closed.

Scott. II-27—60,004—17-11-48

8 [illegible]

T

E.&.P.H. **(1949) Department.**

SERIES.

1

G.O. NO. Ms.1786 EDUCATION.

Dated 31st May 1949.

pp 9-13 nf upto x

pp 27-28 nf

~~A pp 1-8~~
~~pp [illegible] nf~~
~~pp 53-54 nf~~
~~pp 27-28 nf~~

[illegible]

47

[Despatch Abstract.]

Elementary Education Act- Penalising employers of children of school age - Amendment - Papers closed

Back Papers.

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

Further Papers.

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

Extract of letter from the Commissioner Corporation of Madras No. E.D.C.C1.
3707 of 1945 Dated 23-8-45.

*****

*** *** ***

4. If all children of elementary school-age not attending any school have ~~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 upto date. 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 15days 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.40/-."

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 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 (I) 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 does not attend 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/-."

***** ***** ***** ******

FROM THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS. R.C.No.3774-B/45
Dated 5th April 1946.

***** ***** *****

(3) (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 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/-.

M.S. 31-5-46

31/5

28889

Education & P.H.(B2)Dept.

Memorandum No. 28889B2/46-1 Edn.d/31-5-46

C.38091.From the C.C.M. EDC ~~No~~ C1.3707-45 d/23-8-45.
C.19421.From the D.P.I., Endt.No.3774.B/45 d/5-4-46
~~and No.46.B.1/46 dated 5-4-46~~.

...

PARTICULARS of children of school age - Submission by guardians - Penalty for failure.

...

In this letter read above, the C.C.M. suggests that guardians of children of school age should be compelled to furnish particulars about the children to the headmasters of the Corpn. schools within a fortnight from the date of reopening of the school after vacation. Failure to furnish the particulars should be penalised by the imposition of a fine on the guardian upto Rs.50/-. The Dir. in his endt. read above supports the suggestion of the Commr. He also states that in the mufassal the Sub-Magistrate should be asked to furnish ~~the~~ information ~~regarding~~ relating to ~~the~~ children of school age.

2. Under rule 10 of the rules framed under section 44 of M.E.E. Act the duty of compiling a census of ~~the~~ children of ~~the~~ school age ~~is vested on~~ devolves on the Attendance Committee constituted for the area. It will, therefore, be appropriate if the guardian is asked to report ~~the~~ particulars re: children of school age to the Committee instead of to ~~the~~ headmasters as proposed by the C.C.M. A similar procedure (furnishing ~~similar~~ particulars to ~~the~~ Attendance Committees by the guardian) should it seems be adopted in the mufassal also. The Dir. is requested to offer his remarks on this point. He is also requested to examine the question as to who shd. launch ~~the~~ prosecution against ~~the~~ guardians ~~who fail~~ for failure to furnish the reqd. particulars.

3 In mufassal areas the Dir. ~~says a~~ states that the Sub-Magistrate should furnish particulars of children of school age. Apparently, the Dir. means that prosecution of guardians who fail to furnish the particulars should be made before the sub-Magistrate's court.

~~Court.~~ He is requested to clarify th~~e issue~~e. his intention

To the D.P.I.

Repd 3-6-66

Reminder on 6/7

25.5.66

OBM 30/5/66

O.F. 88. Edu & P.H. DEPARTMENT.

REMINDER. Education *Branch.*

To The Director of Public Instruction

DIRECTOR OF PUBLIC INSTRUCTION
JUL 1946
MADRAS

I ~~have the honour to invite~~ am directed to invite ~~invite~~ attention to Govt memo. No. 28889 B2/46-1 (Edn 8) 31-5-46 and to ~~to request that the reply to it may be expedited~~ request that this reminder may be returned at once with information as to—

(1) the stage at which the matter now is, and
(2) the date by which a reply may be expected. ~~and~~
(3) ~~the circumstances which have caused the delay~~.

Office Govt of Madras. I B Mead
Signature.

Station Fort St. George Asst Secy to the Govt.
Designation.

Dated 3-7-46 $\frac{893}{3/7}$ $\frac{92}{3/7/46}$

SUBJECT.

Particulars of Children of School age - Submission by Guardians - Penalty for failure.

[P.T.O.

8

Br

C.F. 22

REPLY.

To The Secretary to ~~Govt~~ Government

38231 Education & Public Health Department

ASST. SECRETARY TO GOVERNMENT
16 JUL 1946
EDUCATION AND PUBLIC HEALTH DEPT.

Resubmitted.

2) The matter is under consideration and a reply will be submitted at an early date.

For Director of Public Instruction
Madras

12.7.

12.7. Edu & P.H. Dept
B2

The reply from the D.P.I. may be awaited. The file may lie over till 15/8/46

18/7/46

8/7/46

Br ⑥ 9

C.F. 32 (*a*).

Education Department

Received .... Registered ....

From (Name) Dr.S.R.U.Savoor, M.A., D.Sc., I.E.S.,
Designation Director of Public Instruction,
Station Madras.

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

ASST. SECRETARY TO GOVERNMENT
2 AUG 1946
EDUCATION AND PUBLIC HEALTH DEPT.

Enclosures :

Rc.No. 774 B/45 dated 31-7-1946. 194 .

Sir,

42692

Sub: Elementary Education - Compulsion - Particulars of children of schoolage - submission by guardians - Penalty for failure.

Ref: Govt.Memo No.28889 B2/46-1 Edn., dated 31-5-46.

J. Banks

I have the honour to state that I agree with the Government that the guardian be asked to report particulars regarding children of schoolage to the President of the Attendance Committee instead of to the Headmasters as proposed by the Commissioner Corporation of Madras. A similar procedure may be adopted in the mufassal also. The President of the Attendance Committee should be empowered to launch the prosecutions.

With reference to para 2 of the Government Memo I have the honour to state that in the mufassal the prosecutions of guardians who fail to furnish the particulars should be made before the Sub-Magistrate's Court.

for Director of Public Instruction.

k.h.31-7. Sd 31/7

5-6

30/x

31/x

*Assam ✓
Bombay ✓
Bengal ✓
Bihar ✓
Orissa ✓
C.P. ✓
U.P. ✓
Sind ✓
N.W.F. Provce. ✓
The Punjab ✓

31/x

p5NF

Edn. and P.H. Dept. (B2)

7

LETTER No. 4. Edn & P.H. 28889 B2/46. 29/x/46.

Refer:

To

The Secy. to the Govt. of *
Education Department.

Sir,

Primary Education - Enactments.

The Govt. of Madras propose to undertake a revision of the E.E. Act in force in this Presy. It is considered that an examn. of similar Acts in force in other Provinces would be useful. I am, therefore, to request ~~you~~ ~~xxxxxxx~~ that, if there is no objection, copies of the Acts and rules relating to primary edn. in force in your Province, corrected up-to-date, may kindly be sent to this Govt., together with information as to the defects, if any, noticed in their working and any legislation under contemplation for making improvements in them.

Y.O.S.,

BRM
18/10/46

D.O. No. 5. E & P.H. 28889 B2/46. 29/x/46.

Dear Dr. Savoor,

E.E. Act--Amendment.

Ref:- Correspondence resting with your No. 774-B/45, dated 31-7-1946, and Viswanathan's D.O.49924-B2/45-7-Edn. dated 20-9-46.

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p9 eF

p19 eF

linked file

A

The Govt. consider that the E.E. Act may require revision as it was passed as long ago as 1920. I am to request you to examine the provisions of the Act and to send to Govt. ~~early~~ proposals for its amendment, wherever necy., with special reference to the difficulties experienced in its working in the past and the policy to be adopted in the matter of introduction of universal compulsory edn. as envisaged in the post-war plan. You may, in this connection, refer to E.E. Acts in force in other Provinces with a view to incorporating in the Madras Act the desirable provisions in these enactments.

31/x

Yrs. sincerely,

BRM
18/10/46

Copy of the letter from Sri T. Rangarajalu, Main Road, Sembanarkoil P.O., Tanjore Dist, dated the 27th October to the Hon'ble Minister for Education.

"I began to write this matter to you after I personally ~~swa~~ Saw in more villages of my District.

The Madras Government approved the compulsory educational reforms for that the children belong to the Harijan families will get good improvement. But unfortunately most of the landlords and Mirasdars began to restrict the children who work in their estates. Why so? In order to take care of the Mirasdars' own works they refuse to allow them to go to school. They also use their influence in all ways in order to escape from this reform. They advised the Harijan parents who work in the estates to refuse the children from going to school.

But Government ordered to take activities upon the children's parents. How far this activity will give effect? What the Harijan parents will do? Because of their poverty they are liable to obey the landlords. They cannot but do otherwise,

P.T.O.

Personally I saw in some villages that the Mirasdars threaten the teachers too. Though most of the teachers are being Harijans they cannot do their best ~~in~~ to their caste on account of rigorous action put by Mirasdars. If any sincere Harijan teacher began to murmer about this, he was taken to task and threatened by the Mirasdarsthat he and his school would be abandoned by their own influence. The Government should inform the Mirasdars that who have Harijan children below 12 years to make their work in their lands will be severely dealt with."

Government of Orissa
Education Department.

ASST. SECRETARY TO GOVERNMENT
69671
15 NOV 1946
EDUCATION AND PUBLIC HEALTH DEPT.

No. 5502 E.

From

Rai Bahadur S. Das., C. I. E., M. A.,
Secretary to Government.

To

The Secretary to the Government of Madras Education
and Public Health Departments.

Dated Cuttack the 8th November, 1946.

Sub:- Primary Education-Enactments.

Sir,

In reply to your letter No.4E&PH 28889B2/46 dated the 29th October, 1946 I am directed to say that Madras Elementary Education Act, 1920, is in force in the ex-Madras areas of Orissa and the Bihar and Orissa Primary Education Act in the other areas of the province. The Rules under the latter Act are embodied in the Bihar and Orissa Education Code.

2. The system of District Educational Council as provided in the Madras Elementary Education Act has not worked satisfactorily in Orissa. It is, therefore, proposed to amend the Act with a view to abolishing the system. The Bihar and Orissa Primary Education Act aims at introducing compulsory system of Elementary Education in local areas and authorising the Local Authorities to levy education cess. The areas where compulsion has been introduced is very small in this province. Government have recently appointed a Board to investigate possibilities in the matter of introducing the Basic system of Education. The entire question is under consideration.

The defects in the~~s~~ system of control of Elementary Education by the local bodies are under consideration and it is proposed in connection with ~~verification~~ unification of Local Self Government Laws that a Provincial Local Self Government Board should be constituted with an Inspector of Local Bodies as its Secretary and Executing Officer. The Self Governing Units in the Districts should have special committees with a large proportion of educational experts to administer educational institutions und

16

under the local bodies.

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

S. Das
Secretary to Government.

Ex.
G/S.

E. & H. Dept.

The replies from other Govts. may be awaited.

13/11/46

16.11.46

13

(10)

Assam Schedule IA (Part II), Form No. 1A.

GOVERNMENT OF ASSAM

~~OFFICE OF THE~~ EDUCATION DEPARTMENT....EDUCATION BRANCH..

No. EPS.60/46/2......., dated Shillong, the 9th Decr. 1946.

From
S.L. Mehta, Esqr., I.C.S.,
Secretary to the Government of Assam,
Education Department.

77513

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

Asstt. Secretary to Government
16 DEC 1946
Education and Public Health Dept.

Subject :— Primary Education - Enactments.

Reference :— Your letter No.4.E & P.H.28889B2/46, dated the 29th October, 1946.

SIR,

I am directed to se[illegible] herewit[illegible]py of the Assam Primary Education Act of 1926 and the Rules thereunder. The Government of Assam however could not give effect to the Act so long due to various causes.

The Government have long felt the necessity to introduce compulsory Primary Education in the Province and have designed the Assam Primary Education, 1946 (a copy of which is also enclosed) for necessary statutory powers, and to set up an organisation, largely non-official in character, with ample powers for removing illiteracy. This bill is now under the consideration of the Legislature of this Province.

retained in section

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

Secretary to the Government of Assam.

HAL/6/12/46.

7/12

A. G. P. [IA(II)] F. No. 269—1,16,700+2—13-5-1944.

No. 35618 A B2 19

(11)

From

G.C.Chatterji, Esquire, M.A., I.E.S.,
Secretary to Government, Punjab,
Education Department.

To

ASST. SECRETARY TO GOVERNMENT
18 DEC 1946
EDUCATION AND PUCLIC HEALTH DEPT.

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

Dated Lahore, the 14th December, 1946.

7835

Subject:- Primary Education - Enactments.

Sir,

With reference to your letter No.4E. & P.H.28889-B2/46, dated the 29th October, 1946, I am directed to state that the Punjab Primary Education Act, 1919, is at present in force in this Province. The Punjab Primary Education Act, 1940, has not yet been brought into force. Copies of these Acts may, if necessary, be obtained on payment from the Superintendent, Government Printing, Punjab, Lahore.

2. A copy of the model bye-laws regarding compulsory primary education made under the Punjab Primary Education Act, 1919, is enclosed.

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

G. C. Chatterji

D.A.
2.

Secretary to Government, Punjab,
Education Department.
(T.D.)

12.12.46.

Model compulsory education bye-laws for district boards.

The following bye-laws made with the previous sanction of the Punjab Government (Ministry of Education) by the district board of , in exercise of the powers conferred by section 19 of the Punjab Primary Education Act, 1919, are published for general information and shall come into force on the day of 19.

Bye-laws.

Extent.

1. These bye-laws shall extend to the following $\frac{\text{school area}}{\text{school areas}}$ situated within the area subject to the authority of the district board in the district of—

Definitions.

2. In these bye-laws, unless there is anything repugnant in the subject or context :—

(*a*) "school area" means the area which lies within a distance of two miles on all sides of the building of a recognised school in a village situated within the area subject to the authority of the board ;

(*b*) "school-going age" means any age not less than six years and not more than eleven years ; provided that the expression shall mean any age not less than seven years and not more than twelve years when the age limits are varied under sub-section (3) of section 9 of the Act.

(*c*) "the Act" means the Punjab Primary Education Act, 1919 ;

(*d*) "the board" means the district board of ;

(*e*) "the committee" means the school attendance committee.

School attendance committee.

3. A committee shall at the option of the board be constituted for each school area or group of school areas not exceeding five in number to which part II of the Act has been extended.

Constitution of the committee.

4. (1) A committee shall consist of five members to be appointed by the board by resolution at a general meeting from among the residents of the villages included in the $\frac{\text{school area}}{\text{school areas}}$ for which the committee has to be constituted.

Term of office of members.

(2) The term of office of a member shall be three years.

(3) An outgoing member shall, if otherwise qualified, be again eligible for appointment.

emoval of a member.

(4) The board may remove any member of a committee who is in its opinion unfit to act, or is persistently remiss in the discharge of his duties, as a member or fails to attend three consecutive meetings of the committee.

(5) Upon the death, resignation or removal of any member his place shall be filled by appointment in the manner provided in clause (1) of this bye-law.

(6) The term of office of a member appointed under clause (5) of this bye-law, shall be the unexpired portion of the term of office of the member in whose place he has been appointed.

(7) Notwithstanding anything contained in clauses (2), (4) and (5) of this bye-law, an outgoing member shall, unless the board otherwise directs, continue in office until his successor is appointed.

School attendance officer.

5. A school attendance officer shall be appointed by the board for every school area or group of school areas for which a committee is constituted.

President and secretary of the school attendance committee.

6. The committee shall elect one of its members to be the president and shall also appoint one of its members or its school attendance officer to be the secretary of the committee.

Meetings how and when to be convened.

7. (1) The committee shall meet at least once in every month on such date and at such time and place within the area subject to its authority as the president may direct.

(2) On the requisition of at least two members of the committee the president shall convene an extraordinary meeting within a week of the receipt of such requisition.

Notice of the meeting.

(3) The secretary of the committee shall, at least forty-eight hours before the time fixed for the holding of a meeting, issue and circulate to all members a notice regarding the time, date and place of the meeting and shall also circulate along with such notice the agenda to be discussed at the meeting.

Minutes of the meeting.

(4) The secretary of the committee shall maintain in a special register to be kept for the purpose a complete record of the proceedings of every meeting held.

Quorum

8. The quorum necessary for the transaction of business at any meeting of the committee shall be three members.

Chairman of a meeting.

9. At every meeting of the committee the president if present, or in his absence or during the vanancy of his office, such one of their number as the members present may elect shall preside as chairman.

The conduct of business at a meeting.

10. At every meeting of the committee, the business shall be conducted as nearly as may be in accordance with the procedure adopted by the board for the conduct of business at its own meetings.

Preparation and preliminary publication of the list of boys of school-going age.

11. (1) The school attendance officer shall in the month of January in each year, prepare a list of boys of school-going age within the limits of the area for which he is appointed and shall publish such list not later than the tenth day of March and shall also forward a copy of the list to the office of the District Board.

Objections to the preparation of the list.

(2) Any inhabitant of the school area objecting to the entry or the omission of any name in or from the list may within a fortnight from the date of publication of the said list submit his objection in writing to the committee and such objection shall be taken into consideration by the committee.

Approval, confirmation and final publication of the list.

(3) When all such objections have been taken into consideration and have been either deemed insufficient or necessary amendments to the list have been made, the committee shall approve and confirm the list and publish it for general information.

Period during which this list will remain in force.

(4) The list of boys of school-going age approved and confirmed under the provision of clause (3) of this bye-law shall be in force from the date of its confirmation to the thirty-first day of March next following.

Leave of absence.

12. (1) Temporary leave of absence may be granted to a boy enrolled in a recognised school in accordance with the provision of the Punjab Education Code, but where such leave exceeds 15 days if on account of sickness or 10 days if for any other cause, it shall only be given with the approval of the attendance committee.

(2) When leave is refused, the headmaster shall state his reasons in writing, such refusal shall be subject to revision by the committee.

13. It shall be the duty of the parent of a boy under sub-section (2) of section 9 of the Act to cause him to attend a recognised school for primary education on seventy five percent. of the number of school working days in each month, and for the purpose of this bye-law no boy shall be deemed to have attended a school on any day unless he has been present in the school for at least two hours during the school working hours of that day.

14. Should a boy not attend a recognised school within seven working days of the date appointed for his admission to a school or should a boy already attending school absent himself without leave for six consecutive working days, the headmaster of the school shall make a report to the committee.

65 DPI—3,000—14-7-27—SGPP Lahore.

Model compulsory education bye-laws for municipalities, notified areas and small towns.

THE following bye-laws made with the previous sanction of the Punjab Government (Ministry of Education) by the municipal / notified area / town committee of , in exercise of the powers conferred by section 19 of the Punjab Primary Education Act, 1919, are published for general information and shall come into force on the day of 19 .

BYE-LAWS.

Extent.

1. These bye-laws shall extend to Ward No. / Ward Nos. / the whole area which is, or may be included within the limits of the municipality / notified area / small-town in the district of

Definitions.

2. In these bye-laws, unless there is anything repugnant in the subject or context :—

(a) "School-going age" means any age not less than six years and not more than eleven years ; provived that the expression shall mean any age not less than seven years and not more than twelve years when the age limits are varied under sub-section (3) of section 9 of the Act.

(b) "the Act" means the Punjab Primary Education Act, 1919 ;

(c) "the committee" means the school attendance committee.

School attendance committee.

3. A committee shall at the option of the municipal / notified area / town committee be established either for the whole area within the limits of the municipality / notified area / small town or for each election ward or such group of the election wards as may be found to be convenient.

Constitution of the committee.

4. (1) The committee shall consist of five members to be appointed by the municipal / notified area / town committtee by resolution at a general meeting from among the residents of the municipality / notified area / small town.

Term of office of member.

(2) The term of office of a member shall be three years.

(3) An outgoing member shall, if otherwise qualified, be again eligible for appointment.

Removal of a member.

(4) The municipal / notified area / town committee may remove any member of a committee who is in its opinion unfit to act, or persistently remiss in the discharge of his duties as a member, or fails to attend three consecutive meetings of the committee.

(5) Upon the death, resignation or removal of any member his place shall be filled by appointment in the manner provided in clause (1) of this bye-law.

(6) The term of office of a member appointed under clause (5) of this bye-law, shall be the unexpired portion of the term of office of the member in whose place he has been appointed.

(7) Notwithstanding anything contained in clauses (2), (4) and (5) of this bye-law an outgoing member shall, unless the municipal / notified area / town committee otherwise directs, continue in office until his successor is appointed.

School attendance officer.

5. A school attendance officer shall be appointed by the municipal / notified area / town committee either for the whole area within its limits to which compulsion has been applied or for each area for which a committee has been appointed.

6. The committee shall elect one of its members to be the president of the committee and shall also appoint one of its members or its school attendance officer to be the secretary of the committee.

President and secretary of the school attendance committee.

7. (1) The committee shall meet at least once in every month on such date and at such time and place as may be fixed by the president.

Meetings, how and when to be convened.

(2) On the requisition of at least two members of the committee, the president shall convene an extraordinary meeting within a week of the receipt of such requisition.

(3) The secretary of the committee shall at least forty-eight hours before the time fixed for the holding of a meeting issue and circulate to all the members a notice regarding the time, date and place of the meeting and shall also circulate along with such notice the agenda to be discussed at the meeting.

Notice of the meeting.

(4) The secretary of the committee shall maintain in a special register kept for the purpose a complete record of the proceedings of every meeting held.

Minutes of the meeting.

8. The quorum necessary for the transaction of business at any meeting of the committee shall be three members.

Quorum.

9. At every meeting of the committee the president if present, or in his absence or during the vacancy of his office, such one of their number as may be elected by the members present shall preside as chairman.

Chairman of a meeting.

10. At every meeting of the committee the business shall be conducted as nearly as may be in accordance with the procedure adopted by the municipal/notified area/town committee for the conduct of business at its meetings.

The conduct of business at a meeting.

11. (1) The school attendance officer shall, in the month of January in each year, prepare a list of boys of school-going age within the limits of the area for which he is appointed and shall publish such list not later than the tenth day of March and shall also send a copy of the list to the municipal office.

Preparation and preliminary publication of the list of boys of school-going age.

(2) Any inhabitant of the municipality/notified area/small town objecting to the entry or the omission of any name in or from the list may within a fortnight from the date of publication of the said list submit his objection in writing to the committee and such objection shall be taken into consideration by the committee.

Objection to the preparation of the list.

(3) When all such objections have been taken into consideration and have been either deemed insufficient or necessary amendments to the list have been made, the committee shall approve and confirm the list and publish it for general information.

Approval, confirmation and final publication of the list.

(4) The list of boys of school going age approved and confirmed under the provisions of clause (3) of this bye-law shall be in force from the date of its confirmation to the thirty-first day of March next following.

Period during which this list will remain in force.

12. (1) Temporary leave of absence may be granted to a boy enrolled in a recognised school in accordance with the provisions of the Punjab Education Code, but, when such leave exceeds 15 days if on account of sickness, or 10 days if for any other cause, it shall only be given with the approval of the attendance committee.

Leave of absence.

(2) When leave is refused, the headmaster shall state his reasons in writing. Such refusal shall be subject to revision by the committee.

13. It shall be the duty of the parent of a boy under sub-section (2) of section 9 of the Act to cause him to attend a recognised school for primary education on seventy-five per cent. of the number of school working days in each month, and for the purpose of this bye-law no boy shall be deemed to have attended a school on any day unless he has been present in the school for at least two hours during the school working hours of that day.

14. Should a boy not attend a recognised school within seven working days of the date appointed for his admission to a school, or should a boy already attending school absent himself without leave for six consecutive working days, the headmaster of the school shall make a report to the committee.

64 DPI—3,000—14-7-27—SGPP Lahore.

B 2

No. 40171- HE/ dated Peshawar the 18th Dec. 1946

From

Lt. Col. E.H.Cobb., O.B.E., I.P.S.,
Secretary to Government, NWFP.,
Home Department.

ASST. SECRETARY TO GOVERNMENT
24 DEC 1946
EDUCATION AND PUBLIC HEALTH DEPT.

To

The Secretary to Government,
of Madras.

Subject:- Primary Education - Enactments.

.....

79354

Sir,

With reference to your letter No. 4-E., and P.H., dated the 29th October, 1946, I am directed to state that part I of the North West Frontier Province Primary Educations Act, 1938, (Act V of 1939) has been introduced in this province with effect from the 1st April 1939 and II of the said Act has only been introduced in the Cherat Cantt. Area. The Rules and bye-laws framed there-under and approved by this Provincial Government were published vide North West Frontier Province Government Notification No. 24167-DP., dated the 20th /24th July 1940. In this province compulsory Primary Education has only been introduced in the Peshawar Municipal Area.

2. Manager Government Printing and Stationery, NWFP., is being directed to supply you copies of the NWFP., Education Act, 1938, (Act V of 1939) and NWFP., Government Gazette Notification No. 24167-DP., dated the 20th /24th July 1940.

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

Cobb

Secretary to Government, NWFP.,
Home Department.

No. 40172- HE/
11/3

Copy forwarded to the Manager, Government Printing and Stationery, NWFP., for information and necessary action.

Sd/ E.H.Cobb

Secretary to Government, NWFP.,
Home Department.

AFZAL 17/12.

......

B2 (15)

No.S-16/53-B/46.

GOVERNMENT OF SIND.
Department of Education, Health and
Local Self Government,
Sind Secretariat,
Karachi, 19th December 1946.

From

K. B. Muhammad Daim A. Sidiki,
Secretary to the Government of Sind.

To

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

ASST. SECRETARY TO GOVERNMENT
7 - JAN 1947
EDUCATION AND PUBLIC HEALTH DEPT.

Subject:- Primary Education-Enactments.

Sir,

848

I am directed to refer to your letter No.4E&P.H.28889-22/46, dated the 29th October 1946, on the subject noted above, and to forward herewith a copy each of (i) the Bombay Primary Education Act, 1923, and (ii) the Sind Primary Education Rules 1939, Parts I & II along with a set of correction slips.

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

19/12
Sd/- SECRETARY TO GOVERNMENT.

E&P.H. Dept. [B₂]

87-88
21/1 Letter no 28889 B2/46-E Edn
Rebel

Dated 21.1.47

27/1 To

The Secy to the Govt of Bombay ✓ Bengal ✓ Bihar ✓ Central Provinces ✓ United Provinces ✓
~~Dept.~~ of Education Deptt

—

Sir,

"Primary Education Enactments"

—

I am to invite a reference to my letter no 28889 B2/46. dated 29-10-46. and to request you, to ~~kindly~~ send a reply. ~~to the reference~~.

p 11 cf

~~Y.O.S.~~ 18/1/47

S 20/1/47 Y.S.

16.1.47.

O.T.C.

E&P.H. Dept. [B2]

31

17

D.O. no. 28889 B2/46 Edn Dated 21.1.47

Dr.

Dr Savoor.

E.E Act Amendment.

p 11 cf

Please see my ~~amendment,~~ d.o. no. 28889 B2/46, dated 29.10.46. On the question of amendment of the Madras Elementary Education Act I am to enquire when proposals in the matter ~~for the amendment of the Act~~ may be expected

Yours sincerely,

To DS
(by name)

18.1.47

18/1/47

S

21/1/47

B2 22/ (18)

POST COPY OF TELEPHONIC MESSAGE DATED 21--1--1947

****

From the Deputy Director of Public Instruction, Madras.

To the Assistant Secretary to Government, Edn & P.H. Dept.

ASST. SECRETARY TO GOVERNMENT
24 JAN 1947
EDUCATION AND PUBLIC HEALTH DEPT.

11 am

*****

Ref: Govt. D.O. No. 5 E & P.H., dated 2889 B2/46, dated 29th Octr. 1946 regarding Elementary Education Act amendment

***

5302

Kindly send copies of the Elementary Education Acts in force in other Provinces for reference and use in connection with the revision of the E.E. Act proposed by Government in their D.O. reference quoted above as they are not available in this office.

Deputy Director of Public Instruction.

P.R.K. 22/1/47

22/1

35/ E&H Dept

(19)

10/29/1 31/1

Memo 28889 B2/47-7 Edn d/- 28.1.47.

From The D.P.I Madras post copy of the TM dy 21.1.1947

Ele. education act - Amendments to

(x) Bombay
Sind.
Assam
NWFP

The D.P.I Madras is informed that other Provincial Govts have already been addressed for furnishing ~~a~~ copies of E.E act in force in their provinces. Copies of E.E acts of the Provinces (x) noted in the margin so far ~~since~~ received are sent herewith. The other copies will be forwarded to him as & when they are received.

25/1 25.1.47

28/1/47

To
The D.P.I
Madras (with copies 9 Acts)

despatched
31/1

~~A12~~ B2 32 (20)

No: B- 5080 /XV-686/1946.

From

Nehpal Singh Esquire, I.E.S.,
Deputy Secretary to Government,
United Provinces.

124
24/2

To

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

ASST. SECRETARY TO GOVERNMENT
7 FEB 1947
EDUCATION AND PUBLIC HEALTH

Education (B) Department. Dated Lucknow, February 3 , 1947.

Subject:- Primary Education - Enactments.

11461

Sir,

With reference to your letter No. 4 E&PH No. 28889 dated October 29, 1946, I am directed to enclose copies of the following Acts in force in these provinces and to say that no legislation for making improvements in them is at present under the consideration of this Government :-

(1) The United Provinces Primary Education Act, 1919 (VII of 1919)

(2) The United Provinces District Boards Primary Education Act 1926 (I of 1926).

25-28 u dep.

Endt. No. 28889 B2/47/8. Dt 24.2.47
Communicated to the DPI in continuation of Govt. Memo 28889 D2-7, dt 28.1.47

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

Nehpal Singh.

(Nehpal ...gh)
Deputy S...etary.

Opinions (booklets)
1/3.

17.2.47

To
The DPI (with enclo.)

23/2/47

39

(21)

Ed. & P. H. Dept [B2]

Issue two drafts.

Letter no 28889 B2/47-8 Edn **Dated 23.4.47**

Ref

To

The Secy to the Govt of
Education Dept

Bombay ✓
Bengal ✓
Bihar ✓
Central Provinces.

Sir,

Sub:- Primary Education Enactments.

I am to invite a reference to my letter no. 28889 B2/46 dated 29.10.46 and 21.1.47 and to request you to ~~kindly say send an early reply.~~ say when a reply may be expected.

Y.O.S.

To Govt as to

LPB
9.4.47

11.4.47

10/4/47

11/4/47

O.T.C.

Edn. H. Dept [B2]

D.O. no. 28889 B2/47-7 Edn. Dated 23.4.47

15
22/4

Dear
Dr Savoor.

E. E. Act Amendment

Please see my d.o. no 28889 B2/46, dated 29.10.46 and 21.1.47 on the question of amendment of the Madras Elementary Education Act. I am to enquire when proposals in the matter may be expected.

pf 11231 of

Yours sincerely

To Rao Bahadur ~~Dr~~ S. R. U. Savoor
M.A. D.Sc. I.E.S.
D.P.I.

LPG
9.4.47

11.4.47

NM
16/4/47 S

19/4/47

Desp
22/4

D.O.No.10532 B.1/46 43 B2 (23)

Director of Public Instruction
Madras, 28th April 1947

My dear Subramanian,

SUB:-Elementary Education Act - Amendment.

....

Please see your D.O.No.28889-B2/47-7, Education, dated 23-4-1947. The matter is under consideration and I shall send my proposals to Government shortly.

Yours sincerely,

SRK Savoor

M.V. Subramanian, Esq., I.C.S.
Secretary to Government,
Edn & Pub Health Department,
Fort St. George.

JOINT SECRETARY TO GOVERNMENT
28 APR 1947
36444.
EDUCATION AND PUBLIC HEALTH DEPARTMENT

Edn. & P.H. Dept

Submitted.
This may lie over till 1.6.47.

3/5/47

1.5.47

93

B2

28

[illegible] Dept [illegible]

No.S.134/8001-F,
Education and Industries Department.
Bombay Castle, 8th May 1947.

ASST. SECRETARY TO [illegible]
13 MAY 1947
EDUCATION AND PUBLIC HEALTH DEPT.

From

D.S.Joshi, Esquire, I.C.S.,
~~The~~ Joint Secretary to the Government of Bombay,
Education and Industries Department.

To

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

Subject:- Official Publications.
Supply of-

40538

Sir,

With reference to your letter No.28889/B.2/46, dated the 29th October 1946, and the subsequent reminder No.28889.B.2, dated the 23rd April 1947, on the subject mentioned above, I am directed to state that ~~the~~ copies of the Bombay Primary Education Act, 1923 and the Bombay Primary Education Rules 1924 are out of stock and are being printed. Copies of the same will be supplied to you, as soon as they are printed.

Your obedient servant,

for Joint Secretary to ~~the Government of~~
Bombay, Education and Industries Department.

ORB 8/5 5-10
NS/8.
4.30.

Wb

Edn. II. Dept [B2]

This may lie over till 25. 6. 47.

LR6
16.5.47

17.5.47

19.5.47

B2

W7

R.C.No.10532 B1/46.

Education Department.
Office of the Director of Public Instruction,
Cathedral P.O.,Madras, Dated 15th May 1947.

From

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

To

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

42223

Sir,

Ref:(1) Government Memo.No.28889-B2-47-7,Edn.,dated 28-1-47.
(2) -do- No.28889-B2-47-8,Edn.,dated 24-2-47.

----

p. 35 ante

I am returning herewith copies of the Elementary Education Acts of the other Provinces noted in the margin after perusal:-

p. 37 ante

Elementary Education Acts of -
1. Bombay.
2. Sind.
3. North West Frontier Province.
4. The United Provinces Primary Education Act, 1919; and
5. The United Provinces District Boards Primary Edn.Act.1926.
6. Assam.

R. Narasimha

for Director of Public Instruction, Madras.

cs.17/5

ASST. SECRETARY TO GOVERNMENT
19 MAY 1947
EDUCATION AND PUBLIC HEALTH DEPT.

D.O.No.10532-B1/46.

Office of the Director of
Public Instruction,
Madras 6, Dated 17th May 1947.

SECRETARY, EDN. AND P. H. DEPT.
10 MAY 1947
42733.
GOVERNMENT OF MADRAS

My dear Subrahmanian,

Ref: Your D.O.No.5, E & P.H.28889-B-2/46 dated 29-10-46 regarding Amendments to the Madras Elementary Education Act.

With reference to your D.O. quoted above and in continuation of my D.O.10532 B1/46 dated 28--4--47, I submit herewith proposals for amending the Madras Elementary Education Act and the rules framed thereunder apart from those that have been submitted already.

2. A comparison of the Acts of the other Provinces with the Madras Act shows that most of the sections of those Acts correspond to one or the other of the sections of the Madras Act or to the Rules framed thereunder. The main subjects that are not covered by the Madras Act are:--

1. Penalty for employing child liable to attend school; and
2. Cognizance of offences.

In this connection, I invite your kind attention to your D.O.No.52465-A-18 dated 8-5-45. It has been stated therein that the Government are considering item (1) mentioned above separately. The following amendment may be considered as an additional section at the end of Chapter V of the Act.

> "In every area affected by a notification under section 46, no person shall take into employment any child of school-going age resident in such area who is not receiving elementary education in an approved school, or who is not covered by section 50 of the Act.
>
> Whoever knowingly takes into his employment in his own behalf or on behalf of any other person, any child in respect of whom the provisions of the above section apply so as to interfere with the instruction of such child, shall on conviction before a Magistrate be punished with a fine upto Rs.100/-.
>
> No court shall take cognizance of an offence under this section except on the complaint of any authority empowered by the Director of Public Instruction."

As rules under the above sections, the following may be added after the rules under section 51 (1) ... "Enforcement of Compulsion," framed under the Madras Elementary Education Act.

> "1. The authority competent to make a complaint shall be the President of the Compulsory Education Committee functioning in the area or any member of the Compulsory Education Committee authorized by the President to act on his behalf.
>
> 2. Under the above rules, on the report of the Compulsory Education Committee, the President or his nominee shall first issue a notice in writing on such person requiring him to cease to employ the child in the manner prescribed by the above section within one week from the date of service of such notice. The notice may be caused to be served as in the case of notice of default on parents or guardians. If such person fails to comply with the direction given to him by such notice, the President of the Compulsory Education Committee or his nominee shall file a complaint in writing against the offender before

the

"the Magistrate of the Taluk or town or the Presidency Magistrate in the case of the City of Madras according to the situation of the compulsory area concerned."

The following additional rules are also proposed for the effective working of the universal compulsory elementary education:-

To rule 7 of the rules framed under Section 44 of the Act, the following clauses may be added:-

7A (1)

"1. Any member of ~~a~~ the Compulsory Education Committee may resign his seat at any time by giving notice thereof in writing to the authority who nominated him, and such member shall be deemed to have vacated his seat as soon as the authority who nominated him has accepted his resignation.

nominated to it

(2)

2. Any member of ~~a~~ the Compulsory Education Committee not being an ex-officio member shall be deemed to have been removed from office if he is absent from three consecutive meetings thereof and fails to offer reasons for such absence which are considered sufficient by the President of the Compulsory Education Committee."

X

X

3. As a result of experience, it has been considered that there should be a separate secretary for every Compulsory Education Committee if there is no supervisor to officiate as such. I have already submitted my proposals to Government regarding the appointment of attendance officers. If these proposals are approved there will be no necessity for separate secretaries at all. Otherwise the following addition to rule 8 of the rules framed under the Madras Elementary Education Act may be considered:-

"If there is no supervisor, one of the Headmasters of elementary schools who is an official member may be appointed as Secretary with the approval of the Divisional Inspector."

Yours sincerely,

To

M.V.Subrahmanian, Esq., I.C.S.,
Secretary to Government,
Education & Public Health Department,
Fort St.George, MADRAS.

DRAFT II (22) 3 51

394 20/8

Education and P.H.Deptt.(B2)

MEMO NO. 28889 B2/47-10. EDN. Dated 20.8.47

(a.i. Legal)

p 49 CF

Sub: Elementary Education Act, Amendment--Correspondence ending with D.P.I.D.O.No. 10532--B1/46, Dated 17--5--1947.

****

It is proposed ~~to introduce~~ that the Madras Ele.Education Act may be amended so that the levy of fees in all elementary schools in areas ~~may be amended~~ in which compulsory elementary education has been introduced may be abolished. The D.P.I is requested to report whether the managements of elementary schools should be given compensation towards the loss in fee income involved and if so, whether the compensation should be paid from Provincial funds, and what the ~~inability~~ liability of Government will be on this account.

p 9 CF

2. In this letter No. 774 B1/46 dated 31-7-1946, the Director suggested, that the rules framed under the Madras Elementary Education Act should be amended providing for the imposition of penalties on guardians of children for failure to furnish ~~to~~ the President of the Attendance Committee with particulars relating to the age of children. In the D.O. cited, there is no reference to this amendment. The Director is requested to state, whether it is his intention that the amendment need not be made or whether it should be proceeded with.

To
The D.P.I.Madras.

SS

20/8

21/8

2/8/47

52

B2

53

28

C.F. 32.

EDUCATION DEPARTMENT.

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

*Received*________ *Registered*________

From (Name) Dr.S.R.U. Savoor, M.A., D.Sc., I.E.S.,

(Designation) Director of Public Instruction,

Post Box________, **(Station)** Madras.,

*Telegraphic Address*________

ASST. SECRETARY TO GOVERNMENT
14 OCT 1947
EDUCATION AND PUBLIC HEALTH DEPT.

To

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

81522

Roc. *No.* 10532 B1/46, *dated* 11th October 1947.

Sir,

* SUB:- Elementary Education Act - Amendment - Further correspondence.

p.51. ante.

REF:- Government memorandum No.28889-B2/47-10, dated 20th August 1947.

--@--

Enclosures________

Spare Copies________

With regard to the proposal of the Government to amend the Madras Elementary Education Act so that the levy of fees in all elementary schools in all areas where compulsory elementary education has been introduced may be abolished. I have the honour to state that if the idea of free compulsory education is accepted, compensation will have to be paid by Government or local bodies. Compensation for loss of fee income at present may be roughly taken to involve an expenditure of Rs.7 lakhs, (all areas taken together). This figure is arrived at as given below:--

2. In 1945-46, there were in all 15,514 aided elementary schools for boys, the total expenditure on which was ~~x~~ Rs.1,43,48,769/-. Of this amount, Government shared Rs.1,21,80,116/- or 85% ; income from fees was Rs.5,67,044/- or 4%; and the rest of 11% from other sources. There were 1522 aided elementary schools for girls, the total expenditure on which was Rs.23,33,626/- of which Government shared Rs.14,78,226/- or 63% of the expenditure; income from fees Rs.1,32,382/- or 6%; and the rest of 31% met from other courses. It will be seen that the total fee income from the above particulars may be reckoned as Rs.5,67,044 plus Rs.1,32,382 or Rs.6,99,446/- i.e. Rs. 7 lakhs in round figures.

P

3. Though the total cost to Government will be about Rs.7 lakhs, immediate expenditure may not be much as all fee-levying schools are not in the few compulsory areas. But the principle once accepted, it will have to be extended to all areas, even to those places in which compulsion has been introduced years ago.

4. The average loss for each school will be misleading as many schools do not levy any fee, specially more in small villages. In Municipal areas the aided schools rate of fees levyed vary and they are often higher than standard rates given in the M.E.R.

p.t.o.

54.

5. As regards the amendment for the imposition of penalties on guardians of children for failure to furnish the President of the Attendance Committee with particulars relating to the age of Children, I consider the same is necessary and that it may kindly be proceeded with.

11 10 47
for Director of Public Instruction

m.k.11/10.

11/10

E & P.H (B2) Dept.

The main file on the subject is now in circulation. This may lie over till its return to section.

16.10.47 17.10.47 17/10/47

H.M. (Edn)
H.M. (Home)
H.P.M.
V.H.E.

---

29 55

No.S.134/8001-F.
Education and Industries Department,
Bombay Castle, 18th February 1948.

14374

(A)

From
The Assistant Secretary to the Government of Bombay, Education and Industries Department.

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

Subject:- Official Publications
Supply of -

p.115 ante

Sir,

I am directed to refer to this Government letter, Education and Industries Department, No.S.134/8001-F, dated the 8th May 1947, on the subject mentioned above, and to enclose up-to-date copies of the Bombay Primary Education Act, 1923 and Bombay Primary Education Rules, 1924 as desired by you in your letter No.28889 B2/46, dated the 29th October 1946. It is proposed to replace the Primary Education Act of 1923 by a new Act of 1947 with effect from the 1st April 1948. A copy of the new Primary Education Bill of 1947 is also enclosed for your information. The Rules under the new Act are at present being framed and a copy of those rules will be supplied to you, in due course.

p.11 ante

Your obedient servant,

Assistant Secretary to the Government of Bombay, Education and Industries Department

V.H.H. 18.2.48

VTJ/18.2

R.O.C.No.10532 B1/46

Office of the
Director of Public Instruction.
Madras, dated 6th Dec.1948.

FROM

THE DIRECTOR OF PUBLIC INSTRUCTION,
MADRAS.

TO

THE SECRETARY TO GOVERNMENT,
EDUCATION AND PUBLIC HEALTH DEPARTMENT,
FORT ST. GEORGE, MADRAS.

Sir,

93180

ASST. SECRETARY TO GOVERNMENT, EDUCATION AND PUBLIC HEALTH DEPT.
12 DEC 1948

SUBJECT:- Elementary Education Act -- Amendment.

REFERENCE:- Government Memo No.28889 B2/46-10 Edn., dated 20-8-1947 and my letter Roc.No.10532 B1/46 dated 11-10-1947 thereon.

p.51 ante

p.53 ante

I request you to ~~d~~ be good enough to let me know what orders have been passed by the Government on the subject.

Yours faithfully

10.12.48
For Director of Public Instruction.

SJ/9/12,

9/12

58

(31) 59

E. & P. H. Dept (B2)

Memo No. 38091 B2/~~46~~ 15 Edn dated 24.12.48

Sub: Elementary Education Act - Amendment.

Ref: From the D.P.S. No. 10532 B1/46 dated ~~11-10-1947 and~~ 6.12.1948

The D.P.S. is informed that the proposal to exempt pupils from the levy of fees ~~from pupils~~ ~~of~~ in all elementary schools in compulsory areas and to pay compensation to managements of aided elementary schools towards ~~for~~ the loss ~~of~~ free income ~~on account of compulsory free elementary education~~ has been dropped ~~and that~~ The question of making provision in the Madras Elementary Education Act for penalising guardians ~~of~~ who fail to furnish particulars of ~~their~~ children of school going age is still under consideration.

To

The D.P.S.

NF 23-24

23.12.48

24.12.48

24/12/48

C.O. 1971
10.9.47

61 (32)

No. S. 134/8001-F.
Education and Industries Department.
Bombay Castle, 17th May 1949.

From

The Assistant Secretary to the Government of Bombay,
Education and Industries Department.

ASST. SECRETARY TO GOVERNMENT
21
EDUCATION AND PUBLIC HEALTH DEPT.

To

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

Subject:- Official Publications.
Supply of -

40649

Sir,

I am directed to invite a reference to the Government Letter, Education and Industries Department, of even No., dated the 18th February 1948, on the subject mentioned above and to forward herewith a copy of the Bombay Primary Education Rules, 1949, for your information.

Yours faithfully,

Assistant Secretary to the Government of
Bombay, Education and Industries Department.

20/5

B.E. 19/5.

(33)

Edn. & P.H.(D2) Dept.

C.No.38091. From the Commissioner, Corporation of Madras
EDC.No.4.3707/45 dated the 23rd August 1945.
" 19421. Endt. of the D.P.I., Ref.No.3774.B/45 dated
5th April 1946 and No.46.B.1/46 dated 5th
April 1946.

ELEMENTARY EDUCATION ACT - RULES - AMENDMENTS.

*** *** ***

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 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 fine up to Rs.50/-. The Director agrees with the Commissioner. For orders whether the suggestion will be accepted.

Similar provision may be necessary in other Municipal areas and in rural areas. The Director suggests that the sub-magistrates may furnish suc information in mufassal areas.

The duty of ~~[illegible]~~ compiling ~~completing~~ a census is on the Committee. The report should be to the Committee. This should be made applicable to the mufassal also. Consult D.P.I. on the point; as also on the question who should launch prosecution in the Magistrate's Court.

M.V.S.

This is obscure. The Sub Magistrate~~s~~ cannot ~~counsel~~ obviously be asked to furnish the information; the liability there should be as above; apparently he means the prosecution should be before the Sub Magistrate's Courts; ask him.

M.V.S.

(2) Employers of children of school age shoul be ~~[illegible]~~ prosecuted and fined up to Rs.50. The D.P. concurs with the Commissioner. He suggests that employers may be fined even up toRs.100. It may be noted that the objects cannot be achieved by an amendment of rules. The Elementary Education Act 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 th employment of children upto the age of fourteen is under consideration. The suggestion of the Commr., may perhaps be examined separately.

M.V.S.

*** *** ****

M.V.S.
7/5/46.

2 A draft memo is

submitted for appl.

25.5.46

OSM 30/5/46

[Issued as Memo No. 28889 B2/46-1 Edn. d. 31-5-46]

pp 3-5 CF

C. No. 42693 B2 From the D.P.I. R.C. No. 774 B/45 dated 31.7.46.

p 9 c/f

There are two Proposals in this file

(a) Penalising employers of children of School-age.

(b) Imposing a responsibility on guardians of children in the matter of furnishing particulars regarding the children under their custody.

~~One~~ (a) above

(1) Attention is solicited to the papers in G.O. No. 792 A Edn. dated 29.5.42. (N) The D.P.I. suggested in 1941 the desirability of amending the Ely. Edn. Act so as to provide for penalising employers of children of School-age. After ~~a long~~ detailed consideration of the Question, the proposals were deferred. The Question for consideration now is whether employment of children should be prohibited absolutely or only during School hours. The framers of the Act of ~~in~~ 1920 ~~in~~ originally intended ~~the~~ to prevent the employment of children, but the matter was dropped for the reason that ~~he~~ it would be going too far to deny the right to ~~a~~ parent of employing ~~the~~ his child out of School hours for earning small wages.

p 39 of N.D.s with G.O. 79 J (b) 17.1.20

Yes; but I do not see why we should not prohibit such employment within school hours. The Burma rule is a salutary one & may well be copied [illegible]

20.5.46

(2) In view of the fact that the Govt have launched ~~on~~ a Scheme of compulsory ~~Edn~~ ele. education

N/CF

---

in rural areas and may continue to extend the Scheme year after year, it seems desirable to insert a provision in the E. E. Act prohibiting the employment of children. The employers should, it appears be prosecuted in a court. The D.P.I. proposed that the authorities responsible for the enforcement of compulsion should be conduct the prosecution. Under the present Act, P.D.Bs in rural areas Chairman in Ml. areas and Commr in the City of Madras are the authorities who should enforce compulsory attendance of children at schools. The Act has been amended transferring the ~~Power~~ to the D.E.O. ~~The Amended Act has not yet been~~ brought into force.

p 16 c/f (N)

The Act was framed in 1920 & is out of date. We can add to commissioners & Panchayat officers in clause 3(ii) deleting the reference to Taluk Boards.

20.5.46

We might include S.D.I.'s & J.D.I.'s also [illegible]

20.5.46

(b) above: (1) The ~~Director~~ Commissioner Corporation of Madras suggests that guardians of children of school-age resident in a compulsory ~~area~~ should report to the President of the Attendance Committee, or to the Headmaster of the school, particulars of children of school-age, in a form that may be prescribed. ⊗ Failure to furnish the particulars should be penalised by prosecution. The D.P.I. supports the proposal. He suggests that ~~The~~ Attendance Committee should conduct the prosecution. The Presidency Magistrate should impose fines on Guardians in the City. In the mufassal, the prosecution should be made before the Sub Magistrate's Court. We might also constitute courts of special Honorary Benches for this purpose.

p 1 c/f

⊗ presumably by mail.

para 5, 1 c/f

p 9 c/f

(2) It appears that an amendment of the Act is necessary to give effect

the Suggestion of the Director. Attendance Committees are constituted under the rules framed under Section 44 of the Act. It is for consideration whether the authority responsible for the enforcement of compulsion may not be asked to conduct the prosecution against guardians as in the case of employers.

2. The file may be sent to ~~L.A.~~ Legal ~~for~~ remarks before circulation.

7.8.46

12/8/46 S

The Act is over 26 years old, and is out of date in many respects. We might, while we are on the subject, take up the revision and amendment of the entire Act in the light of the latest developments in education, and in the Local and Dt. Board legislation. We might also decide the question whether compulsion is to be worked through the Local Boards or through the Revenue department and the educational department.

20.8.46.

Legal.

U.O.No. 28884-2B
22-8-46

L. 6265

Legal Department

As pointed out by the Secretary, E. & P.H. Department, the Madras Elementary Education Act, 1920, was passed more than a quarter of a century ago. Various administrative difficulties might have been encountered in the working of the Act. Experience would also have revealed the need for making improvements in the provisions of the Act in other directions, especially in the light of the latest developments in educational theory and practice. A general revision of the Act may therefore be undertaken now as suggested by the Secretary, E. & P.H. Department. The question whether compulsion is to be worked through local bodies or through Government Departments may be considered in that connection in the light of past experience.

ASSISTANT SECRETARY
22 AUG 1946
LEGAL DEPARTMENT.

If a general revision of the Act is to be undertaken now, it would be useful to obtain from other Provincial Governments uptodate copies of the Acts and Rules now in force in their Provinces and information as to the defects, if any, found in their working. They may also be asked to furnish information as to whether they have any legislation under contemplation for making improvements in the existing Acts.

17/9/46

Legal U.O. 6265-1
17/9/46

S
17/9/46

E & PH

57841
18 SEP 1946

Ed. & P.H. Dept.

The question whether the general framework of the E.E. Act should be altered has been raised in the linked file. ~~The~~ H.M. proposes to discuss the matter with the D.P.I. The point raised in this ~~[illegible]~~ file may also be considered ~~at~~ the discussion. Further action in regard to the amendment of the Act may be taken after the discussion is over.

25.9.46

The files may be subd. to H.M.

23.9.46.

24/9/46

S

25.9.46

I think the Act may require a revision in view of its age, but I am sorry I have not had the time

P.T.O.

H.M. (Edn.)

27/9/46

6

to go through the matter in detail. While the D.P.I. may be asked to go through the act and suggest amendments if necessary, it will certainly be helpful to us to obtain from other Govts uptodate copies of their E.E. Act & rules. Steps may be taken in this direction.

That will give us some time to think about these things.

TSA
13-10-46

SECRETARY, EDN. AND P. H. DEPT.
14 OCT 1946
GOVERNMENT OF MADRAS

A draft d.o. and a draft letter are subd. for appl.

2/16.10.46

BM
18/10/46 S

66103 B2

H 13-14 cf

To the Secretary, E.&.P.H.

Please see the accompanying letter. Allegations are being made that in the case of Harijan children, more than the parents, the Mirasdars under whom these children work stand in the way of these children being sent to school. I think, it is quite possible and in my own experience these children are so cheap that the Mirasdars really think their going to schools will affect them adversely. I do not know whether the present law, as it stands, makes it possible for us to punish the Mirasdars ~~also~~ who employ these Harijan children who are sent to schools. Unless that is done, there is no use of merely punishing the parents who are after all the victims of the Mirasdars. Will you kindly look at the point of law and put up the facts?

TSA
30-10-46

H. M. Education.

SECRETARY, EDN. AND P. H. DEPT.
0 OCT 1946
GOVERNMENT OF MADRAS

38091/B2
9/11

(30)

7

H.M.'s note on p 6 ante

The D.P.I. has already addressed the Govt. for amending the E.E. Act for penalising employers of children of school age. Further action will be taken on receipt of the reply to the reference on p 11 cf. Please see the note under [illegible] at pp 2-3 ante

2/2.11.46

BM
4/11/46 S

9/11/46

SECRETARY, EDN. AND P. H. DEPT.
11 NOV 1946
GOVERNMENT OF MADRAS

TSA
10-11-46

p 20

(37) 9

Edn. & P.H. Dept.(B2)

Extracts on p 1 CF

In August 1945, the Commissioner, Corporation of Madra addressed Govt. on two points:-

(1) Penalising employers of children of school-age.

(2) Imposing responsibility on guardians of children in the matter of furnishing particulars regarding children under their custody.

pp 1 + 9 CF

The D.P.I. suggested that a penalty might be imposed on employers of children and that guardians who failed to furnish particulars of children might also be prosecuted. The question was examined in the notes on pp.1 to 4 ante. The view was recorded that the whole frame-work of the Ele.Edn. Act might be revised with reference to:-

pp 5-6 ante

(1) The difficulties experienced in the working of the Act in the past;

(2) the enforcement of the scheme of compulsory ele.educatio contemplated in the Post War plan;

and (3) the provision made by other provinces in India in the matter of primary education.

p 11 CF

The D.P.I. was ~~aksed~~ asked to submit proposals in the matter. The Director has examined the question and his views are on pp.49-50 C.F. According to the Director, there is no ~~new~~ provision in the Acts of other Provinces that need be incorpo ted in the Madras Act, except in regard to penalising employer of school children. He has suggested amendments to the Ele. Edn. Act and to the rules framed there under in respect of the matter.

B

2. The need for imposing penalty on employers of childre of school age has been accepted pp.1 to 4 ante. The question for consideration is whether legislation may be undertaken fo the purpose. The form of amendment suggested by the Director leaves the idea that the child can be employed out of school hours. It is not known whether this is intentional or whethe the prohibition should be absolute.

pp 9 CF

I think this 'A' below will prevent employment in industrial or exacting work. Other kinds of work, & outside school hours, ~~[illegible]~~ [illegible] interfere with.

[illegible]

A

It may be noted that action has been taken separately to ame the Factories Act and the Employment of Children Act with a v to prohibiting children below the age of 14 from being employ in factories and other industrial concerns. Necessary legis tion in this regard is being introduced by the Central Govt. There is provision in the Indian Mines Act prohibiting the employment of children below the age of 15 in mining operations.

3. As regards the scheme of compulsory ele.edn., the Elementary Education Act has been amended transfering the power to impose penalties on guardians of defaulting children in compulsory areas to the D.E.O.'s. The Amendment Act was ⊗ brought into force with effect from 1.6.47. The Director ~~has~~ submitted draft amendments to the rules under the Ele.Edn. Act consequent on the amendment Act. The draft Amendments have been ~~applied~~ approved. In his letter on page 50 c.f. the Director has suggested further amendments relating to the membership of Attendence Committee. These may be pted and published separately. As regards the appointment of a Secy., for the Committee in areas where there is no supervisor, the question of amendment of the rules can be taken up after the question of ~~which is to be considered as Part II Scheme~~ appointment of attendence Officers is decided. This is to be considered as a Part II Scheme. The Director apparently onsiders that no further amendments to the Act or rules are ecessary so far as the scheme of compulsory elementary edn. is concerned.

⊗ The Act will be in force till April 1950

by

X

P The D.P.I. has not moved the Govt. in this matter further [illegible]

4. In the linked file ~~I~~, the following questions have been raised

(1) whether provision should be made in the Act for enabling ovt. to introduce schemes of compulsory ele.edn. and to utilise ot only local bodies but also aided agencies for implementing hem;

(2) whether the ele.Edn. Act should be amended so as to abolish e levy of fees in all ele.Schools in compulsory areas in which ompulsory ele.education is inforce.

(3) whether compensation should be paid to managements of ided ele.schools in respect of fee income forgone. //The Director as not referred to these questions in ~~his~~ the proposals submitted y him. Under sec.45 A of the Act the Govt. have power to direct cal bodies to frame schemes of compulsion and if they fail to o so, to arrange for the framing of ~~a~~ schemes themselves. Even hen the implementing of the scheme lies with local bodies. It ppears that the intention is to introduce schemes of compulsion ithout any reference to local bodies and to utilise the services

c

d

e [illegible]

2

This is proposed when it is considered that there would be uniform scales of pay for teachers in all managements. At this.

This has been dropped in the proposal also. May be dropped.
by

of both local bodies and private agencies. If so, an amendment of the Act may be necessary.

(2) and (3) above: The Act contemplates the levy of fees in schools under private managements in compulsory areas, while ~~the~~ education imparted in schools under local bodies in such areas is free. If ele.education is made free in all schools in compulsory areas, irrespective of managements, private agencies may stand to lose the fee income which they are at present deriving from pupils. The Director has stated in another connection that ~~the~~ fees are levied only at nominal rates and the income derived from them is comparatively small. The question for consideration is whether the Act should be amended prohibiting the levy of fees in all schools in compulsory areas. The practice heitherto has been to ensure that managements disburse to teachers in their schools as pay the grant assessed on behalf of the teachers. Orders have been recently issued that managements should supplement the salary grant from their own income by Rs.5/- in the case of a higher ele. or secondary grade teacher and Rs.2/- in the case of a lower ele.grade teacher. In view of the fact that managements have to find some funds of their own to pay teachers, the provision ~~to~~ enabling levy of fees in compulsory areas should continue. If not, the Govt. should themselves sanction an additional grant either towards the fee income forgone or towards ~~the payment of supplementary~~ supplementing the salary grant. For orders whether the D.P.I. should again be consulted in the matter or whether proposals to amend the Act in this direction may be dropped or further considered without any reference to the D.P.I.

X

I think the D.P.I. needs to be asked to report specifically on this question.
by

pp 1+9 c.f.

5. It may also be noted that the D.P.I. first suggested that guardians should be penalised for failure to furnish particulars of children to the Presidents of Attendance Committees. In his proposals on pages 49-50 c.f. he has not mentioned anything about this proposal. Presumably the Director is not serious about this. For orders whether the proposal may be dropped. If any reference has to be made to the D.P.I. on the foregoing points, this item may also be included.

A reference may be made to the D.P.I.
by

6. The file may be submitted to H.M. for orders on the

12

points raised above.

SS
18/7/47

BRM
21/7/47 S

21/7/47

A.S. (Edn.)

~~3/66~~
~~4/7~~

(with 6 A.S.)

'B' Above.in page 9 ante. I think it is necessary to impose a penalty on employers of children of school-going age. Since the matter ~~has~~ has been accepted in page 1 to 4, legislation may be undertaken for the purpose. The form of the amendment suggested by the D.P.I. that the child can be employed after school hours may be allowed.

|B

op. p 10 ante

'C'. Yes. Unless provisions are made for enabling Government to utilise not only local bodies but also aided agencies, it will not be possible for us to enforce compulsion.

op. p 10 ante

'D'. If our policy is to have a free and compulsory education, levy of fees must be abolished in all elementary schools in compulsory areas including aided schools

|R

op. p 10 ante

'E'. In the above circumstances, the question arises whether we should compensate the managements for the loss of fee income. As pointed out in the note above, we have issued orders that all aided elementary school managements should pay Rs.5/- extra at least to teachers under their employ in addition to the grant given by us. We expect that they may meet this to a great extent out of fees levied in the schools. If we undertake legislation to see that, in the compulsory areas, fees should not be levied, it is necessary that we should compensate. The quantum of compensation that we may have to pay will then ~~has~~ have to be decided. A ref. to the DPI may be made about this matter

op. p 10 ante

'F'. This refers to the agency which is to introduce the work of compulsion. Now, it is the local bodies that are ~~interestedxinxth~~ entrusted with the work of compulsion. ~~Though~~ The power of punishment has been taken off from them and vested in the D.E.O., a proposal to constitute separate

Secretary, Edn. and P.H. ... 28 JUL 1947

39

13

bodies for each taluk for the purpose of ~~having~~ management of elementary education in the taluk is under consideration and has been placed before the Provincial Advisory Board of Education. A sub-committee consisting of the Vice-Chancellor of the Madras University, Dr.D'Souza, Mr. Yagnyanarayana iyer and the D.P.I. have been appointed to go into the matter and give us a report. On receipt of the report, it may be possible that we may have to introduce an amending legislation transferring managements of elementary schools from local boards to these bodies. This matter may be considered when the report is received.

op. p 11

'G' above may be done.

P.

XXX

TSA
28.7.47

A draft order with refce. to X on p 10 ante is subd. Legal may see for scrutiny of the draft notification.

2. Portions C & F on p 10 ante

In view of 'B' above no action seems now called for.

3. Portions D, E & G on page 10-11 ante

A draft memo to the D.P.I. is subd.

4. The question of amending the Act for prohibiting employment of children may be further considered. It appears that further action may be taken after a decision is arrived at with refce to 'B' above. For orders.

I do not think this need wait for the ac.; examine action may proceed

Finance may see w.r.t point 'E' in H.O.'s minute.

31.7.47

2/8/47 S

5/8/47

Edn. No. 28889 B2/47-6

5/8/47

47349 EA

8 AUG 1947

B2

B2

Finance (Exp A)

The note of E&PH on pages 9-12 above, the minute of H.M. (Edu) on pages 12-13 above, ~~and~~ the further note of E&PH on p. 13 above and the draft memo to the D.P.I. (draft II) may be perused.

Pending the receipt of the reply of the D.P.I. no special remarks seem called for in Finance at this stage.

SHA (12.8.47)

13.8.47

13.8.47

14.8.47

E&PH.

E.P.H.
B2

Fin. u.o. No. 47349 EA-1
14.8.47

ASST. SECRETARY TO GOVT.
EDUCATION AND PUBLIC HEALTH DEPT.
66652
AUG

The file may be sent to Legal as originally marked after issue of draft memo.

19/8/47 Legal (a/c of memo)

memo issued on 21/8/47

Legal Department.

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

1/9/47

E&P.H.

Edn. & Pu. Hlth. Dept.

Legal u.o. 9143/47-1
1/9/47

ASSISTANT SECRETARY
E&P.H. u.o. No. 28889 B2/47
22/8/47
LEGAL DEPARTMENT
9143

S-1, 1-2 of the draft

7017

The draft may be issued as altered by Legal. Further action with refce. to Secy's orders on p. 13 ante will be taken after issue of the draft.

5/9/47

6/9/47

4.9.47

ASST. SECRETARY TO GOVERNMENT
2 - SEP 1947
EDUCATION AND PUBLIC HEALTH DEPT.

(A)

Edn. & P.H. Dept.
B2

Sub:- Ele Edu. Act - ~~Rules~~ - Amendments

—x—

With reference to the Secretary's order on the margin on p ~~20~~ 13 ante, the following note is submitted.

A In the notes on pp 2 and 9 ante and the first para of HM's minutes on page 12 ante, the view has been recorded that the Madras Ele Edu Act may be amended so as to prohibit the employment of children of school age, with~~-~~in school hours. The D.P.I. has suggested a draft of an amendment to the Act (p 49 cf.) The draft ~~implies~~ provides that a complaint should be prefe~~r~~red ~~agans~~ against the employer before the magistrate by an authority empowered by the D.P.I. Presumabley the Director intends to authorise the Dy Inspector of schools to launch proceedings against the employer.

Par p 49 cf

2. It may be noted here that the sub. Committee of the Provincial Advisory Board of Education has made certain recommendations for removing the administration of ele schools ~~for~~ from the purview of ~~the~~ Dist. Bds. and for entrusting the administration to Ad Hoc bodies to be constituted for each taluk. The recommendations of the sub. Committee will have to be placed before the Provincial Advisory Board of Education for consideration. HM (Edu) has ordered that the recommendations of the subcommittee should be examined in the meanwhile and the suggestions of the Committee involve large

Cf HM's minute on page 13 ante

16

B2

questions of policy and require an amendment of the Ele Edn Act. It is not known whether these proposals will affect the provisions of the Act relating to compulsory ele education, and also indirectly ~~on~~ the proposal now before Govt, regarding the penalising of employers of children of ~~school~~ school age.

3. The file may be sent to Legal dept for remarks, whether legislation can be undertaken as proposed by the D.P.I. to prohibit the employment ~~s~~ of children of school age. L.A. may also see. [On return a draft memorandum will be prepared & the file circulated]

I do not see [illegible] to [illegible] [illegible] to the [illegible] of [illegible]. [illegible] [illegible] [illegible] become [illegible] by [illegible] [illegible] [illegible] [illegible]

P on p 44 of 2

LPG 17/9/47

19.9.47

19-9-47

S Legal.

LEGAL DEPARTMENT.

There is no legal objection to the proposal made in the note above, viz. to prohibit the employment of children of school-age during school hours, or except after school hours. Such a prohibition may be regarded as falling within the provincial subject of "Education" (Entry 17 in the Provincial Legislative List), and will be intra vires the Provincial Legislature. The enforcement of the prohibition by making a contravention of it an offence is covered by Entry 37 of the Provincial Legislative List, viz. "Offences against laws with respect to any of the matters in this (Provincial Legislative) List".

K.R. 23/9/47.

Ed P.H. Ho. No. 28889 B2/47
22/9/47

× A [illegible]
+ B [illegible]
10257

ASSISTANT SECRETARY
23 SEP 1947
LEGAL DEPARTMENT

Legal U.O. No. 10257/47
23-9-47.

E. & P.H. Dept.

76(3)

Ed & P. H. Dept. (B2)

24 SEP

A draft memorandum is submitted for approval. The file may be circulated to HM (Edn), HM (~~Legal~~ Home), H.P.M and H.E, under Secretariat Instructions 32(2).

~~For orders.~~ for P 23 of Business Rules

28091/45

For orders whether legislation should be undertaken as indicated in the memorandum

LPG 30.9.47

4.10.47

Legal may perhaps see the draft memorandum before circulation

4/10/47 S

Law.

ASSISTANT SECRETARY
OCT 1947
LEGAL DEPARTMENT

Ed P.H. Ho. No. 28889

LEGAL DEPARTMENT.

The alterations indicated in red ink on the draft may be made. A paragraph has been added regarding the vires of the legislation.

7/10/47

J.S. K.M. 8/10/47

Ed P.H. Ho. No.
28091/45 - B.
6-10-47
(with l.f. c.No. 4992)

ASST. SECRETARY TO GOVERNMENT
8 - OCT 1947
EDUCATION AND PUBLIC HEALTH DEPT.

10832

E & P.H. Dept.

Legal U.O. No. 10832/47-I.
8.10.47

80477

A clean copy of the draft memorandum as altered by Legal is kept below. The file may now be circulated to H.M. (Edn), H.M. (~~Law~~ Home), H.P.M. and H.E. for orders whether legislation may be undertaken as outlined in the memorandum.

Sectt 32(2)
p 23 of Business Rules.

with l.f. c.No. 4992
15-10-47

AS 10-10-47

11/10/47

11/10/47 S

HM (Edn)
HM (Home)
H.P.M
H.E.

G.P.R. 28/10

TSA 13.10.47

7 Nov 47

7.11.47

~~The file may be sent to the Legal dept. for preparing a bill.~~

8.11.47

18

It has been decided in circulation that legislation as outlined in the memorandum should be undertaken, for penalising employers of children of school-age. It is for orders whether the memorandum should be proceeded with now or whether it may be proceeded with after a decision is arrived at on the points mentioned in the paragraphs below, which also require amendments of the Madras Elementary Education Act.

2. Attention is invited to the memo to the D.P.I. and his reply on pages 51-54 cf. The Director has stated that compensation has to be ~~pay to~~ paid to managements ~~amendments~~ of schools for the loss of fee income if levy of fees is abolished in ~~the~~ elementary schools in the areas in which compulsory ele: education is introduced. He estimates the loss in fee income at Rs. 7 lakhs. He is evidently of the ~~vew~~ view that ~~the~~ compensation should be paid from provincial funds. Attention is in this connection invited to the notes in the linked file.

3. The Director has also stated that provision should be made in the Madras Elementary Education Act to penalise guardians who fail to furnish particulars of children~~s~~ of school-age ~~and~~ in their custody to the Attendance committees. The proposal is that the guardians should be prosecuted before the Presidency Magistrate in the city of Madras and Sub-Magistrates in the mufassal, the maximum fine being fixed at Rs. 50/-

4. L.A., Finance and Legal may see with reference to paragraphs 2 and 3 above.

18/11/47

18/11/47

please see Secy's note in the margin

Paragraphs may await be considered now.

May be accepted.

Since the discussions here, the position has altered in view of the fact that we have not introduced uniform scales of pay all round.

pp 3-5, 9 & 54 May be accepted.

Ev P.H. Ms. No 38091/45

18.11.47.

LA

Q..

Fin..

Lew.

LOCAL ADMINISTRATION DEPT. 48375 1947 SECRETARIAT, MADRAS

LA Depth

Clee.

SN 19/11

Please see the note of E & P.H. above. With reference to para 2 above, it is submitted that many ~~of the~~ local bodies are unable to meet the cost involved in giving effect to the revised scales of pay to their staff ~~and certain~~ ~~Mltys they have no funds to meet the~~

19

(42)

Any compensation to aided ely schools for loss of fee income should be paid from Provl funds. Local bodies will not be able to meet the cost.

The proposal in para 3 on p 18 above may be accepted.

RM 2/12/47

Secy 3/12/47

Fin.

3/12

L.Auc. 43375-1C

3/12/47.

73164 FA 8 DEC 1947 FINANCE DEPARTMENT

Fin (Exp.A)

(Previous Finance note on p 14 above)

It has been ordered in circulation that legislation should be undertaken for penalising employers of children of school-age. Before proceeding with this further, E & L.H. desire to settle two other connected questions, viz.

1) payment of compensation to managements for the loss of fee income on account of compulsory free elementary education; and

2) Making provision in the Ele. Edn. Act for penalising guardians who fail to furnish particulars of children of school-going age in their custody to the Attendance Committees.

The remarks of Finance are called for on the first question.

p 17 above

p 18 above (paras 2 & 3)

2. The Elementary Edn. Act contemplates the levy of fees in schools under private managements in compulsory areas. Education imparted in schools under local bodies is free. E & L.H. are of the view that education under managements also should be free and that compensation should be paid to managements for the loss in fee income. The D.P.I. has estimated that the total cost to Govt. by way of compensation will be Rs 7 lakhs. The D.P.I.'s letter on pp 53-54 cf. may be read.

It is submitted that the fact that education imparted in these areas is compulsory should not be taken

As an argument for prohibiting levy of fees by managements in private elementary schools. The Govt. are ~~even~~ now committed to a huge expenditure and the proposal to exempt private schools pupils from payment of fees would mean that compensation ~~will have~~ should be paid to the managements to make up the loss. If fees are not collected, there may be a tendency for the schools to become less efficient also. As it is, the managements will have to find sufficient funds to supplement the salary grant — please see X in p11 above. It seems therefore all the more imperative that they should not be deprived of the fee income, ~~however small it might be.~~ Finance may suggest that no departure from the existing policy need be made, especially in view of the financial implications involved.

As the whole question is a matter of policy, E & P.H will no doubt take orders in circulation including H.M. (Fin).

9-12-47

11/12/47

A.D.S.

E & P.H

Please put up the file (or a copy of the note for S.F.C.) regarding the question whether ele. schools the managements of which expressed inability to run the schools on the basis of the revised scales of pay for teachers, should be entrusted to local bodies or taken over by the Govt.

A

13/12/47

The question referred to at A above has been considered and dropped. The papers are not readily available. A copy of the note for the Cabinet ~~on a connected subject~~ and a copy of the Part II scheme note on a connected subject is put up at (1).

[The question did not go before the SFC as E & PH themselves did not support the proposal.]

16/12/47

16-12-47

16/12/47

A.D.S.

AS,

ADS

It will be seen from para 1 of the note on the Part II Scheme for 1948-9 on page 5 of (1) that when the Govt. issued orders fixing ~~the~~ the revised scales of pay to be allowed ~~by~~ to higher elementary and secondary grade teachers in aided elementary schools, they intended that the managements should meet the extra cost involved from their own resources such as income from fees, endowments etc. It was, however, found subsequently that many teacher-managers of aided elementary schools had given notices of discontinuing schools in view of the fact that they were unable to meet the extra cost involved in the adoption of the revised scales of pay fixed by the Govt. H.M. Edn. was of the view that the following alternatives should be considered:—

(a) The Govt. should take up all the aided elementary schools the managements of which are unable to run them (Extra cost to Govt. Rs 85 lakhs p.a.)

(b) the local bodies concerned should take over such schools. (Extra cost to the Govt. Rs 85 lakhs p.a.)

(c) other private agencies should be found to take over the schools and

(d) the Govt. should meet the extra cost involved in the adoption of the revised scales of pay. (Extra cost to Govt. Rs 30 lakhs p.a.)

It was first thought that the D.P.I. should investigate the possibilities of (c) above. Notices of discontinuance were received from a large number of private managements subsequently and as a result of this, H.Ms Edn & Fin agreed that the proposal relating to alternative (d) should be ~~dealt with~~ considered as a Part II scheme for 1948-9. The extra cost involved in this proposal is Rs 30 lakhs p.a.

The liability mentioned above was not intended to be taken up by the Govt. when revised scales of pay were fixed for higher elementary and secondary grade teachers in aided elementary schools. If the proposal in the present case to prohibit private managements from levying fees is pursued, there will be a further liability of about Rs 7 lakhs p.a. to the Govt. by way of compensation to these managements for the loss of fee income. The commitments of the Govt. are being increased indefinitely. The Govt ~~have~~ already ~~a~~ p.u. dept. schemes relating to the introduction of compulsory elementary education and other schemes relating to the Education Dept. that involve very heavy commitments. It is not desirable to add to them by abolishing fees in private elementary schools and paying compensation from Govt. revenues to the managements of these schools.

DWD

~~[illegible]~~ It is likely that enhancement will be made in the dearness allowance of low-paid subordinates of the Govt. and this ~~may~~ is likely also to lead to similar enhancement of dearness allce to teachers in elementary schools. Additional grants ~~may~~ will then have to be given to local bodies and private managements towards the extra expenditure. This is likely to be a large sum.

It does not seem desirable to pursue the proposal in the present case for the abolition of fees in elementary schools under private managements in view of the considerations mentioned above and Finance may strongly advise against it.

DWD

I agree with ADS.
DWD
19.12.47

18/12/47

E.P.H

[Notes from page 18 ante]

Edn.& P.H.(B2).

Fin U.O. No. 73164-EA.1
19/12/47

ASST. SECRETARY TO GOVERNMENT
100086
22 DEC 1947
EDUCATION AND PUBLIC HEALTH DEPT.

The proposal now for orders is whether the private managements in compulsory areas should be prohibited from levying fees in Elementary schools and, if so, how the loss of fee income is to be made good. The D.P.I. has reported that the loss of fee income would be about Rs.7 lakhs. From the notes

1A

P.T.O.

D2.38091

(44)

it will be seen that the loss will have to be made good by Government as local bodies have not sufficient funds for meeting the expenditure on compensation.

B

The Finance Dept. suggest that the present position under which managements of Elementary schools can levy fees in compulsory areas may be allowed to continue. The file may be circulated to H.Ms. (Education), (L.A.), (Finance) and H.P.M. for orders whether -

(1) the managements of private schools in compulsory areas should be prohibited from levying fees in Elementary schools, and

(2) whether Govt. will pay compensation to managements towards the fee income forgone.

Orders are also requested on the proposal in para 3, p.18 ante.

[The draft memorandum below will be revised with reference to the orders in circulation and the file then re-circulated]

A.G.
23.12.47

3.1.48

5/1/48

S/ H.M.(Edn)
H.M.(L.A)
H.M.(Fin)
H.P.M.

'A' at page 22 ante: It may be pointed out that this estimate of 7 lakhs is of the ultimate cost; the immediate cost would be inconsiderable; and the ultimate cost will not be reached until such time as 'compulsion' is introduced all over the Province - which will mean a very considerable number of years ('P' at page 53 c.f.).

'B' above: Attention may be invited to the fact that as indicated by H.M.(Edn) at 'R' at p.12 ante it will neither be logical nor expedient to allow fees to be charged in areas where compulsion is enforced.

p 12 ante

I have already given my opinion. Now Finance may see first & then put up to me

6/1/48

TSA
21-1-48

H.M. (Edn.) ✓
H.M. (L.A.) ✓
H.M. (Fin.) ✓
H. Pr:

If the managements of private schools in compulsory areas are prohibited from levying fees in Elementary schools, the loss of income to them from fees may be considerable. The local bodies cannot be asked to bear in whole or in part the expenditure on this account as their finances are slender. So, if the Government bears the expenditure, fees need not be levied by the Management.

B2

23/1

We may allow the old rule to stand. We need not take further burdens on ourselves.

23.1

H.M. (Fin)

H.Pr.

O.P.R. 28/1/48

The file may be recirculated to H.M. (Edn).

29/1/48 S/ 29/1/48

Hy. (Cy.)

SECRETARY, FIN. AND P. H. DEPT.
29 JAN 1948
GOVERNMENT OF MADRAS

O.S. 3 29/1

TSA 4.2.48

p17 ante

It has already been ordered in circulation that legislation should be undertaken for penalising the employers of children of school going age. Before proceeding further with this piece of legislation, it was considered desirable to settle two other connected points:—

SECRETARY, FIN. AND P. H. DEPT.
4 FEB 1948
GOVERNMENT OF MADRAS

p18 ante

(1) payment of compensation to school managements for the loss of fee income on account of the compulsory free elementary education and

(2) making provision in the Elementary Act for penalising guardians who fail to furnish particulars of children of school going age in their custody to the Attendance Committees.

It has simply been decided in circulation

45

L.D.

p24 ante

that the present position under which the managements of elementary schools can levy fees in compulsory areas may be allowed to continue and that no further financial liability need be undertaken.

As regards the second point, orders may have to be taken now on the question of undertaking legislation for making the provision.

A suitable revised memorandum covering this point alone is submitted. Legal may see for scrutiny before circulation.

13.2.48

18/2/48 S 19/2/48 Legal Legal Dept.

[Holds up as it is required for the top file (page to contd.)]

~~This may lie over till the draft amendments to the rules relating to shift system and recruitment of teachers for individual schools called for from the D.P.I. are received.~~ With reference to the orders of H.M. (Edn) at page 4 nf in the ~~top~~ linked file.

25.2.48

21.2.48

25/2/48 S 26/2/48

(Vide H.M.'s orders at p. 4 nf. in top file)

e.No. 12400/48

Stop. pd.

This file relates to the amendment of the E.E. Act for penalising employers of children of school age. Provision is also be made for penalising guardians for failure to furnish particulars re children of school age. The file has been allowed to lie over till the question re transfer of administration of elementary schools to Taluk Ed. Committees is settled. Please see the notes in the linked file for orders whether this file may continue to lie over.

24.7.48

22/7/48

24

If the managements of private schools in compulsory areas are prohibited from levying fees in Elementary schools, the loss of income to them from fees may be considerable. The local bodies cannot be asked to bear in whole or in part the expenditure on this account as their finances are slender. So, if the Government bears the expenditure, fees need not be levied by the Management.

B2

23/1

We may allow the old rule to stand. We need not take further burdens on ourselves.

23.1

H.M. (Fin)

O.P.R 28/1/48

H.Ps.

The file may be recirculated to H.M. (Edn).

29/1/48 S/ 29/1/48

H.M. (Ccy.)

SECRETARY, EDN. AND P.H. DEPT.
29 JAN 1948
GOVERNMENT OF MADRAS

29/1

TSA
4.2.48

p17 ante

SECRETARY, EDN. AND P.H. DEPT.
4 FEB 1948
GOVERNMENT OF MADRAS

It has already been ordered in circulation that legislation should be undertaken for penalising the employers of children of school going age. Before proceeding further with this piece of legislation, it was considered desirable to settle two other connected points:—

(1) payment of compensation to school managements for the loss of fee income on account of the compulsory free elementary education and
(2) making provision in the Elementary Act for penalising guardians who fail to furnish particulars of children of school going age in their custody to the Attendance Committees.

p1 ante

It has since been decided in circulation

25

(45)

p24 ante

that the present position under which the managements of elementary schools can levy fees in compulsory areas may be allowed to continue and that no further financial liability need be undertaken.

As regards the second point, orders may have to be taken now on the question of undertaking legislation for making the provision.

A suitable revised memorandum covering this point also is submitted. Legal may see for scrutiny before circulation.

13.2.48

18/2/48 S 19/2/48 Legal

[H.M.'s app. as in [illegible] [illegible] [illegible] [illegible])

This may lie over ~~till the draft amendments to the Rules relating to shift system and recruitment of teachers for individual schools called for from the D.P.I. are recd.~~ with reference to the orders of H.M. (Edn) at page 4 n.f. in the ~~top~~ linked file.

Vide H.M.'s orders at p.4 n.f. in top file)

25.2.48

25.2.48

25/2/48 S 26/2/48

This file relates to the amendment of the E.E. Act for penalising employers of children of school age. Provision is also to be made for penalising guardians for failure to furnish particulars re children of school age. The file has been allowed to lie over till the question re transfer of administration of elementary schools to Taluk Ed. Committees is settled. Please see the notes in the linked file for orders whether this file may continue to lie over.

22/7/48

21.7.48

No issues/[illegible]

Stoppage

From the D.P.I. no 10532 B1/46 dated 6-12-48. p 57 cf

The D.P.I. enquires whether orders have been passed on the proposals made by him in his letter no 10532 B1/46 dated 11-10-1947. In that letter, he suggested that if provision ~~may~~ ~~might~~ was to be made in the Elementary Education Act prohibiting the levy of fees from pupils in all Elementary Schools in Compulsory areas ~~and that~~ Compensation ~~may~~ might be paid to managements of aided Elementary Schools ~~for~~ towards the loss of fee income. p 53 cf

It was decided in circulation ~~that~~ the present position might be continued and they ~~Govt.~~ ~~did~~ need not take further burden on themselves. p 24 ante In the circumstances, it is for orders ~~whether~~ the D.P.I. may be informed ~~that~~ the proposal to prohibit the levy of fees in all ~~Elementary~~ Schools in compulsory areas and pay compensation to ~~all~~ managements of aided elementary schools has been dropped

2. The point referred to in para 5 of the D.P.I.'s letter on p-54-cf. regarding the imposition of penalties on guardians of children for failure to furnish particulars relating to their children is still under consideration. The proposal requires legislation and the matter ~~may lie~~ has been allowed to lie over pending a decision of the Govt. on the question of transfer of the administration of B.S. elementary schools to Taluk Education Committees. p 25 ante

RBM
15.12.48

RM
18/12/48

21/12/48.

16/12/48

A draft memo is submitted below for approval. ~~with ref to the D.P.I. letter on p 57 cf~~

RBM
23.12.48

24.12.48

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(46) 27

Three points relating to the amendment of the Ele. Education Act have been raised in this file, viz.,

(1) Penalising employers of children of school age;

(2) Penalising guardians of children of school age who fail to furnish particulars of their children(of school age) to Attendence ~~Officers~~ committees;

(3) Abolition of levy of fees in all elementary schools in Compulsory areas and payment of compensation to managements of aided elementary schools.

(2)

(1) above:-The question whether provision should not be made in the Ele. Edn. Act for penalising the employers of school age children was raised as far back as in 1941. Please see the notes to G.O.No.792-A-Edn., dated 29-5-1942. The decision of the Govt. then was that the matter might be allowed to lie over till effective steps were taken to enforce the scheme of compulsory ele. education already introduced.

p 49 cf

The question was raised by the D.P.I. again ~~in 1946~~. He suggested that measures should be undertaken to prevent child labour. The matter was again examined; please see the notes on page 9 ante and the minutes of the former H.M. on page 12 ante.

x on p 1 cf
p 9 cf
para 5, p 54 cf

(2) above:- The D.P.I. considers that guardians of children of school age should be under obligation to furnish correct particulars of children under their custody to the Attendence Committees. Failure to discharge the obligation should be penalised by imposition of suitable penalty. The Ele. Edn. Act will have to be amended for this purpose.

(3) above:- Attention is solicited to the notes ~~in the linked file and the notes~~ on pages 10, 11, 12 19-24 ante. At present Ele. Edn. is free in all schools under Govt. and local bodies in compulsory areas. Private managements are at liberty to levy fees from pupils in ele. schools even in these areas. If the proposal to abolish the levy of fees in private schools is also accepted Govt. may have to pay a large compensation to private managements towards the loss of fee income. In view

7 labels

of the huge cost involved the Govt. decided not to take up the question of abolishing levy of fees in schools under private managements in compulsory areas.

2. Proposals (1) and (2) above involve legislation. A draft memo was prepared in February 1948 and got approved. Under orders of H.M. the file was allowed to lie over, pending the decision of Govt. on the question of transfer of managements of ele. schools to taluk education committees to be specially constituted for the purpose. The

3. The Govt. have since decided that the question may be examined afresh from the point of view of giving more executive powers to educational authorities so that the schools may be worked with greater efficiency. It therefore appears that the proposal to constitute Taluk Education Committees and to transfer the management of Board ele. schools to them has been dropped. Under the orders of H.M., the D.P.I. has been asked to submit proposals in the matter of vesting in the officers of the Edn. Deptt. greater power of control over ele. schools. In the circumstances, it does not appear that this file need be kept open any longer ~~allowed to lie over any longer.~~ ~~For orders whether further action in the matter may be taken. Orders of the present H.M.(Edn.) may first be obtained.~~ The papers may be recorded. H.M (Edn) may see.

19.5.49

26/5/49

27/5

H.M (Edn)

28/5

SECRETARIAT, EDN. AND P.H. DEPT.
28 MAY 1949
GOVERNMENT OF MADRAS

D. 1786 25 31.5.

Elementary Education Act

Penalising employers of children of school age Amendment - Not needed

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