

Education Act, 1983

Chapter 3 - Enforcement of Compulsory Primary Education

(1) The State Government may, by order, direct that with effect from the commencement of such academic year and for children with such age group as may be specified in the order, primary education shall be compulsory in any area :

Provided that a child who has completed the age of five years shall not be denied admission into the school.

(2) Every order under sub-section (1) shall be,-

(a) published in the official Gazette and in such other manner as the State Government may decide;

(b) so made as to ensure that there is an interval of not less than thirty days between the date of the publication of the order and the first day of the specified academic year.

(3) No order shall be made under sub-section (1) in respect of any area unless the State Government is satisfied that necessary facilities have been provided in that area for imparting primary education to all children to whom the order is intended to apply.

Section 12 - Schemes for primary education

(1) Any local authority, if called upon by the State Government so to do, shall within such time as may be specified by the State Government submit to them a scheme for compulsory primary education in such area within its jurisdiction for children ordinarily resident therein of such ages and upto such standard as the State Government may specify.

(2) The scheme submitted under sub-section (1), shall be in such form as the State Government may specify and shall contain the following particulars namely:-

(a) the area in which primary education will be compulsory;

(b) the approximate number of children to whom the scheme will apply classified according to age and mother tongue;

(c) a list of existing approved schools and the schools if any, proposed to be opened for the purpose, classified by languages in which instruction is given or is proposed to be given;

(d) the number of teachers already employed and the additional staff proposed to be recruited;

(e) the recurring and non-recurring cost of the scheme; and

(f) such other particulars as may be prescribed.

(3) The State Government may, after such inquiry as it may consider necessary, sanction with or without modification the scheme submitted by the local authority under sub-section (1). The implementation of the scheme so sanctioned shall be subject to the general control of and the directions issued from time to time, by the State Government.

(4) No sanction shall be accorded under sub-section (3) in respect of any scheme unless the State Government are satisfied that such steps, as may be prescribed, have been taken to provide the necessary facilities for imparting compulsory primary education to all children to whom the scheme

will apply.

(5) On receipt of sanction under sub-section (3) the local authority shall give effect to the scheme so sanctioned by means of a declaration that with effect from the first day of the next academic year, primary education for children of both sexes upto such class or standard and within such age group as may be specified therein shall be compulsory in any area which may be so specified.

(6) Every declaration under sub-section (5) shall be published before the first day of April of each year immediately preceding the academic year, in the official Gazette and in such other manner as the local authority or the Director for Compulsory Primary Education, as the case may be, may decide:

Provided that the State Government may, for any good and sufficient cause, condone any delay in the publication of such declaration in any year.

(7) Where any local authority fails to submit a scheme when called upon to do so under sub-section (1) or to give effect to any sanctioned scheme, under sub-section (5) to the satisfaction of the State Government, the State Government may cause the scheme to be submitted or the sanctioned scheme to be implemented as the case may be, by such person or authority as they think fit. The State Government may, at any time, entrust the administration of the sanctioned scheme to the local authority concerned.

Section 13 - Attendance authorities and their powers and duties

(1) A local authority in the case specified under section 12 and in other cases, the Director for Compulsory Primary Education may appoint as many persons as it or he thinks fit to be attendance authorities for the purpose of this Act, and may also appoint as many persons as are considered necessary, to assist the attendance authorities in the discharge of their duties.

(2) It shall be the duty of the local authority and in any other case, the attendance authority, to cause to be prepared as early as possible in such manner as may be prescribed list of children within the age group specified in the order under section 11 or in the scheme under section 12 in any specified area. Such lists shall also be prepared in every year in every specified area at such time and in such manner as may be prescribed.

(3) The attendance authority or any person appointed to assist the attendance authority may put such question to any parent or require any person 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 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 11 applies, but against whom no attendance order has been passed under section 17 that he is under an obligation to cause the child to attend an approved school with effect from the commencement of the specified academic year.

Section 14 - 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 is a reasonable excuse for his non-attendance within the meaning of section 15.

Section 15 - Reasonable excuse for non attendance

For the purpose of this Act, any of the following circumstances shall be deemed to be a reasonable excuse for the non-attendance of the child at an approved school, namely:-

(a) that there is no approved school within the prescribed distance from his residence;

(b) that the only approved school within the prescribed distance from the residence of the child to which the child can secure admission is one in which religious instruction of a nature not approved by his parent is compulsory;

- (c) that the child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by an officer authorised by the State Government in this behalf;
- (d) that the child has already completed primary education upto the standard specified in the order under section 11.
- (e) that the child suffers from a physical or mental defect which prevents from attendance;
- (f) that the child has been granted temporary leave of absence not exceeding the prescribed period by the prescribed authority or by any other person authorised by the prescribed authority in this behalf;
- (g) 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; and
- (h) such other circumstances as may be prescribed.

Section 16 - 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 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 (f) of section 15.

Section 17 - Attendance orders

- (1) Wherever the attendance authority has reason to believe that the parent of the 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 15, 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 under this Act, and that there is no reasonable excuse for the non-attendance of the child within the meaning of section 15, it shall pass an attendance order in the prescribed form, directing the person 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 any other person during the period in which the attendance order is in force, such parent shall be bound immediately to inform the attendance authority in writing of such transfer.
- (5) Where the attendance order has been passed against a parent in relation to his child under this section, such order shall have effect in relation to any 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 originally passed.
- (6) A parent may, at any time, apply to the attendance authority for cancellation of the attendance order on the ground,-
 - (a) that he is no longer the guardian or the person in actual custody of the child; or
 - (b) that circumstances have arisen which provide a reasonable excuse for non-attendance;

and thereupon, the attendance authority may, after holding an enquiry in the prescribed manner cancel or modify the attendance order.

Section 18 - Children not to be employed so as to prevent them from attending school

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

Section 19 - 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 or a local authority or a School Board as the case may be.

(2) Where in respect of any child an attendance order has been passed under section 17 and the only school which he can attend is an approved school under private management falling within sub-clause (b) of clause (3) of section 2, the School Board or the Director for Compulsory Primary Education may take such steps, as he may think fit, for the purpose of ensuring that the primary education which the child is to receive is free.

Section 20 - Age of child how to be computed

The age of a child for the purposes 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 birth day shall be deemed to fall on the first day of the academic year for the purpose of computing the age of the child.