

Tamil Nadu Compulsory Elementary Education Act, 1994

TAMILNADU

India

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Act 33 of 1995

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Tamil Nadu Compulsory Elementary Education Act, 1994 (Tamil Nadu Act No. 33 of 1995) Statement of Objects and Reasons. - Tamil Nadu Compulsory Elementary Education Act, 1994 (Tamil Nadu Act 33 of 1995). In terms of Article 45 of the Constitutions of India the State shall endeavour to provide for free and compulsory education for all children until they complete the age of fourteen years. A policy decision has now been taken by the Government of Tamil Nadu to provide compulsory elementary education for all children of school age in this State. To give effect to that policy decision, it is necessary to make elementary education compulsory for all children of school age. It is also necessary to make it obligatory on the part of every parent or guardian of a child of school age to cause the child to attend to an elementary school. 2. The Bill seeks to achieve the above objects. Published in the Part IV-Section 1 of the Tamil Nadu Government Gazette, Extraordinary, dated the 29th April 1994. Statement of Objects and Reasons. - Tamil Nadu Compulsory Elementary Education (Amendment) Act, 1997 (Tamil Nadu Act 49 of 1997). - The Tamil Nadu Compulsory Elementary Education Act, 1994 (Tamil Nadu Act 33 of 1995) provides for compulsory education for every child of school age. According to clause (1) of section 5 of the said Act, attendance at an elementary school for a child of school age shall not be compulsory if there is no elementary school within such distance, as may be notified by the Government, from the residence of such child. When the bill relating to the said Act was reserved by the Governor for the consideration of the President and forwarded to the Government of India for obtaining the assent of the President thereto the Government of India suggested that the said clause (1) of section 5 of the said Act should be omitted so that it is mandatory for the State Government to provide schools within one kilometre radius of every habitation. This Government accepted the suggestion of the Government of India and informed them that necessary amendment would be made after the said Bill becomes an Act and before the Act is brought into force. Further, it has also been proposed to retain the provisions of sections 32, 33, 34, 35, 36, 37, 38, 39 and 40 of the Tamil Nadu Elementary Education Act, 1920 (Tamil Nadu Act VIII of 1920) and the rules made thereunder so as to enable municipal councils to continue the levy of education tax and the Government to continue the contribution to elementary education fund and to repeal the Tamil Nadu Elementary Education Act, 1920, except the aforesaid

sections. Accordingly, it has been decided to amend the said Tamil Nadu Act 33 of 1995 for the above purposes.2. The Bill seeks to give effect to the above decision. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 29th April 1997. Received the assent of the President on the 21st November 1995 and published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 13th December 1995. An Act to amend and consolidate the law relating to, and to make better provisions for, compulsory elementary education in the State of Tamil Nadu. Whereas under Article 45 of the Constitution of India, the State shall endeavour to provide, within a period of ten years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of fourteen years; And Whereas a policy decision has been taken by the Government of Tamil Nadu to provide the compulsory elementary education for all children of school age in this State; And Whereas to give effect, to that policy decision, it is necessary to make elementary education compulsory for all such children; And Whereas it is also necessary to make it obligatory on the part of every parent or guardian of a child to cause the child to attend to an elementary school; Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fifth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Tamil Nadu Compulsory Elementary Education Act, 1994. (2) It extends to the whole of the State of Tamil Nadu. (3) It shall [come into force on such date] [The Act came into force on and from the 29th June 1998 vide G.O. Ms. No. 242, dated the 29th June 1998.] as the Government may, by notification, appoint and different dates may be appointed for different provisions of the Act.

2. Definitions.

- In this Act, unless the context otherwise requires,-(1) "attendance at an elementary school" means presence for instruction at an elementary school for such number of days, and on such days in a year, and at such time or times on each day of attendance, as may be prescribed; (2) "competent authority" means the competent authority appointed by the Government under section 6; (3) "elementary education" means education in such subjects and up to such standard as may be prescribed; (4) "elementary school" means a school recognised as an elementary school by the competent authority and includes any elementary school in existence on the date of commencement of this Act which has been recognised as such by the Director of Elementary Education or by any authority of the Education Department; (5) "Government" means the State Government; (6) "guardian" means by person to whom the care, nurture or custody of any child falls by law or by natural right or by recognised usage, or who has accepted or assumed the care, nurture or custody of any child or to whom the care, nurture or custody of any child has been entrusted by any lawful authority; (7) "parent" means the father or mother of a child and includes an adopted father or mother; (8) "school age" in relation to a child means such age as may be prescribed; (9) "year" means the academic year commencing on the 1st day of June.

3. Elementary education to be compulsory.

(1) Subject to the provisions of this Act, elementary education shall be compulsory for every child of school age. (2) For giving effect to the provisions of sub-section (1), the Government shall provide such number of elementary schools in the State with trained teachers, as may be considered necessary.

4. Duty of every parent or guardian of a child of school age.

- It shall be the duty of every parent or guardian of a child of school age to cause such child to attend an elementary school.

5. Exemptions.

- Attendance at an elementary school for a child of school age shall not be compulsory- (1) Omitted by Tamil Nadu Act 49 of 1997. (2) if such child is prevented from attending an elementary school by reason of sickness, infirmity or such other cause as may be prescribed; (3) if such child is attending any unrecognised school provided that the education imparted therein is declared to be satisfactory by the competent authority; (4) if such child is imparted education in such other manner as may be declared to be satisfactory by the competent authority; (5) if such child has already been imparted education in an elementary school or otherwise, up to the standard prescribed for elementary education; or (6) if such child is exempt from attendance on any other ground as may be prescribed.

6. Competent authority.

(1) The Government may, by notification, appoint any officer of the Education department, not below the rank of District Educational Officer, to be the [Competent authority] [The District Elementary Educational Officer of the Education district concerned is the competent authority vide G.O. Ms. No. 243, dated the 29th June 1998.] for the purpose of carrying into effect the provisions of this Act, and the rules made thereunder and different competent authorities may be appointed for different areas. (2) The competent authority shall exercise such powers and perform such other functions as may be prescribed.

7. Penalty.

- Every parent or guardian of a child of school age who fails to discharge his duty under section 4 shall be punishable with fine which may extend to one hundred rupees.

8. Cognizance of offences.

- No court shall take cognizance of an offence punishable under this Act except on a complaint in writing made by an [officer] [The District Elementary Educational Officer of the education district concerned to be the officer to make complaint in writing before a Court vide G.O. Ms. No. 244, dated

the 29th June 1998.] authorised by the Government in this behalf by general or special order.

9. Competent authority, etc., to be public servants.

- The competent authority appointed under section 6 and the officer authorised under section 8 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

10. Power of Government to give directions.

- The Government may, in the public interest, by order, direct the competent authority to make an enquiry or to take appropriate proceedings under this Act in any case specified in the order, and the competent authority shall report to the Government the result of the enquiry made or the proceedings taken by him within such period as may be prescribed.

11. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the Government or an officer of the Government, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

12. Power to make rules.

(1)The Government may make rules to carry out all or any of the purposes of this Act.(2)Every rule or order made under this Act shall, as soon as possible, after it is made, be placed on the Table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly' makes any modification in any such rule or order, or the Assembly decides that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification, or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

13. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires by order published in the Tamil Nadu Government Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulty:Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.

14. Repeal and saving.

(1)The Tamil Nadu Elementary Education Act, 1920 (Tamil Nadu Act VIII of 1920) (hereinafter in this section referred to as the said Act) except sections 32,33,34,35,36,37,38,39 and 40 and the rules made thereunder is hereby repealed.(2)The levy, rates, assessment and realisation of education tax and Government contribution to the elementary education fund in respect of municipalities shall be determined in accordance with the provisions of sections 32,33,34,35,36,37,38,39 and 40 of the said Act, as if the said sections shall be deemed to always have been incorporated in this Act.