending rules.

8546

11 ante

Ref: This office letter E.D.C.No. C1.3707/45 dated 23-8-45.

I request that Government may be pleased to pass early orders on the reference cited above.

C. Narasimhan
for Commissioner.
8/2

Forwarded.

8.2.46
Mayor.

Pgk 7-2

49 14/2

Memo Bg 38091 A 1
14.2.46

Letter from the Commissioner Corporation of Madras, E.D.C. dt C-3707/45 of 6.2.46.

Enforcement of the scheme of compulsory edn. -
Amendment of rules

The ~~D.P.I.~~ Commissioner, Corporation of Madras is informed that the matter is under consideration

13/2/46

12.2.46

12.2.46

To,

The Commr., Corporation of Madras
thro the Mayor.

despd
14.2.46

EDUCATION DEPARTMENT.

FROM

DR.S.R.U.SAVOOR, M.A., D.Sc., I.E.S.,
Director of Public Instruction, Madras

To

The Secretary to the Government of Madras,
Education and Public Health Department,
Fort St. George, Madras.

R.C.No. 3774-B/45 dated 5th April 1946.

Asst. Secretary to Government
19421
9 - APR 1946
Education and Public Health Dept.

Sir,

ELEMENTARY EDUCATION ACT - RULES - AMENDMENTS - PROPOSED.

Reference:-Government Memorandum No.38091 A.1.Edn. dated 21st September, 1945.

Consequent on the decision of the Government to amend section 51 of the Madras Elementary Education Act, the following amendments to the Rules framed under the Act are considered necessary.

Section 44 - Compulsory Elementary Education.

12 J (J)

Rule 11: For the existing rule the following may be substitute

"The final defaulters' list shall be prepared in the form in Appendix 4 and submitted to the President of the Compulsory Education Committee concerned by each headmaster, or headmistress, an office copy being maintained in the school in a register with numbered pages."

Section 51(1)-Enforcement of Compulsion.

For the existing rule 1, substitute the following:-

12 J (J)

"1(1) Before imposing a penalty under sub-section(1) of Section 51, the President of the Compulsory Education Committee shall serve or cause to be served, a notice calling on the guardian of a defaulting pupil or pupils to appear before him at a specified place in the compulsory area and at a specified time and date to explain the default. The defaulting guardian concerned shall be given atleast 10 days notice to appear in person. If the guardian fails to appear on the specified date for accepted reasons, he shall be granted time not exceeding a week to appear in person and explain the default. If he fails to appear even then, and if the President of the Compulsory Education Committee finds on enquiry that one or another of the grounds specified in section 50 does not exist in the excuses given by the defaulting guardian, the District Educational Officer concern shall impose a penalty specified in sub-section (1)of section 51 on receipt of the defaulters' list from the President of the Compulsory Education Committee concerned along with the results of his enquiry on the defaulting guardians. The President shall hold the enquiry in the presence of atleast one of the members nominated under rule 7 of the Rules framed under Section 44 of the Elementary Education Act.

J/2

(2) Every Order imposing a penalty under rule 1 above shall be communicated to the person on whom it is imposed, to the headmaster or the headmistress of the school, to the President of the Compulsory Education Committee and to the Village Munsif concerned in the case of non-municipal areas and to the Commissioner concerned in the case of Municipal areas and the Corporation of Madras.

(3) The penalty shall be collected by the Village Munsif concerned in the case of non-municipal areas and by the Commissioner concerned in the case of Municipal areas an the City of Madras."

(Page 2).

Substitute the following for rule 3.

"No penalty shall be imposed under rule 1 on any guardian after the lapse of one full quarter from the date of receipt of the report of default by the District Educational Officer".

Substitute the following for Rule 5.

"Every notice issued by the President, Compulsory Education Committee to a guardian and every order of the District Educational Officer imposing a penalty on a guardian shall be forwarded to the Village Munsif in the case of non-municipal areas and to the Commissioner in Municipal areas and the City of Madras to be served on the guardian. A copy of the Memorandum forwarding a notice or order to the Village Munsif shall be sent to the Tahsildar concerned for information. The Village Munsif or the Commissioner as the case may be shall return the counterfoil of the notice to the President, Compulsory Education Committee and the counterfoil of the order imposing the penalty to the District Educational Officer concerned specifying the date on which the notice or the order has been served with the signature of the guardian".

(2) For the present, the District Educational Officer and not the Inspectress of Girls' Schools may be made responsible for imposing fines on all defaulting guardians of pupils in both boys' and girls' schools.

(3) The following remarks are offered on the Commissioner's letter (herewith enclosed)-

(a) In para 3(a) of his letter, the Commissioner suggests a simple method of serving notices and imposing penalties on the defaulting parents without observing the elaborate procedure that has to be gone through at present. Since the powers imposing penalties will in future be vested in the District Educational Officers and since a simplified procedure has been suggested in the amendments now proposed, no further action is necessary in this regard.

(b) In para 3 (b) of his letter, the Commissioner suggests that the guardian may be let off with a warning for the first breach and a penalty not exceeding Rs. 5/- may be imposed for the second, third and subsequent breaches. This seems to be heavy. For the first ~~xx~~ breach, a warning may suffice, for the second breach a fine of Re.1/- for the third breach a fine of Rs.2/-, and for the fourth and subsequent breaches a fine of Rs. 3/- may be imposed.

(c) It is stated in para 3(c) of the letter that the service of notices may be effected in the manner laid down in section 374 of the City Municipalities Act. This recommendation may be accepted.

(d) Paragraph 4 of the Commissioner's letter:

The suggestion to include the furnishing of information as an obligation on the part of the parent/guardian under section 49 of the Act may be accepted as also the scale of penalties. In the mofussil the sub-magistrate may furnish ~~xhat~~ such information.

(e) Paragraph 6:

The suggestion to include a penal provision in the rules to prevent child labour is supported as it was already recommended to Government. The penalty may extend upto Rs.100/-.

(f) Paragraph 7:

The Commissioner refers to the maintenance of 25% of pupils reading in Standard I, in Standard V. In this connection attention is invited to G.O.No. 1466-Education dated 18.9.45 according to which the minimum strength required in standards IV and V shall be calculated for a period of 3 years from 1.1.1946 with reference to the maximum strength of Standard I on the date of inspection during the three years prior to 1946. Hence the admissions in Standard I will not affect the maintenance of proportionate strength in Standards IV and V.

I have the honour to be,
Sir,
Your most obedient servant,

For Director of Public Instruction.

V.E.
Ks.8-4.

Edn. & P.H. Dept.
B2.

T.M.

From The Asst. Secretary to Govt.
Edn. & P.H. dept.

To The Deputy Director of public Instruction. D.P.I. 657 17-4-46

51

16/4

Sub:- Ele. Edn Act - Rules - Amendments - proposed.

Ref:- ~~your~~ letter from the D.P.I. Rc. No. 3774-B/45- dt. 5.4.46

The letter of the Commissioner's letter Corporation of Madras ~~on the sub~~ ~~above subject~~ said to have been ~~submitted~~ returned with the Director's to Government ~~as enclosure to~~ your letter cited above has not been received. Kindly arrange to send it at an early date.

Issued 16/4

12/4/46. 17/4/46

15/4/46

69

JOINT SECRETARY TO GOVERNMENT
8 APR 1946
EDUCATION AND PUBLIC HEALTH DEPT.

EDUCATION **DEPARTMENT.**

C.F. 30.

(36)

Received 19422 ....19 . *Registered*..........19 .

Subject.

ELEMENTARY EDUCATION--Compulsory--Rules framed under Section 44 of the Elementary Education Act 1920--Amendments suggested.

ENCLOSURES.
No. ....
....
Spare copies..........

C. No.46-B-1/46.

Station Madras, *Dated the* 5th April 1946.

From (Name) DR. S. R. U. SAVOOR, M.A., D.Sc., I.E.S.,

(Designation) DIRECTOR OF PUBLIC INSTRUCTION,
MADRAS.

To The Secretary to the Government of Madras,

EDUCATION AND PUBLIC HEALTH Department.
FORT ST. GEORGE, MADRAS.

Sir,

I have the honour to state that since the village Munsif of a village usually commands influence and since penalties imposed on the defaulting parents are collected by him (in non Municipal areas) with reference to rule 1(7) of the rules framed under Section 51(1) of the Elementary Education Act 1920, I consider that it is very desirable that the village munsif should be an ex-officio member of the attendance committee constituted under Rule 7 of the rules framed under Section 44 of the Elementary Education Act 1920. Hence I recommend that my suggestion may be accepted and that rule 8 of the rules framed under Section 44 may be amended as follows:

J/3

p2 of (J)

In rule 8, sub rules (3) and (4) shall be re-numbered as (4) and (5) and the following shall be inserted as sub rule (3) namely

"(3)In Non-Municipal areas the Village Munsif shall be an ex-officio member of the Committee".

FOR DIRECTOR OF PUBLIC INSTRUCTION.

Ks. 6-4.

22

(37) Draft rules 7B

SECTION 51(1) - Enforcement of compulsion.

1.(1) The President of the Committee constituted under rule 7 of the rules framed under section 44 shall serve or cause to be served a notice on the guardian of the defaulting pupil or pupils calling on the guardian to appe before him at a specified place in the compulsory area~~s~~ at a specified time and date to explain the default.

(2) The notice referred to in sub-Rule (1) shall be issued after the receipt of the defaulters list from the headmaster~~s~~. At least ten ~~10~~ days shall be allowed ~~intervene~~ between the date of service of the notice and the date fixed for the interview.

(3) If the guardian fails to appear ~~at~~ on the appointed date to explain the default, President of the Committee shall report the matter to the D.E.O. who shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

(4) If the guardian applies for time for explaining the default the President may grant time not exceeding a week ~~the time~~ if the reasons given ~~adduced~~ are satisfactory ~~convincing~~ and may appoint another date for the interview; if the guardian does not appear ~~turn up even~~ for the second interview his case shall be reported to the D.E.O. who shall impose ~~enforce~~ a penalty in accordance with the sub-section (1) of section 51.

(5) If the President considers ~~feels~~ that the reasons adduced are not adequate ~~convincing~~ he may ~~consider and~~ refuse to grant the time asked for under sub-rule (4). He shall then report the case to the D.E.O. who shall impose a ~~the~~ penalty in accordance with the provision of sub-section (1) of section 51.

(6) If the guardian appears at the appointed place and date the President shall conduct an oral ~~early~~ enquiry and record in writing the explanation of ~~reasons adduced by~~ the guardia for the absence of the child or children ~~children/child~~ from schools in the presence of at least one ~~(1)~~ nominated member of the committee ~~member nominated for it~~. He shall the forward the records of ~~relating to~~ the case to the D.E.O.

72

(7) The D.E.O. shall on receipt of the records referred to in sub-rule (6) investigate whether the absence of the child is covered by one or other of the ~~grants~~ grounds specified in section ~~15~~ 50. If not he shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

2. Every order imposing a penalty under rule 1 shall be communicated to the person on whom it is imposed, to the head teacher of the school, to the President of the Committee, ~~and~~ to the P.D.B., to the ~~C.O.M.~~ Comr Corporation of Madras to the Ex. Authorities of the Ml. Cl. as the case may be & to the Village Munsif in ~~rural~~ areas. within the jurisdiction of Dt. Bd.

3. In the City of Madras and in other municipalities the Commr. shall take steps to collect the penalties imposed under rule ~~(1)~~ 1. In areas within the jurisdiction of the D.B. the penalties shall be collected by the village munsif concerned.

4. For the first breach of the obligation created by section 49 no penalty shall be imposed and the guardian shall be let off with a warning but for the second and every subsequent breach a penalty shall be levied on the following scale:

	Minimum.	Maximum.
Second breach.	0-12-0	0-15-0
Third breach	1-8-0	1-14-0
Fourth breach	2-4-0	2-13-0
Fifth breach	3-0-0	3-12-0
Sixth and subsequent breaches	6-0-0	7-8-0

5. No penalty shall be levied under rule 1 on any guardian after the lapse of one full quarter from the date of receipt of the report of default by the President of the Committee.

6. No penalty shall be imposed in respect of any default occurring in any quarter which has not been reported upon in the quarter succeeding the same.

7. Every notice issued by the President of the Committee to a guardian and every order imposing any penalty on a guardian shall be served on him by the village munsif in non-municipal areas. In municipal areas the notice or order shall be sent to Ex. Authorities of the Mty. who shall arrange for the service of the notice or order on the guardian through a suitable municipal employee. The service of the

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(38)

75

notice or order in the city may be effected in the manner laid down in section 374 of the City Municipal Act. The ~~Municipal employee~~ Executive Authority or the village munsif shall return the counterfoil of the notice to the President of the Committee and the counterfoil of the order to the D.E.O. specifying the date on which notice or order has been served with the signature of the guardian except in case of service in accordance with section 374 of the C.M.C. Act. A copy of the memorandum forwarding the notice or order to the village munsif shall be sent to Tahsildar concerned for information. In case where the counterfoil cannot be retd with the signature of the guardian a report as to the mode of service sh be made to the ~~Pastor~~ president of the Committee or to the D.E.O. as the case may be

8. If any difficulty arises in the interpretation or enforcement of these rules, the matter shall be reported to the D.P.I. whose decision thereon shall be fina

28.5.46

28/5/46

[illegible]

Please see the D.P.I.'s reply on page 8 ante. The draft rules have been framed with reference to the Amendment Act of 1946. The question of bringing into force the Amendment Act has been under consideration separately. It is better to publish the draft rules for ~~sale~~ criticism after the Amendment Act is brought into force. This may be over till 1.8.46

ay
7.6.46

B2

Rc. No.4841/B1/46.

Office of the
Director of Public Instruction,
Madras, Dated 2[illegible]-8-1946.

From
Dr.S.R.U.Savoor, M.A.,D.Sc.,I.E.S.,
Director of Public Instruction, Madras.

To
The Secretary to Government,
Education and Public Health Department.

ASST. SECRETARY TO GOVERNMENT
5 SEP 1946
EDUCATION AND PUBLIC HEALTH DEPT.

Sir,

Sub: Elementary Education - Compulsory - Rules framed under section 44 of the Madras Elementary Education Act 1920 - Amendment.

57078

Ref: My letter Rc. No.46-B1/46, dated 5-4-46.

****

I request that orders, if any, passed on the above reference, may kindly be communicated to me.

for Director of Public Instruction.

TS.2/9

sd/
2/9

B2

77

EDUCATION DEPARTMENT.

FROM

DR. S. R. U. SAVOOR, M. A., D. Sc., I. E. S.,
DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.

TO

THE SECRETARY TO GOVERNMENT,
EDUCATION AND PUBLIC HEALTH DEPARTMENT.

R. C. No. 443-B. 2/47 dated the 18th March 1947.

Sir,

SUB:- Elementary Education - Power to impose penalties on defaulting guardians - Transfer to the District Educational Officers - Amendment:

REF:- My letter to Government RC. No. 1468-B. 2/46 dated 26th April 1946 and C. No. 443-B. 2/47 dated the 6th February 1947.

ASST. SECRETARY TO GOVERNMENT
21 MAR 1947
22814

I have the honour to invite your kind attention to the above references and request you to furnish me with a copy of the orders, if any, passed on the same.

R. Narasimhan
for DIRECTOR OF PUBLICINSTRUCTION.

KAN. 19/3

S.P.
19/3

79 Education and P.H.(B.2.)Department.

Elementary Education Act - Rules --Draft Amendments Published for criticism.

10 pt
300

161 Pub.
40

ORDER/P. NO. 1236 EDN. DATED 13.6.47

- -

The Madras Elementary Education Act, 1920, was amended in 1946 providing for the transfer to the D.E.O~~s~~ of the power~~s~~ to ~~inforce~~ enforce penalties on guardians of defaulting pupils in ~~x~~areas where elementary education has been made compulsory. The Amendment Act ~~will be got~~ has been brought into force from 1-6-47. The rules framed under the Elementary Education Act require revision consequent on the provision of the Amendment Act. Certain amendments to the rules have also been found necessary for the effective working of the scheme of compulsory elementary education. A draft of the amendments proposed to be made will be published for criticism.

2 . The appended notification will be published in the Fort St. George Gazette.

Ap 3-6 [illegible]

25.4.47

3-5-47

To the Special Officers of
all Dt. Boards.
" all Executive Authorities
of Ml.Cls. thro' Mun. C.I.C.
" the Commissioner Corporation
of Madras thro' ~~C.M.C.~~ the Mayor
" the S.G.P.(for publication
gazette in the F.S.G.)
" the D.P.I.
the Legal Dept.

30/7

(42)

APPENDIX

NOTIFICATION.

The following draft of certain amendments, to the rules published with Law (Education) Department Notification No. 45, dated the 21st February 1922, at pages 146-178 of Part I-B of the Fort St. George Gazette, dated the 21st February 1922, as subsequently amended, which it is proposed to make in exercise of the powers conferred by section 56 of the Madras Elementary Education Act, 1920 (Madras Act VIII of 1920), is hereby published for the information of all persons likely to be affected thereby, as required by section 56 (1) of the said Act.

Notice is hereby given that the draft amendments will be taken into consideration after six weeks from the date of publication of this notification and that ~~any~~ objections and suggestions which may be received from any person with respect thereto before the expiry of the period aforesaid will be considered by the Govt. of Madras.

DRAFT AMENDMENTS

In the said rules -

1. Under the heading "section 44 - Compulsory Elementary Education,"

(1) in rule 7, for the words "Director of Public Instruction" the words "Divisional Inspector of schools concerned" shall be substituted and to the same rule, the following proviso shall be added, namely:-

"Provided that in the case of the attendance committees constituted separately for girls' schools the nomination of members may be made by the D.P.I".

(2) in rule 8 -

(a) at the end of sub-rule (1), the following sentence shall be added, namely:-

"In any area under the jursidiction of a Dt. Bd. where compulsory education is introduced, on or after 1-8-1945 the Senior Deputy Inspector ~~of~~ or Junior Deputy Inspector who has jurisdiction over that area shall be president of the Committee constituted under rule 7".

(b) sub-rules (3) and (4) shall be renumbered as sub-rules (4) and (5) respectively and the following shall be inserted as sub-rule (3), namely -

P.T.O.

"(3) In non-municipal areas the village munsiff shall be an ex-officio member of the Committee".

(3) in the second paragraph of rule 9, for the word "one-half" the word one third shall be substituted.

(4) for rule 11, the following rule shall be substituted, namely -

"The final defaulters' list shall be prepared by each headmaster in the Form in Appendix 4 and submitted to the President of the Committee constituted under rule 7, an office copy being maintained in the school in a register with numbered pages."

II For the rule under the heading "Section 50(iii) - Prescribed Officer for granting exemptions from attendance", the following rule shall be substituted, namely -

"In areas in respect of which a notification under section 46 of the Madras Ely. Edn. Act, 1920, has been issued, the Dt. Edl. Officer of the district in which a child is resident shall be the prescribed officer for purposes of section 50(iii) of the Act."

III For the rules under the heading "Section 51(1)- Enforcement of compulsion", the following rules shall be substituted, namely -

1(1) The President of the Committee constituted under rule 7 of the rules framed under section 44 shall serve or cause to be served a notice on the guardian of the defaulting pupil or pupils calling on the guardian to appear before him to explain the default at a specified place in the compulsory area at a specified time and on a specified date.

(2) The notice referred to in sub-rule (1) shall be issued after the receipt of the defaulters' list from the headmasters. At least ten days shall be allowed between the date of service of the notice and the date fixed under sub-rule (1).

(3) If the guardian fails to appear on the date fixed to explain the default, the President of the Committee shall report the matter to the D.E.O. who shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

(4) If the guardian applies for time for explaining the default, the President may, if the reasons given are satisfactory, grant time not exceeding a week and may appoint another date for his appearance. If the guardian does not appear even on that date, his case shall be reported to the D.E.O. who shall impose a penalty in accordance with sub-section(1) of section 51.

P.T.O.

(5) If the President considers that the reasons adduced are not satisfactory, he may refuse to grant the time asked for under sub-rule (4). He shall then report the case to the D.E.O. who shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

(6) If the guardian appears at the place and date specified under sub-rule (1), the President shall conduct an oral enquiry and record in writing the explanation of the guardian for the absence of the child or children from school in the presence of at least one nominated member of the Committee. He shall then forward the records of the case to the D.E.O.

(7) The D.E.O. shall on receipt of the records referred to in sub-rule (6) investigate whether the absence of the child is covered by any one of the grounds specified in section 50. If not, he shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

Vide rule 1(5) an p.3 of (2)

2. Every order imposing a penalty under rule 1 shall be communicated to the person on whom it is imposed, to the headmaster of the school, to the President of the Committee, to the P.D.B., or the Commissioner Corporation of Madras or the Executive Authority of the Municipal council as the case may be, and to the village munsiff in areas within the jurisdiction of dt. boards.

Vide rule 1(6) ibid

3. In the city of Madras and in other municipalities, the Commissioner shall take steps to collect the penalties, imposed under rule 1. In areas within the jurisdiction of dt. boards, the penalties shall be collected by the village munsiff concerned.

Vide rule 2 ibid

4. For the first breach of the obligation created by section 49, no penalty shall be imposed and the guardian shall be let off with a warning, but, for the second and every subsequent breach, a penalty shall be levied on the following scale:

	MINIMUM			MAXIMUM		
	Rs.	as.	ps.	Rs.	as.	ps.
Second breach	0	12	0	0	15	0
Third breach	1	8	0	1	14	0
Fourth breach	2	4	0	2	13	0
Fifth breach	3	0	0	3	12	0
Sixth and subsequent breaches	6	0	0	7	8	0

P.T.O.

5. No penalty shall be levied on any guardian after the lapse of one full quarter from the date of receipt of the report of default by the President of the Committee.

Vide rule p 34 (J)

6. No peanlty shall be imposed in respect of any default occurring in any quarter which has not been reported upon in the quarter succeeding the same.

Rule 4 ibid

Rule 5 ibid & p 14

7. Every notice issued by the President of the Committee to a guardian and every order imposing any penalty on a guardian shall be served on him by the village munsiff in non-municipal areas. A copy of the memorandum forwarding the notice or order to the village munsiff shall be sent to the Tahsildar concerned for information. In municipal areas the notice or order shall be sent to the Executive authority of the municipality who shall arrange for the service of the notice or order on the guardian through a suitable municipal employee. The service of the notice or order in the City of Madras may be affected in the manner laid down in section 374 of the Madras City Municipal Act, 1919. The Executive Authority of a municipal council or the village munsiff, as the case may be, shall return the counterfoil of the notice to the President of the Committee and the counter-foil of the order of the D.E.O. specifying the date on which the notice or order has been served with the signature of the guardian. In cases where the counterfoil cannot be returned with the signature of the guardian, a report as to the mode of service should be made to the President of the Committee or to the D.E.O. as the case may be.

Commissioner Corporation of Madras or the

8. If any difficulty arises in the interpretation or enforcement of these rules, the matter shall be reported to the D.P.I. whose decision thereon shall be final.

Rule 6 on p 37 (J)

IV. (i) In Appendix 3 ~~of~~ for Note (iii), the following shall be substituted, namely -

p 37 (J)

(iii) In areas where compulsory elementary education has been introduced on or after the 1st August 1945, compulsion cannot be enforced in the case of a boy if he has completed fourteen years of age and in the case of a girl if she has completed twelve years of age. Compulsion may however be enforced upto the age of fourteen if the girl is reading in a special girls' school functioning in those areas. In other areas compulsion cannot be enforced in respect of children of either sex, if they have completed twelve years of age.

(ii) In Appendix 4 for item 7 and 8, the following items shall be substituted, namely -

p 38 (J)

P.T.O.

" 7. Date of report to the president of the Committee constituted under rule 7 of the rules framed under section 44 of the Elementary Education Act."

8. Issue of notice by the President of the Committee.

2/30-5-47

2/7-6-47

80/30

87

(45)

APPENDIX

NOTIFICATION.

Retyped and attached to the draft

The following draft of ~~an~~ certain amendment, to the rules published with Law (Education) Department Notification No. 45, dated the 21st February 1922, at pages 146-178 of Part I-B of the Fort St. George Gazette, dated the 21st February 1922, as subsequently amended, which it is proposed to make in exercise of the powers conferred by section 56 of the Madras Elementary Education Act, 1920 (Madras Act VIII of 1920), is hereby published as required by section 56(1) of the said Act ~~act~~ for the information of all persons likely to be affected thereby.

Notice is hereby given that the draft amendments will be taken into consideration after six weeks from the date of publication of this notification and that any objections ~~or~~ and suggestions which may be received from any person with respect thereto before the expiry of the period aforesaid will be considered by the Govt. of Madras.

DRAFT AMENDMENT

In the said rules:—

p 2 of (F)

I. ~~In the rules~~ Under the heading "section 44 - Compulsory Elementary Education,"

(1) ~~(i)~~ In rule 7, for the words "Director of Public Instruction" the words "Divisional Inspectors of schools concerned" shall be substituted and to the same rule the following shall be added, ~~as~~ proviso ~~to the rulex at the end~~, namely:-

para 2, 1178 of

"Provided that the nomination of members ~~for~~ in the case of the attendance committees constituted separately for girls schools may be made by the D.P.I".

(2) In rule 8:—

(a) At the end of sub-rule (1), the following sentence shall be added, namely:-

x

p 27 (F) See notes.

p 10 of

["In any area under the jursidiction of a Dt. Board where compulsory education is introduced on or after 1-8-1945 the Senior Deputy Inspector or Junior Deputy Inspector who has jurisdiction over that area

b) Sub-rules (3) and (4) shall be re-numbered as sub-rules (4) & (5) (respectively) and the following shall be inserted as Sub-Rule (3), namely:-

"(3) In Non-Municipal areas, the Village Munsiff shall be an ex-officio member of the Committee".

(3) In the second paragraph ~~para 2~~ of rule 9, for the words "one-half" the words "one-third" shall be substituted.

(4) For rule 11, the following rule shall be substituted, namely:—

"The final defaulters' list shall be prepared in the form in Appendix 4 and submitted to the President of the ~~Compulsory Education~~ Committee ~~concerned~~ (by each headmaster), ~~or headmistress,~~ an office copy being maintained in the school in a register with numbered pages."

constituted under rule 7,

II For the rule under the heading "Section 50(iii) — Prescribed officer for granting exemptions from attendance", the following rule shall be substituted, namely -

"In areas in respect of which a notification under section 46 of the Madras Ely. Edn. Act, 1920, has been issued, the Dt. Edl. Officer of the district in which a child is resident shall be the prescribed officer for purposes of section 50(iii) of the Act.".

III For the rules under the heading "Section 51(1)- Enforcement of compulsion", the following rules shall be substituted, namely:-

1(1) The President of the Committee constituted under rule 7 of the rules framed under section 44 shall serve or cause to be served a notice on the guardian of the defaulting pupil or pupils calling on the guardian to appear before him, at a specified place in the compulsory area at a specified time and (on a specified) date to explain the default.

(2) The notice referred to in sub-rule (1) shall be issued after the receipt of the defaulters' list from the headmasters. At least ten days shall be allowed between the date of service of the notice and the date fixed under sub-rule (1) ~~for the interview~~.

(3) If the guardian fails to appear on the ~~appointed~~ date, (fixed,) to explain the default, the President of the Committee shall report the matter to the D.E.O. who shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

(4) If the guardian applies for time for explaining the default, the President may, grant time ~~any~~ not exceeding a week if the reasons given are satisfactory, and may appoint another date for ~~the interview~~ his appearance; if the guardian does not appear ~~for~~ even on that date, ~~the second interview~~ his case shall be reported to the D.E.O. who shall impose a penalty in accordance with ~~the~~ sub-section (1) of section 51.

(5) If the President considers that the reasons adduced are not ~~adequate~~ (satisfactory) he may refuse to grant the time asked for under sub-rule (4). He shall then report the case to the D.E.O. who shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

(6) If the guardian appears at the ~~appointed~~ place and ~~and~~ date (specified under sub-rule (1),) the President shall conduct an oral enquiry and record, in writing the explanation of the guardian for the absence of the child or children from school in the presence of at least one nominated member of the Committee. He shall then forward the records of the case to the D.E.O.

(7) The D.E.O. shall on receipt of the records referred to in sub-rule (6) investigate whether the absence of the child is covered by (any) one ~~or other~~ of the grounds specified in section 50. If not, he shall impose a penalty in accordance with the provisions of sub-section (1) of section 51.

Vide rule 1(5) on p 3 of (J)

2. Every order imposing a penalty under rule 1 shall be communicated to the person on whom it is imposed, to the head ~~teacher~~ master of the school, to the President of the Committee, to the P.D.B. ~~to~~ or the Commr. Corporation of Madras, ~~to~~ or the Executive Authority of ~~Ml. Cls~~ (the mpl. council,) as the case may be, and to the village munsiff in areas within the jurisdiction of ~~the~~ dt. ~~Bd.~~ bds.

Vide rule 1(6) ibid

3. In the City of Madras and in other municipalities, the Commr. shall take steps to collect the penalties imposed under rule 1. In areas within the jurisdiction of ~~the~~ dt. bds, the penalties shall be collected by the village munsiff concerned.

Vide rule 2 ibid

4. For the first breach of the obligation created by section 49, no penalty shall be imposed and the guardian shall be let off with a warning, but, for the second and every subsequent breach, a penalty shall be levied on the following scale:

	MINIMUM Rs. as. ps.	MAXIMUM Rs. as. ps.
Second breach	0-12-0	0-15-0
Third breach	1-8-0	1-14-0
Fourth breach	2-4-0	2-13-0
Fifth breach	3-0-0	3-12-0
Sixth and subsequent breaches	6-0-0	7-8-0

Vide rule 3 ibid

5. No penalty shall be levied ~~under rule~~

any guardian after the lapse of one full quarter from the date of receipt of the report of default by the President of the Committee.

6. No penalty shall be imposed in respect of any default occur~~r~~ing in any quarter which has not been reported upon in the quarter succeeding the same.

Vide rule 4 under 'Sn. 5 – Enforcement of compulsion' on p. 3 of (J).

7. Every notice issued by the President of the Committee to a guardian and every order imposing any penalty on a guardian shall be served on him by the village munsif~~f~~ in non-municipal areas. In municipal areas, the notice or order shall be sent to the executive ~~Ex.~~ Authority of the ~~Mty.~~ mpty. who shall arrange for the service of the notice or order on the guardian through a suitable municipal employee. The service of the notice or order in the city of Madras, may be effected in the manner laid down in section 37~~4~~4 of the Madras City Ml. Act, 1919. The ~~Exe~~ executive Authority of a municipal council or the village munsif~~f~~ (as the case may be) shall return the counterfoil of the notice to the President of the Committee and the counter-foil of the order to the D.E.O. specifying the date on which the notice or order has been served with the signature of the guardian. [Except in cases of service in accordance with section 374~~XXXXX~~ of the city ~~M.~~ Ml. Act] A copy of the memorandum forwarding the notice or order to the village munsif~~f~~ shall be sent to the Tahsildar concerned for information. In cases where the counterfoil cannot be returned with the signature of the guardian, a report as to the mode of service should be made to the President of the Committee or to the D.E.O, as the case may be.

Vide rule 5 ibid.

See notes

[ ] See notes

See notes

8. If any difficulty arises in the interpretation or enforcement of these rules, the matter shall be reported to the D.P.I. whose decision thereon shall be final."

Vide rule 6 ibid

25-4-47

IV. (i) In Appendix ~~III~~ 3, for Note (iii), the following ~~rule~~ shall be substituted, namely:—

p 3 of (J)

"(iii) In areas where compulsory elementary education has been introduced on or after ~~1-8-45~~ the 1st August 1945, compulsion cannot be enforced in the case of a boy~~s~~ ~~after~~ if he has ~~obtained~~ ~~attained~~ ~~the age of 14. (i.e.~~ completed fourteen years ~~)~~ of age ~~In~~

and in the case of a girl~~s~~, ~~compulsion cannot be enforced in these areas~~ if ~~the girl~~ she has ~~obtained~~ ~~attained~~ completed ~~the age of~~ twelve years of age, however, compulsion may be enforced up to ~~and~~ the age of fourteen if the girl is reading in a special girls' school functioning in ~~the~~ those areas.

In other areas compulsion cannot be enforced ~~beyond~~ in respect of children of either sex, if they have completed ~~years of age~~ ~~the age of~~ twelve ~~for the~~."

(ii) In Appendix ~~IV~~ 4, for items 7 and 8, the following items shall be substituted, namely:—

p 3 of (J)

"7. Date of report to the President of the ~~Comittte~~ Committee constituted under rule 7 of the rules framed under section 44 of the Elementary Education Act.

8. Issue of notice by the ~~D.E.O.~~ President of the Committee"

28-4-47

3-5-47

(48)

Edn. 284 Dept

Memo

p 1 c/f

Letter from the D.P.I. No. 2037 G/45 of 24.5.45

Elementary Edn. Act – Exemption of pupils from attendance at school in compulsory area

The D.P.I. is requested to explain clearly the need for declaring D.E.O. as the "prescribed officer" for exempting pupils from attendance at schools in Municipal areas & in the City of Madras ~~also~~.

To

The D.P.I.

~~24.5.45~~ 1.6.45

1.6.45

Note:- I doubt the necessity for this reference. The chairman of the Municipal Council was constituted the prescribed officer for purposes of section 50~~(3)~~(iii) of the Act, by a rule issued in 1922. The Secretary of the day thought even then that, prima facie, the prescribed officer should be an Educational officer, but voted in favour of the Chairman, as the odium of working the provisions of compulsion ~~is~~ was on the local body and ~~as~~ it was therefore desirable to proceed with tact. He also foresaw the desirability of a change later. The pendulum has now swung the other way and the Post-War Education Sub-Committee recommended that the enforcement of compulsory attendance should be the duty of the Educational Department and not of the local boards (authorities). It may be assumed that the Director's present suggestion to constitute the D.E.O. as the prescribed officer is in pursuance of this change in outlook. The Director's recommendation may be approved.

U/2 G.O.106 12.7.

Notes at U/4

15/6

para 2(a), 7/1

CF.

12.6.45

S/A.

14/6

A1. 18 JUN 1945

Who is the D.E.O. in Madras City? Is there a separate one? Why should the C.C.M. a Govt officer, continue to function there?

16.6.45

19/6

(49)

Submitted that there is a separate D.E.O. for Madras City. The present incumbent of the post is Sri T.P. Santanakrishna Nayudu. Intrinsically, there is no objection to the Commissioner of the Corporation continuing to exercise the functions of the prescribed officer under section 50(iii) of the Elementary Education Act. His duty is to declare whether the instruction ~~is~~ received otherwise than in a school is satisfactory. It can probably be held that an educational officer is better suited to do this job than the Commissioner. Perhaps the Commissioner's attention may be invited to p.10 of G.O.No.2051-Edn., dated 1-11-1926, and he may be asked for his views on the proposed change, so far as it affects the city.

(A)

18.6.45

S/A.

18/6/45

Consult the C.C.M & selected municipal Chairmen.

19.6.45

19 JUN 1945

Besides the City of Madras, compulsion is now in force in the municipalities specified at p.24 of the latest report on public instruction placed below.

Perhaps the Chairmen of the follg. Ml.Cls. may be consulted besides the C.C.M.:-

1. Vellore ✓
2. Kumbakonam. ✓
3. Tirunelveli. ✓
4. Madura. ✓
5. Calicut. ✓
6. Vizagapatam. ✓
7. Nellore.
8. Coimbatore. ✓
9. Bezwada. ✓
10. Salem. ✓
11. Cocanada. ✓

Draft Memo. for approval.

Σ 25.6.45 S

26/6/45

[Issued as Memo. No 23603 A1 d. 26.6.45]

p.3 cf

p.15 cf

The C.M.C., Vellore desires to know the ~~necessity~~ reasons for the change ~~in the~~ contemplated by the D.P.I. The Director has not explained the case. For orders whether the chairman may be informed on the lines of the note on page 2 ante.

Σ 1.8.45

9.8.45

Cf p.1 of the printed notes to G.O. 1067 Edl,

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(50)

(V) of 12.9.22, Mr., later Sir Richard, Littlehailes, as D.P.I. gave certain reasons for making an Edl: officer, the 'prescribed' officer. The reasons were sound, so far as the purely edl. aspect was concerned. At that time however the penalty for defaulting parents in compulsory areas was prosecution before the magistrates. In 1935, the E.E. Act was amended providing for a system of fining by P.D.B. or C.M.C., in place of prosecutions, as the case may be and that would create a tremendous change in the angle of vision with refer: to which the authority to function as the prescribed officer should be constituted. ~~The~~ and this perhaps is the opportunity to consider the matter from that stand point. The commr., corpn. of Madras, has well argued the case for keeping the power of fining & the powers of the "prescribed authority" in the same functionary. In another file the question whether the fining ~~authority~~ power shd: not be transferred to D.E.O.s is under consideration. The decision there will be awaited. Meantime it is not necessary to give a reply to the Vellore Mcl: chairman.

Sec. 51 of E.E. Act

p.17 c.f

A

p.15 c.f

Σ 6.8.45 S Please see P. a. U/c.

P

I think the time has now come to stress the strictly educational aspect of this work & to declare the D.E.O. to be the proper officer for this work. I agree, however, that it will be advantageous to have the fining authority & the prescribed authority in the same: otherwise ~~it would delay~~ the process of enforcement would be delayed.

6/8/45.

6

C.L. No. 40897 A. from the C.M.C., Vellore, No. B5-8678/45, d. 11.9.45

In view of A on p 5 ante no ~~action is~~ reply seems called for. The file ~~[illegible]~~ referred to at 'A' on p 5 ante has been sent to Legal for drafting a Bill. The publication of the Bill may be awaited.

14.9.45

OD 25/9

18/9/45 S

A 2 may see. (Previous minutes on pp 2 & 3 ante).

11/9/45

Send a reply to Vellore

A2.

25 SEP 1945

A draft memo is submitted for approval.

Please see comments on draft.

26.9.45

27.9.45

29/9/45

In the letter on page 1 c.f. the D.P.I. did not adduce any reasons for the proposal to make ~~a~~ the D.E.O. the 'prescribed' officer' for the City of Madras and the municipalities. In the note on page 2 ~~c.f.~~ ante it was stated that the Post-war Educational Sub-Committee recommended that enforcement of compulsory attendance should be the duty of the educational department and not of local bodies. It was assumed that Director's proposal above was in pursuance of this recommendation. To give effect to this recommendation of the Sub-Committee, the Elementary Education Act should be amended transferring the power to impose penalty to the D.E.O. As a corollary to this, it is also necessary to make the D.E.Os. the prescribed officers in the mufassal and in the City of Madras. But the amendment of the rules to implement the second proposal was taken up in anticipation of the amendment of the Act. For orders whether the Chairman may be informed of the recommendation of the Sub-Committee referred to above and that ~~as a step to implement it and~~ that the present proposal is one of the steps ~~intended to~~ to give effect to that recommendation; ~~and~~ he may at the same time be told that the Government are ~~under consideration~~ Considering the proposal to amend Section 51 of the M.E.E. Act with a view to transfer to the D.E.O. the power to impose penalties on guardians of the defaulting ~~ing~~ pupils.

Govt. would be [illegible]

(51)

7

4/10/45 S

7/10/45

Issue Memo below.

8/10/45

p/c 33-34 [Memo No. 23603A-3 Edn. d. 8-10-45]

CF

C.L. 46827 A. from the C.M.C., Vellore, Lr. 8678/45, d. 13.10.45

p 35 cf

Submitted for perusal

20.10.45

20.10.45

22/10/45

This file relates to the ~~question of~~ amendment of rules for prescribing the ~~relating to the~~ officer who should grant ~~the~~ exemption to children from attendance at schools in compulsory areas. It has been allowed to lie over pending the amendment of the Edn. Act, providing for the ~~to~~ transfer to the D.E.O. of the power~~s~~ to impose penalties on guardians of defaulting children. The Act has been published in the Gazette of 26.3.1946. The question as to the date from which the Act should be brought into force, is being referred to the D.P.I. for remarks. ~~and on account of the~~

8

2/ The question now for consideration is, whether any change should be made in the 'prescribed' officer to grant exemption to children from attendance at schools in compulsory areas. Under the rules as they stand at present, the "prescribed" officer is the D.E.O. in rural areas, Chairman, Municipal Council in municipal areas, and Commissioner, Corporation ~~of~~ Madras, in the City. The D.P.I. ~~desires~~ recommended that the power to grant exemption from attendance should be vested in the D.E.Os. in all areas.

p.1 c

To GOs at (W), (a) & (c)

p.1 f

As the post-war Education Sub-Committee has recommended that the enforcement of compulsory attendance of children at schools should be the duty ~~for~~ of the Education Department and not of the Local ~~Boards~~ bodies, the proposal of the Director to make D.E.O. ~~as~~ the "prescribed" officer for all areas may be accepted.

Para 2(a), p.1 f ①

Also p 2 ante

Please see my note at 'f' on p.1 f ante. Now that the D.E.O. has been ~~[illegible]~~ the authority, the proposal to make him the "prescribed officer" may also be accepted.

Wf

The file may be circulated ~~for~~ Orders

OSM 18/4/46 S

AL 9/4/46

9/4/46

Wf 11/4/46 Ar.

I agree that the D.E.O. should be the prescribed officer.

AM 10/4/46

OD 12/4.

The DPI has submitted a draft of certain amendment to the rules framed under the EE Act consequent on the transfer of power to impose penalties ~~on the~~ to DEO! The draft amendments are being examined separately and

(52)

9

CNo 23603/D2/45

and will be published for criticism. The draft amendment proposed in this file may be published along with the other amendment referred to above. This file may lie over till 1.6.46.

22.4.46

OSM 23/4/46

The final form of the draft amendment referred to A on p 8 ante have not yet been settled. This may lie over till 1.7.46. (The Amendment Act has not also been brought into force)

3.6.46

OSM 3/6/46

This may continue to lie over till 1.8.46.

5.7.46

OSM 6/7/46

The file may continue to lie over till 1.10.46.

6.8.46

OSM 12/8/46

The Amendment Act has not yet been brought into force. Legislation will shortly be undertaken to reenact the three Amendment Acts passed during the Advisers' Regime. The file may lie over till 1.12.46.

9/10/46

OSM 18/10/46

The Legal dept has been asked to prepare a bill for reenacting the three amendments made to the EE Act during the Advisory regime. This may lie over till 10.1.47.

OSM 8/12/46

12.12.46

The file may continue to lie over till 10.2.47.

OSM 18/1/47

This may continue to lie over till 15.3.47.

10.2.47

11/2/47

The question of bringing into force the Amendment Act of 1946 without waiting for the re-enactment of the Act by the Legislature has been taken up separately. The ~~question~~ point raised in this file may be further considered after the Amendment Act comes into force. The file may lie over for the present.

18.3.47

18/3/47

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pp1-6 cf

CNo.38091 From the Commissioner Corporation of Madras.
EDC No.4-3707/45, Dated 23-8-45.

pp 17-19 + 21 cf

CNo.19421 B2/46 Endorsement of the D.P.I Ref. No.3774~~for~~B/45 Dated 5-4-46 & No. 46B-1/46 d. 5-4-46.

******

Elementary Education Act-Rules-Amendments

-:0:-

pp 17-19 + 21 cf

The D.P.I. has proposed certain amendments (which have been considered necessary) to the rules framed under the Elementary Education Act as a result of

(1) the introduction of compulsory education in rural areas;

and (2) the transfer to the D.E.O's of the power to impose penalties on guardians of defaulting pupils. // The amendments are examined below.

rule 7 J/2

2. The rules contemplate the constitution of committees for compulsory areas. The Deputy Inspector of Schools is the President of the committee. The Director points out that it may not be possible for the Senior Deputy Inspector to be the President of all the Committees. He, therefore, suggests that the Junior Deputy Inspector may ~~also~~ be President of the Committees in certain areas. The suggestion may be accepted ~~but it does not seem necessary that~~ and the Rules ~~should be~~ amended ~~for the purpose as the term Deputy Inspector alone has been adopted in the rules~~ as proposed by the Director on p10 cf.

p9 cf

Rule 7 J/2

3. Members can be nominated to the Committee ~~of~~ by the D.P.I. The Director considers that as numerous villages have been and will be selected for compulsory education, ~~One Governer~~ the power of nomination may be transferred to Divisional Inspectors of Schools. If committees for girls schools are separately formed, the power of nomination will be exercised by the Director. The proposal of the D.P.I. may be accepted.

p8 cf

p21 cf A

4. The Director recommends that the village Munsiff should be appointed as an ex-officio member of the Committees formed in rural areas. He also suggests that the quorum for the transaction of business at the m-

p17 cf

the Committes should be reduced from one-half to one-third. For the reasons given by the Director his proposals may be accepted.

rule 9 J/2

5. Under the existing rules ~~one~~ the headmasters of all elementary schools in a compulsory area should prepare every month lists of pupils absent from schools and submit ~~thereon~~ them to the Committee constituted for the area. The Committee should scruitinise the list and may revise it if necessary. The final list should be sent to the authority ~~previously D.P.I.~~ competent to impose penalties. The author-ity should arrange for the issue of a notice to ~~Rule 1~~ the guardian, get his explanation, refer it to the Deputy Inspector for remarks and finally impose the penalty (if need be) within three months from the date of receipt of the defaulter list.

rule 6 J/2

rule 10

J/2

Rule 1, J/2

6. Under the revised ~~proceeding~~ procedure proposed by the D.P.I. ~~notes~~ notices to defaulting guardians should be issued by the President of the Committee (Deputy Inspector of Schools). The President should hold an oral enquiry into the default and determine whether a penalty should be imposed or not. The D.E.Os should impose the penalty on receipt of the defaulters' list with the results of the enquiry of the President of the Committee. The rule drafted by the D.P.I. gives the impression that the Deputy Inspector (President of the Committee) should decide for the D.E.Os. It would be sufficient if the Deputy Inspector holds the enquiry and forwards the records to the D.E.Os. It should be the D.E.Os who should determine the need for the imposition of the penal-ty. If this view is ~~concerned~~ concurred in the ~~[illegible]~~ form draft rule will suitably be altered ~~in the Section. [illegible]~~ suitably!

J/7

Please see below.

Please see below.

7. Two points require notice ~~rule 1161, and 7 of pamphlet.~~ There is provision in the rules for the ~~cance llation~~ cancellation of the penalty. The penalties have been graded with a maximum and minimum. In his proposals the Director has not referred to the cancellation. In the proposed scale of penalties he has not adopted any maximum or minimum. This method of maximum and minimum was introduced so as to satisfy the re-quirements of the Act (section 51). Perhaps the sums of

rule 1(b) as amended J/6

rule 2 J/3

Q on p18 CF

Re.1,2 and 3 may be taken as the minimum, the maximum being fixed as 25% above those rates. Orders ~~are~~ are solicited whether provision for cancellation of penalties should be retained in the rules and if so, whether the D.P.I. should be consulted on the point.

Agreed. Maxima & minima, as [illegible] as to the [illegible] [illegible] DPI [illegible] Committee.

8. The Commissioner, Corporation of Madras, suggests that provision should be made for the following in the rules framed under the Elementary Education Act:-

(1) With a view to having a ~~concer~~ correct census of children of school age, each guardian should be asked to report the names of children of School age and other particulars about them to the headmaster of the Corporation School. Failure to make a report should be penalised by the imposition of ~~[illegible]~~ fine up to Rs.50. The Director agrees with the Commr. For orders whether the suggestion will be accepted.

[Similar provision may be necessary in other ~~public~~ Municipal areas and in rural areas. ~~The Director suggests that the Sub-magistrates may furnish such information in mufassal areas.~~]

The duty of [illegible] [illegible] is on the Committee. The [illegible] [illegible] be to the Committee. This should be made applicable to the [illegible] [illegible] [illegible] for the [illegible]; so also in the [illegible] [illegible] [illegible] prosecution in [illegible] [illegible].

(2.) Employers of children of School age should be prosecuted and fined up to Rs.50. The D.P.I. ~~concerns~~ concurs with the Commissioner. He suggests that employers may be fined even up to Rs.100. It may be noted that the objects cannot be achieved by an amendment of rules. The Elementary Education Acts itself should it appears be amended for the purpose. The question of undertaking legislation for penalising employers of children was considered in 1942 and dropped. The question of amending the factory Acts and the Mines Act so as to prevent the employment of children up to the age of fourteen is under consideration. The suggestion of the Commissioner may perhaps be examined separately.]

This is [illegible]. The S.M's [illegible] [illegible] be [illegible] to [illegible] [illegible] [illegible]; the [illegible] [illegible] [illegible] be as above; [illegible] the [illegible] [illegible] prosecution [illegible] be before the S.D.'s Courts; [illegible] [illegible].

(N)

9. The Commissioner ~~objects~~ objected to the enforcement of the test regarding proportion of pupils in Standard I to those in Standard V. The D.P.I. has explained how the test will not operate as a hardship. In any case the test cannot be applied to Schools in compulsory areas. If admission to Standard I is restricted with reference to the number of pupil in Standard IV or V the ~~Subject~~ object of compulsory Education will be defeated. In the long ~~sun~~ run the so called wastage and stagnation will disappear as pupils enrolled in Schools

Quite so.

P.T.O.

~~WILL~~ will be retained ~~here~~ there till they complete ~~the~~ the School course under the scheme of compulsory education.

~~We~~ Orders are solicited on the notes above. Necessary draft amendments will be ~~for~~ put up after orders are passed on the notes.

28.
4.5.46

D.P.I.
4/5/46 S

[Rev. Deaf School 'A' on p. lante]

I do not find in the draft rules a specific provision as to the submission by the President of the Committee of the lists to the D.E.O. the authority levying the penalty. The incidental reference in draft 1, does not seem to be sufficient. p 17 CF

I do not see the procedure in cases in which no reply is received separately set out; [illegible] further below.

Warning (or P [illegible]) r. 6(17-4) have to be revised: the authority imposing penalty is different.

Draft 1, [illegible]

To cover present 1, 2, 3 & 4; they must be kept separate. ~~There is no provision~~ ~~corresponding to present 1, 3~~ any entry must be made at all in cases where the boy has no [illegible] to which [illegible] cases, must be dealt with [illegible] is made [illegible] in the cases.

Does draft rule 5 quite square in with the recommendation 3(c) at p. 18 [illegible] this clause corresponding procedure in the Municipal?

P

[illegible]
7/5/46.

274
331
216

A draft of the new rules to be framed under section 51(1) of the Act with reference to the Amendment Act of 1946 is placed below. [illegible] note to the D.P.I. is also submitted. P above of the notice or order [illegible] not

affixed to the [illegible] note

55

5

not served in person, the counterfoil cannot be returned with the signature of the guardian. A report as to the mode of service may be prescribed in such case. The corresponding sections ~~[illegible]~~ in the Dt. Municipalities Act and in the Local Boards Act are 331 and 216 respectively.

pp 503-504 & 749 of Madras Code, Vol III Book 17

2. ~~A~~ A separate file has been started for taking further action with reference to para 8 on page 3 ante.

28
28.5.46.

D.P.I.
28/5/46 S

28/5/46.

~~E4 H. C.O. 3803/45-10~~
~~29-5-46~~

(7)

E & P.H. (B2)Deptt.

56

SUBJECT:- Elementary Education Act-Compulsory Elementary Education-Rules-Amendment.

REFERENCE:- Letter from the Director of Public Instruction R.C.3774-B/45, dated the 5th April 1946.

****

DIRECTOR OF PUBLIC INSTRUCTION
Rc 3774-B/45
MADRAS

p17f

The draft rule under section 51(1) of the Elementary Education Act as suggested by the Director of Public Instruction leaves the impression that the President of the Compulsory Education Committee should determine the need for imposing the penalty and the D.E.O. should impose the penalty on the guardian of the defaulting pupil. It would be more appropriate if the D.E.O.himself determines the need for imposing the penalty. The President of the Compulsory Education Committee should hold an oral enquiry, record the reasons adduced by the guardian for the absence of the child from school and forward the records of the case to the D.E.O.

2.The draft rule does also not contain specific provisions as to the submission by the President of the Committee of the list to the D.E.O. Further, the prodecure to be followed in cases in which no reply to notice is received has not been set out. There is no reason ~~our~~ why any enquiry should be made at all in cases where there has been no response to notice or why these should be delayed until enquiry is made in other cases.

p4NF

3. The draft rule 1(1) proposed by the Director of Public Instruction lumps together existing rules 1(1) (3) & (4) may should be kept separate.

4. The existing rules under section 51(1) prescribe penalties for six breaches with a minimum and a maximum. The maximum and the minimum scales are to satisfy the requirements of section 51(1) of the Elementary Education Act. In his letter read above, the Director has suggested the following scale of penalties:-

p18f

For the first breach----------warning.
For the second breach----------Rupee one.
For the third breach-----------Rupees two.
For the fourth and subsequent) breaches)--Rupees three.

It is considered that penalties with a graded maxima and mimima as now up to the sixth breach are necessary. The Director of Public Instruction may be ~~[illegible]~~ requested u.o. to say whether the present scale of penalties may not be retained.

p3NF

5.A draft of the rules revised with reference to the foregoing remarks is placed below. The Director may be requested u.o. to offer his remarks on the draft rules and to suggest additions and alterations i

p19-11[illegible]

6. The present rules under section 51(1) provide for the cancellation of penalties on ~~[illegible]~~ representations. The Director has omitted the ~~provision~~ provision. He may be asked u.o. to say whether it is necessary to make provision for cancellation, of ~~in~~ penalties and if so to suggest ~~nece~~ necessary additions to the~~se~~ draft ~~of~~ rules.

p3NF

28/7/46

~~U.O.~~

28/5/46

S

ASST. SECRETARY TO GOVERNMENT
31231
12 JUN 1946
EDUCATION AND PUBLIC HEALTH DEPT.

Ed P. Hu. 03805/B2/45-10
29-5-46.

D.P.9

U.O.No.3774 B/45.

Office of the D.P.I.,
Madras, 10th June 1946.

Resubmitted.

I agree ~~to~~ with the Draft rules proposed by the Secretariat. pp23-25CF

With reference to para 4 of the U.O. note I have no objection to Government prescribing the penalties suggested in the U.O. note if the Government prefer those rates to the one~~s~~ recommended by this office. p7 ante
2 Draft rule 4
p24 CF

In regard to para 6 of the U.O. note, it~~s~~ is submitted that it is not necessary to make a provision in the rules for the cancellation of penalties on representations. Ample provision exists in the rules for defaulting parents to explain defaults. If the guardians feel that they have been unjustifiably fined, they have a right of appeal open to them under Section 51(2) of the Madras Elementary Education Act. above

B
10/6

Dy. D.P.I. (In charge).

To the Secretary to Government, Edn. & Public Health Department.

Ed PH
B2.

Please see the note above. The draft rules have been framed pp23-25 CF

---

agree with the D.P.I
B
21.6.46

P

With refer: to the Madras Elementary Education Amendment Act, 1946. The Act has not been brought into force. The question whether it should re-enacted or amended has been raised along with the other Amendments made under the previous Govt. It seems that the draft rules may be published for criticism after the Act has been brought into force. The file may lie over until 1-8-46

A

B
21.6.46

28/6/46

B
21.6.46

c.22/6/46

25 JUN 1946

TSA
25-6-46

H.M.(Edn.)

The question referred to at A above is still pending. The file may continue to lie over till 1.9.46.

6.8.46

9/8/46

The file on the subject ~~has been~~ is in circulation. This may continue to lie over till 1.11.46.

21.9.46.

23/9/46

The main file has not yet been returned from circulation. This may lie over till 1.12.46

2.11.46

4/11/46

~~The question [illegible]~~ The main file has been sent to Legal for preparing a bill. This may lie over till 10.1.47.

4.12.46.

8/12/46

The file has not yet been retd from Legal. This may continue to lie over till 10.2.47

16.1.47

18/1/47

E&P.H. Dept [B2]

This file relates to the framing of a revised set of rules for the enforcement of compulsory Ele. Edn. with reference to the provisions of the Amendment Act of 1946, transferring the power to impose penalties on defaulting guardians to ~~D.B.E.Os.~~ DEO's in compulsory areas.

copy on (P)

2. The Amendment Act was passed in Jan, '46, by the Governor, during the section '93' situation. The DPI was consulted as to the date from which the Amendment Act might be brought into force. He suggested the 1st July '46 as the date suitable for the purpose. A change in the Government came over in the meantime. The Ministry assumed office towards the end of April '46. The question whether all the three ~~3~~ Amendment Acts passed ~~made to the Ele Edn Act~~ during the ~~Advisory~~ Advisers' Regime, including the present Amendment Act should be re-enacted was taken up.

Acts passed in 1941, 1943 and 1946

The Amendment Act of 1946 was not brought into force, pending the decision of the ~~under the impression that the~~ Ministry regarding ~~might not agree, to the provision of~~ the re-enactment of the Amendment Acts ~~as it purports to take away certain powers vested in heads of local bodies.~~ It has been finally decided in full circulation that all the three ~~3~~ Amendment Acts may be

38041/B2
11/3/47

B

(58)

21

re-enacted without ~~with~~ any modification. The file on the subject has been sent to Legal Dept for preparing a bill. It is understood that it will take sometime, for the Amendment Acts, to be re-enacted. In the circumstances, the question for consideration is whether the Amendment Act of 1946 may not be brought into force without awaiting, ~~without~~ the re-enactment of the Legislature. It is understood from Legal, that there is no objection to this procedure ~~procedure~~. ~~The Act~~ may be brought into force from 1-6-47

Legal Dept may see before circ.

A

B

Act by

16843
8 FEB 1947

LPG 14.2.47

14.2.47

17/2/47 S

Legal Dept.

E&P.H.D. No. 3890 /B2/47/11.
25.2.47

L. ~~O~~. 2086

ASSISTANT SECRETARY
26 FEB 1947
LEGAL DEPARTMENT.

There is no legal objection at all to the Amending Act of 1946 being brought into force immediately.

K.R. 26/2/47.

Legal u.o. 2086-1
27.2.47

E. & P. H. Dept

The file may be circulated for orders on the question whether the Elementary Ed (Amendment) Act, 1946, may be brought into force from 1.6.47.

8.3.47

8/3/47 S

Yes

15/3/47

17 MAR 1947

E&P.H.D. No. 38041/B2/47-12
19.3.47

A draft order is put up. Legal may see the draft notification before issue.

18/3/47 S

19/3/47
Legal.

3081

20 MAR 1947

17.3.47

26/3/47

D2

Legal Department.

The alterations indicated in red ink on the draft notification may be made.

21/3/47 E & PH

Ed. & PH Dept

for orders as to circulation

Leg no 3081-1 21.3.47.

25.3.47

26/3/47 S

(Notes from p. 10 ante; draft notification below)

26/3/47

(~~Ch. & Edn.~~)

ASST. SECRETARY TO GOVERNMENT
22 MAR 1947
23288
EDUCATION AND PUBLIC HEALTH DEPT.

SECRETARY, EDN. AND P. H. DEPT.
31 MAR 1947
GOVERNMENT OF MADRAS

TSA 30.3.47

Issued as G.O. 643 Edn. of 1.4.47.

This file and the linked file contains proposal for the amendment of the rule framed under the EE Act. The files ~~have~~ were ~~been~~ lying over ~~pending the~~ as the Amending Act of 1946 was not then ~~brought~~ into force. Orders have now been issued to the effect that the Amending Act will come into force from 1.6.47. The proposal in this and linked files may be further considered.

A draft order is subd. for appl. The Legal Dept. may be requested to say whether the draft notification is in order.

5.4.47

3-5-47

S/Legal.

8/5/47

Legal.

E & P.H. U.O. No 38091/D2/47/B. 9/5/47

Legal Department.

Amendment I(2). The sentence proposed to be added (p 3 of the draft) to rule 8(1) provides that in any area under the jurisdiction of a district board where compulsory education is introduced on or after the 1st August 1945, the Senior Deputy Inspector or the Junior Deputy Inspector who has jurisdiction over that area shall be the President of the Committee. The sentence as it stands will enable either the Senior Deputy Inspector or the Junior Deputy Inspector to be the President of the Committee. This, however, does not seem to be the intention as stated in the D.P.I's letter at pages 9 and 10 c.f. In that letter it is stated that it will not be possible for the Senior Deputy Inspectors of the Ranges concerned to be the Presidents of the Attendance Committees without serious detriment to their regular work and that it is necessary to make the Junior Inspectors Presidents of the Committees. If this is the intention, the sentence proposed to be added to rule 8(1) may run as follows:-

ASSISTANT SECRETARY
9 MAY 1947
LEGAL DEPARTMENT

p 29 (J)

M on p 9 c

A

"If any area under the jurisdiction of a district board where compulsory education is introduced on or after the 1st August 1945 is under the jurisdiction of a Senior Deputy Inspector as well as a Junior Deputy Inspector, the latter shall *ex officio* be the President of the Committee constituted under rule 7."

B

p 10 U.O.

The provision above relates only to areas under the jurisdiction of a district board where compulsory education is introduced on or after the 1st August 1945. It is not known whether the same difficulty may not be experienced in areas under the jurisdiction of district boards where compulsory education was introduced before 1-8-1945 and in areas under the jurisdiction of municipal councils. If the same difficulty will be felt in these areas also, it will be simpler to add a proviso to rule 8(1) in the following terms:-

p 2 of (J)

"Provided that in the case of an area which is under the jurisdiction of a Senior Deputy Inspector as well as a Junior Deputy Inspector, the latter shall *ex officio* be the President of the Committee constituted under rule 7.".

p 64 the draft

Amendment III. The third sentence of new rule 7 provides that the service of notice or order in the City of Madras may be effected in the manner laid down in section 374 of the Madras City Municipal Act, 1919. In the case of other municipal areas it is provided that the executive authority shall arrange for the service of notice or order on the guardian through a suitable municipal employee. Section 331 of the District Municipalities Act contains a provision similar to section 374 of the City Municipal Act in regard to service of notices. It is not clear why in the case of municipal areas, provision has not been made for the service of notice or order on the guardian in accordance with section 331 of the District Municipalities Act. E. & P.H. may consider whether such a provision may not be made in rule 7.

C

The fourth sentence of new rule 7 refers only to the executive authority of a municipal council and village munsiff. It is not clear whether the omission to refer to the Commissioner of the Corporation of Madras is intentional. If the omission is unintentional, the words "Commissioner of the Corporation of Madras or the" may be inserted before the words "executive authority".

D

The words "Except in cases of service in accordance with section 374 of the City Municipal Act" at the commencement of the fifth sentence of new rule 7 will have the effect of making that sentence applicable to municipal areas also. But the notice or order will be forwarded to the village munsiff only in the case of non-municipal areas - see the first sentence. Those words may therefore be omitted from the fifth sentence and that sentence itself placed immediately after the first sentence.

E

Subject to the above remarks, the alterations indicated in red ink on the draft notification may be made.

23/5/47 E&P.H.

ASST. SECRETARY TO GOVERNMENT
44019
27 MAY 1947
EDUCATION AND PUBLIC HEALTH DEPT.
Legal 5153-1
24.5.47

E&P. H. Dept [B2]

Portion 'A' of Legal Dept's note on p.13 ante

The. D.P.I. has suggested the appointment

M on p 9 cf

of junior Deputy Inspectors of Schools as Presidents of Attendance Committees mainly to relieve the Senior Deputy Inspectors of schools, of a portion of their work. There is no objection to the Senior Deputy Inspectors of schools presiding over Attendance Committee if they can spare ~~the~~ time: ~~necessary~~. In the circumstances, no ~~amendments~~ modification to the ~~rule~~ amendments already proposed by this dept ~~need be made~~ seems necessary. It may be noted that the draft amendment ~~as~~ originally proposed was sent to the D.P.I. for remarks and he has agreed to the ~~proposals~~ draft ~~made~~ prepared by this dept.

p 8 ante

Portion 'B' of Legal dept's note on p 13 ante.

This point has not been raised by the D.P.I.; further these ⊛ areas are compact ones and the Deputy Inspectors of schools in charge of these ~~ranges~~ areas will be able to preside over the Attendance Committees. The difficulty really arises only in the case of villages selected for compulsion ~~in~~ after 1945. These villages lie scattered ~~and hence~~ throughout the dist the proposal of the Director to authorise the Junior Deputy Inspector of schools to preside over the Attendance Committee. In ~~this conne~~ the circumstances it does not appear that any further action seems necessary.

⊛ Municipal ~~Rd~~ & rural areas where compulsory ed. was introduced before 1945.

M on p.9 cf

Portion 'C' of Legal Dept's notes on p 14 ante.

The proposal to serve notice in a manner other than through a municipal employee has been raised only by the Commr., Corporation of Madras – Please see para 3 of his letter on page 3 cf. It is not known whether there is any need for adopting a similar procedure ~~of~~ in other Municipal areas also.

The question may be considered if any council raises that point with reference to the draft amendments to be published now.

Portion 'D' of Legal Dept's note on p 14 ante:-

There is no intention to omit reference to Commr., Corporation of Madras. ~~As~~ The term "Executive Authority" was used by this Dept ~~in the~~ draft to apply ~~both~~ to the Commr., Corporation of Madras and to the Commrs. of ~~the~~ ~~Executive~~ of mofussil ~~Mcpty~~ Municipalities. As the Legal Dept ~~have~~ altered the term "Executive Authority" into that of "Executive Authority of Municipality ~~council~~," ~~it~~ is appears that reference to Commr., Corporation of Madras ~~is to~~ sh. be separately inserted. The Amendment proposed by Legal dept may be accepted and has been added to the draft.

Portion E of Legal Dept's notes on p 14 ~~et.~~ ante.

In view of the Legal opinion expressed the amendments made by the Legal dept may be accepted. They have been embodied in the draft.

2. The appendix to the draft as amended by Legal has been re-typed. The proposal in this file is to amend the rules relating to the introduction of compulsory ele edn, consequent on the amendment of the Madras Elementary Education Act, transferring to D.E.O.s the power to impose penalties on defaulting guardians. The Amendment ~~will~~ has come into force from 1.6.1947. Opportunity has been taken to ~~introduce~~ incorporate certain Amendments ~~cons~~ considered necessary for the working of the scheme of compulsory ele education introduced in selected areas in each dt. from 1945-46.

3. The file may be circulated to H.M. (Edn). for appl. of the draft.

(61)

B2 38047

30-5-47

7-6-47

S (11/6/47)

ISA (12-6-47) M (Edn)

1/16

SECRETARY, EDN. AND P.H. DEPT.
13 JUN 1947
GOVERNMENT OF MADRAS