

# The Punjab Primary Education Act, 1960

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### Act 39 of 1960

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The Punjab Primary Education Act, 1960 Punjab Act No. 39 of 1960 Statement of Objects and Reasons. - There is at present no adequate and satisfactory law for the enforcement of compulsory primary education in the State of Punjab. The existing Acts, namely, the Punjab Primary Education Act, 1919, the Punjab Primary Education Act, 1940, the Patiala Primary Education Act, 1983 Bk. and the Pepsu Compulsory Primary Education Act, 1954, are no longer found suitable to meet the changed conditions. It is, therefore, proposed to repeal them and introduce a new and suitable legislation for the enforcement of compulsory primary education in the Punjab. This Bill is designed to serve the purpose in view," (Punjab Government Gazette Extraordinary, dated the 24th October, 1960). For Statement of Objects and Reasons, Punjab Government Gazette (Extraordinary), 1960, Page 1999. Received the assent of the Governor of Punjab on the 7th December, 1960 and first published for general information in the Punjab Government Gazette (Extraordinary), Legislative Supplement of the 9th December, 1960. An Act to provide for free and compulsory primary education for children in the State of Punjab. Be it enacted by the Legislature of the State of Punjab in the Eleventh Year of the Republic of India as follows :-

### 1. Short title, extent and commencement.

(1) This Act may be called the Punjab Primary Education Act, 1960. (2) It extends to the whole of the State of Punjab. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

### 2. Definitions.

- In this Act, unless the context otherwise requires :- (a) "academic year" means the year beginning on such date as the State Government may, by notification in the Official Gazette, specify in respect of any specified area or for approved schools generally or for any approved school or class of approved schools in particular; (b) "approved school" means any school in any specified area imparting primary education which - (i) is under the management of the State Government;

or(ii)being under any other management, is recognised by the State Government as approved school for the purposes of this Act;(c)"attendance authority" means any person appointed to be an attendance authority under section 4;(d)"to attend an approved school" means to be present for instruction at an approved school on so many days in a year and at such time or times on each one of those days as may be fixed by the prescribed authority;(e)"child" means a boy or girl within such age group not being less than six or more than fourteen, as the State Government may, in each case, specify for the purposes of this Act, either generally or with respect to any specified area;(f)"parent" in relation to any child, includes a guardian and every person who has the actual custody of the child;(g)"prescribed" means prescribed by rules made under this Act;(h)"Primary education" means education up to such class or standard not beyond the eight class or standard as may be prescribed;(i)"Special school" means any institution which imparts such primary education as is in the opinion of the State Government suitable for children suffering from any physical or mental defect;(j)"Specified area" means any area in which primary education is declared by the State Government to be compulsory under section 3;(k)"State Government" means the Government of the State of Punjab.

### **3. Primary education to be compulsory in specified area.**

(1)The State Government may, by order, direct that with effect from the first day of the next academic year primary education for children of either sex or both sexes, within such age-groups as may be specified in the order shall be compulsory in any area which may be so specified.(2)Every order under sub-section (1) shall -(a)be published in the Official Gazette and in such manner as the State Government may decide;(b)be so made as to ensure that there is an interval of not less than one hundred and twenty days or such other interval as the State Government may by notification direct between the date of the publication of the order in the Official Gazette and the first day of the next academic year.(3)No order shall be made under sub-section (1) in respect of any area unless the State Government is satisfied that such steps as may be prescribed have been taken in that area to provide the necessary facilities for imparting compulsory primary education to all children to whom the order is intended to apply.

### **4. Attendance authorities and their powers and duties.**

- The State Government may appoint as many persons as it thinks fit to be attendance authorities for the purpose of this Act, and may also appoint as many persons as it considers necessary to assist the attendance authorities in the discharge of their duties.(2)It shall be the duty of the attendance authority to cause to be prepared as early as possible after the publication of an order under section 3 and in such manner as may be prescribed a list of children in any specified area. Such lists shall also be prepared annually in every specified area at such time and in such manner as may be prescribed.(3)In the exercise of any of the powers conferred by or under this Act, the attendance authority or any person appointed to assist the attendance authority may put such questions to any parent, or require any parent to furnish such information, about his child, as it or he considers necessary and every such parent shall be bound to answer such questions or to furnish such information, as the case may be, to the best of his knowledge or belief.(4)It shall be the duty of the attendance authority to notify the parent of every child to whom the order under section 3 applies

that he is under an obligation to cause the child to attend an approved school with effect from the beginning of the next academic year.

## **5. Responsibility of parent to cause his child to attend school.**

- It shall be the duty of the parent of every child to cause the child to attend an approved school unless there be a reasonable excuse for his non attendance within the meaning of section 6.

## **6. Reasonable excuse for non-attendance.**

- For the purposes of this Act, any of the following circumstances shall be deemed to be a reasonable excuse for the non-attendance of a child at an approved school -(a)that there is no approved school within the prescribed distance from his residence;(b)that the child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by an officer authority by it in this behalf;(c)that the child has already completed primary education;(d)that the child suffers from a physical or mental defect which prevents him from attendance;(e)that there is any other compelling circumstance which prevents the child from attending school provided the same is certified as such by the attendance authority(f)such other circumstance as may be prescribed.

## **7. Special schools for physically or mentally deficient children.**

- If there is in existence a special school within the prescribed distance from the residence of a child who is suffering from a physical or mental defect, the attendance authority may, if it is satisfied that the child is not receiving any instruction in some other manner considered by it to be satisfactory, by order require the child to attend the special school; and it shall be the duty of the parent of such child to cause the child to attend the special school unless there be a reasonable excuse for the non-attendance of the child within the meaning of clause (d) of section 6.

## **8. Special provision for part-time education in certain cases.**

(1)If the attendance authority is satisfied that a child, due to economic or other circumstances connected with the family to which the child belongs, is unable to attend an approved school in the manner required by or under this Act, it may, by order and subject to such conditions, if any, as it may, think fit to impose, permit the child to attend any approved school established as a part-time institution or in which primary education is imparted on a part-time basis.(2)Any parent who causes a child in respect of whom an order under sub-section (1) has been made to attend an approved school in the manner specified in the order shall be deemed to have complied with the provisions of this Act.

## **9. Attendance orders.**

(1)Whenever the attendance authority has reason to believe that the parent of a child has failed to cause the child to attend an approved school and that there is no reasonable excuse for the non-

attendance of the child within the meaning of section 6, it shall hold an inquiry in the prescribed manner.(2)If as a result of the inquiry the attendance authority is satisfied that the child is liable to attend an approved school and that there is no reasonable excuse for his non-attendance within the meaning of section 6, it shall pass an attendance order in the prescribed form directing the parent to cause the child to attend the approved school, with effect from the date, specified in the order.(3)An attendance order passed against a parent in respect of his child under this section shall, subject to the provisions of sub-section (6), remain in force for so long as this Act continues to apply to the child.(4)If any parent against whom an attendance order has been passed in respect of his child under sub-section (2) transfers the custody of the child to another person during the period in which the attendance order is in force, such parent shall be bound to immediately inform the attendance authority in writing of such transfer.(5)Where an attendance order has been passed against a parent in respect of his child under this section, such order shall have effect in relation to every other person to whom the custody of the child may be transferred during the period in which the attendance order is in force as it has effect in relation to the person against whom it was passed.(6)A parent may at any time apply to the attendance authority for cancellation of an attendance order on the ground -(i)that he is no longer the parent in respect of the child; or(ii)that circumstances have arisen which provide a reasonable excuse for non-attendance; and thereupon the attendance authority may, after holding an inquiry in the prescribed manner, cancel, or modify the attendance order.

## **10. Children not to be employed so as to prevent from attending school.**

- No person shall employ a child in a manner which shall prevent the child from attending an approved school.

## **11. Primary education to be free.**

(1)No fee shall be levied in respect of any child for attending an approved school which is under the management of the State Government.(2)Where, in respect of any child an attendance order has been passed under section 9 and the only school which he can attend is an approved school falling within sub-clause (ii) of clause (b) of section 2, the State Government shall take such steps as it may think fit for the purpose of ensuring that the primary education which the child is to receive is free.

## **12. Age of child how to be computed.**

- The age of a child for the purpose of this Act shall be computed in terms of years completed by the child on or before the first day of the academic year :Provided that where the birth-day of a child falls on a day not later than sixty days from the first day of the academic year, the birthday shall be deemed to fall on the first day of the academic year :

## **13. Penalty for contravention of section 9.**

(1)If any parent fails to comply with an attendance order passed under section 9, he shall be

punishable with fine not exceeding twenty-five rupees and, in the case of a continuing contravention with an additional fine not exceeding one rupee for every day during which such contravention continues after conviction for the first of such contravention :Provided that the amount of fine payable by any person in respect of a child in any one year shall not exceed three hundred rupees.(2)If any person fails to furnish the information as required by sub- section (4) of section 9, he shall be punishable with fine which may extend to twenty-five rupees.

#### **14. Penalty for contravention of section 10.**

- If any person contravenes the provisions of section 10, he shall be punishable with fine which may extend to fifty rupees and, in the case of continuing contravention, with an additional fine not exceeding two rupees for every day during which such contravention continues after conviction for the first of such contraventions.

#### **15. Courts competent to try offences.**

- The courts competent to try offences under this Act shall be the following :-(a)the Gram Panchayat constituted or deemed to be constituted under the Punjab Gram Panchayat Act, 1952, if the person committing the offence resides in the area within the jurisdiction of the Gram Panchayat;(b)the Magistrate, if the person committing the offence resides in any other area.

#### **16. Procedure of courts.**

(1)The Court of a Magistrate in trying any offence under this Act shall follow the procedure provided in section 263 of Code of Criminal Procedure, 1898, (5 of 1898).(2)A Gram Panchayat trying any offence under this Act shall follow the procedure provided for the trial of criminal offences under the Punjab Gram Panchayat Act, 1952.

#### **17. Cognizance of offence.**

- No court shall take cognizance of an offence under this Act except on the complaint of an attendance authority or any other person authorised in this behalf by the State Government by general or special order.

#### **18. Certain persons to be public servants.**

- The attendance authority, any person appointed to assist the attendance authority under sub-section (1) of section 4 and any person authorised to make complaints shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

## **19. Protection of action taken in good faith.**

- No suit, prosecution or other legal proceeding shall lie against the Government or any authority or person in respect of anything which is in good faith done or intended to be done under this Act.

## **20. Power to exempt.**

- If the State Government is satisfied that it is necessary or expedient so to do in the public interest or that circumstances exist which render it necessary so to do, it may, by notification in the Official Gazette, exempt any class of persons or any community in any specified area from the operation of all or any of the provisions of this Act.

## **21. Delegation of powers.**

- The State Government may, by notification in the Official Gazette and subject to such conditions, if any, as may be specified in the modification, authorise any officer or authority subordinate to it to exercise all or any of the powers conferred on the State Government by this Act.

## **22. Powers to make rules.**

(1)The State Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-(a)the class or standard, education up to which shall be considered as primary education;(b)the steps to be taken for providing necessary facilities for imparting primary education before notifying any area to be a specified area;(c)the functions to be performed and the manner in which such functions may be performed; by attendance authority;(d)the manner in which and the time at which lists of children may be prepared in any specified area under sub-section (2) of section 4;(e)the distance beyond which a child may not be compelled to attend an approved school;(f)the circumstances which may be regarded as reasonable excuses for the non-attendance of a child within the meaning of section 6;(g)the manner in which any enquiry under this Act may be held;(h)the form in which an attendance order under sub-section (2) of section 9 shall be passed;(i)the registers statements and other information to be maintained or furnished by approved schools for the purposes of this Act;(j)any other matter which has to be, or may be prescribed.(3)Every rule made under this section shall be laid as soon as may be after it is made before [the State Legislature] [the words 'each House of' omitted by Adaptations of Punjab Laws, Order, 1970.] while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it so laid or the session immediately following [the legislature] [the words 'each House of' omitted by Adaptations of Punjab Laws, Order, 1970.] agree in making any modification in the rule or [the legislature] [Substituted for the words 'both House' by Adaptations of Punjab Laws, Order, 1970.] agree that the rule should not be made, the rule 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.

## **23. Repeal.**

- The Punjab Primary Education Act, 1919, the Punjab Primary Education Act, 1940, the Patiala Primary Education Act, 1983 BK. and the Pepsu Compulsory Primary Education Act, 1954 shall be repealed, but notwithstanding such repeal any orders made, any notification issued, anything done, any action taken or any proceedings commenced in exercise of the powers conferred by or under the said Acts shall be deemed to have been made, issued, done taken or commenced in exercise of the powers conferred by or under this Act.