

COMPULSORY EDUCATION ACT

Printed in

"THE BARODA PRINTING WORK "

BARODA

A. D. 1914

Price Rs. 0-0-6

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Whereas it is expedient to consolidate and amend the law relating to Compulsory Education, His Highness the Maharaja Saheb Shrimant Sayaji Rao, Sena Khaskhel, Samsher Bahadur, has been pleased to enact as follows :—

Preamble.

CHAPTER I.

Preliminary.

1. This Act may be called the "Compulsory Education Act."
Short Title.
2. (1) It shall extend to the whole of the territory under His Highness' Government;
Extent.
(2) But the Huzur may, in his discretion, by a notification in the Adnya Patrika, exclude any part of the State from the operation of this Act, and may provide in its lieu any other scheme of education therefor.
3. (1)(a) The Compulsory Education Act VII of Samvat 1965.
(b) Chapter VI of Part I of Vernacular Instruction Code;
(c) Notification No. 2, dated the 25th July 1906 of the Legal Remembrancer's Office;
(d) Notification No. 11, dated the 3rd December 1906 of the Local Boards Office;
(e) All other rules, notifications and orders relating to Compulsory Education as far as they may be contrary to the provisions of this Act; are hereby repealed.
(2) Provided however, that all actions and proceedings taken, and all penalties inflicted under the Act, Rules, Notifications and

orders hereby repealed shall be understood to have been taken and inflicted under this Act.

4. Unless there is something repugnant in the subject or context, in this Act:—

Interpretations.

(a) the term "Parents" shall include:—

- (1) every person in whose actual care a child is, or
- (2) every guardian who is responsible for the maintenance of a boy or girl.

(b) the term "children of school-going age" shall mean

- (1) a boy who has completed his sixth year but has not completed his 14th year, and
- (2) a girl who has completed her sixth year but has not completed her 12th year.

(c) the term "a school" shall mean,

- (1) A Government school,
- (2) Any school aided by Government, or
- (3) Any institution which may be recognised by the Educational Department of this State, from time to time, as a school.

(d) the term "Vahivatdar" shall include a Mahalkari, an Avalkarkun or any other officer who may be invested, from time to time, with the powers of a Vahivatdar by the Government

(e) the term "Area" or "locality" includes any City, town or village.

- (f) the term "Vidyadhikari" includes any other officer, who may be entrusted, by the order of the Huzur, with powers or duties of the Vidyadhikari prescribed by this Act with regard to schools.

CHAPTER II.

Obligation to educate, and exemptions therefrom.

5. All parents shall send their children of school-going age to school, provided that there exists none of the reasons specified in section 6.

Children of school-going age shall be sent to school

6. (1) The following are valid reasons for not sending children of school-going age to school:—

Exceptions.

(a) that a certificate of an Inspector, Deputy Inspector or of any other person who may be, from time to time, empowered by the Government in this behalf is obtained to the effect that

(1) such child is being educated in any other way except through a school according to the prescribed standard, or that

(2) such child has passed an examination held by himself of the Vernacular fifth standard or of any other standard fixed, from time to time, by the Vidyadhikari with the sanction of the Huzur.

- (b) where continuous presence of the child is required to attend upon his or her parent or parents disabled by age or infirmity;
- (c) when it is impossible for a child to receive any education owing to any permanent defect of mind or body.
- (d) when there is no school within one mile from the place of residence of the child; or
- (e) any other reason which may be so specified by the Vidyadhikari with the sanction of the Huzur.
- (2) When a certificate under clause (a) (1) of subsection (1) is applied for, any of the officers mentioned in the last portion of clause (a) may grant it after examining the children.

CHAPTER III.

Register of parents and children of school-going age.

7. Where a school is opened in a locality where there was none before, the Vahivatdar of the Taluka shall forthwith publish a notification requiring parents of all children of school-going age to send such children to school without delay.

8. (1) The Vahivatdar shall, with the aid of the Patel-Talati, and if necessary with that of the servants of the Educational Department or respectable persons of the locality, prepare in form No. 1 appended to this Act a list of children of school-

Notification to be published on the opening of a school.

Register of children of school-going age to be prepared.

going age living in the locality to which this Act is to apply, entering therein the names and addresses of such children together with those of the parents :—

(a) Within one month from the date of the commencement of this Act

(b) and then every year in the month of June. A copy of such list shall be supplied by the Vahivatdar to the Head Mmesters of the schools of the locality before the end of the next month (from its preparation), and another copy shall be affixed on the *Chaura* or other public place of every such locality with the date of publication entered therein by the Patel.

(2) The school-master shall affix the list received by him or a copy of it in some conspicuous place in the school building.

(3) The list prepared as required by subsection (1) shall show in the proper column of the form prescribed exemptions granted to any children against their names.

(4) If after the publication of the list according to sub-section (1), any new children come to live in the locality during that year, the Patel-Talati or the school teacher shall notify the fact to the Vahivatdar, and if the Vahivatdar thinks that their names should be added to the list of children of school-going age, he shall inform the parents of such children through the Patel to send them to school. The effect of such information from the date of its communication shall be the same as if the names of the aforesaid children were published in the list of children of school-going age on that date.

9. Whoever has any objection to make to the entries made in the list prepared under the requirements of this Act, may appeal within 30 days from the date of publication of the list on the ground

Right of appeal against the registration of names and limitation.

that—

- (a) the number of his children is not correctly mentioned therein, or
- (b) his own name, or his boy's or girl's name is not liable to be entered therein, or
- (c) he should be granted exemption for particular children.

10. (1) The appeal under section 9 of this Act shall lie to the Subha of the District or any other officer appointed for the purpose by the Huzur from time to time.

(2) The Subha may delegate his power of receiving and deciding appeals under this section to a Naeb-Subha subordinate to him.

(3) The decision passed in the appeal under this section shall be final.

CHAPTER IV.

Penalties and Powers.

11. (1) The parents of all children whose names are entered in the list of children of school-going age prepared under this Act shall send their children so mentioned in the list to school within 30 days from the date of publication of the list, or where there is an appeal preferred and no exemption is granted in [appeal then within 30 days from the date of communication of the decision in appeal.

(2) The officer hearing the appeal shall also inform the Head Master of the school concerned of the decision in appeal.

12. The Head Master of every school shall, within 7 days from the lapse of the period allowed for admission in the school, communicate to the Vahivatdar the names of children of school-going age who have not been admitted in

List of parents not sending their children to school within the period prescribed to be submitted.

the school within the period of thirty days mentioned in the last preceding section, together with their parents' names; he shall continue to send such a list of names every month to the Vahivatdar until such children are sent to school.

*Explanation:—*The Head Master of every school, where in a locality there are more schools than one, shall prepare and send a list of the names of only such non-admitted children of school-going age and of their parents as reside within their respective blocks of locality fixed by the Vidyadhikari and published in the Adnya Patrika.

13. (1). On receiving the list under section 12, the said officer shall summon the defaulting parents: and after hearing them, if no reasonable ground for the default is shown, fine them upto rupee one for every boy or girl of school-going age who is not sent to school in respect of whom the default is made; and such a fine upto one rupee shall be continued to be imposed every month until such boy or girl is sent to school.

(2) The defaulting parent fined under sub-section (1) shall, if he is present, orally, and if he is absent, by a written notice be informed of the imposition of fine, mentioning the amount of fine therein. He shall also be warned that in case of default to pay the fine either to

(a) the Vahivatdar, or

(b) any other officer empowered in this behalf, from time to time,

within 30 days of the receipt of notice, it shall be recovered from him by distraint of his moveable property under the procedure for recovering arrears of land revenue.

14. (1) Parents, who under this Act, are obliged to send their children to school shall also see that their children regularly go to school after their admission to school.

Duty of parents to attend to the regular attendance of children.

(2). Provided, however, that absence of such children from school may be allowed for any one of the following grounds, viz :—

- (a) Where the child is ill, until its recovery from illness.
- (b) Where any one else in the family is ill and its attendance is specially required at home, for a maximum period of 15 days.
- (c) Where, for a limited period its help is specially required by the parent in his vocation, for a maximum period of 15 days.

But the parents of such children should inform, as early as possible, the school teacher of such absence.

15. When any parent keeps his child of school-going

List of absentees to be sent. age absent

- (a) for more than 6 days continuously, or
- (b) for 15 days in any one month at different intervals

without any valid reason specified in section 14, or without leave (previously) obtained, the Head Master of the school, shall, after making inquiry, if necessary, and on finding in such inquiry that the parent is at fault, prepare a statement containing

- (a) the names of all children so absent in the previous month,
- (b) the period for which they were absent, and
- (c) the names of defaulting parents,

and send it to the Patel of the locality and where there are more Patels than one to the chief Patel.

16. The Patel or chief Patel on receiving the statement mentioned in the last preceding section, shall ask for the explanation for default.

tion of such parents after making such inquiry as may be thought necessary by him and on finding that the parents are at fault, punish them with a fine

(a) upto two annas for first offence, and

(b) for every subsequent offence upto Re. 1 at a rising scale.

If the parents are not present at the time of inflicting the fine they should be informed thereof.

17. If even after infliction of punishment under section 13 or 16, any parent continues to commit the same offence under any of the sections by sending their children out for labour, or by employing them in their fields, the punishing authority may, in his discretion, inflict a fine of not less than one rupee and of not exceeding Rs. 5 on the defaulting parent, and inform him of it if he is not present at the time of fining him.

18. (1) The Patel shall send to the Vahivatdar of the Taluka a statement of the fines inflicted in the month on the 15th of the next month, mentioning therein the names of every defaulter and the amount of fine imposed on him.

(2) If the amount of fine is not paid up within 15 days of the receipt of the statement mentioned in subsection (1) the Vahivatdar shall proceed to recover the fine from the defaulter by distraint of his moveable property in the same way as in the case of arrears of land revenue.

19. (1) No appeal shall lie from an order of fine passed by the Vahivatdar or the Patel under the provisions of this chapter, but a revision application may be made to the Subha or Vahivatdar respectively within sixty days from the date of the order, and the order passed in revision shall be final.

(2) But at any time—

(a) The Vahivatdar may of his own motion or from the statement of the Patel revise the order of the Patel, and

(b) the Subha may of his own accord or from the statement of the Vahivatdar revise the order of the Vahivatdar.

The order passed in such revision shall also be final.

CHAPTER IV.

Miscellaneous.

20. All applications and appeals under this Act shall bear a court fee stamp of one anna.

Stamp on applications and appeals.

21. The Vahivatdar shall send through the Deputy Educational Inspector to the Vidya-dhikari the following quarterly return within the 15th of the 4th month regarding:—

(a) the amount of fine inflicted on account of offences, and

(b) the amount of fines recovered.

22. (1) Inspectors and Deputy Inspectors (Examining officers) of the Educational Department, Village Boards, Taluka Boards and District Boards shall see that

Duties of officers of the Department.

(a) the lists of children of school-going age are complete and correct,

(b) any exemption granted from Compulsory Education for any one of the reasons recog-

nised by this Act is really due to such causes or not and that

(c) fines inflicted as punishments are properly imposed and prompt steps were taken to recover them.

(2) The Inspectors and Deputy inspectors of the Education Department shall report through the Vidyadhikari to the Sar Subha any of the above mentioned facts which come to their notice during their visits to schools.

23. The Vidyadhikari may, for any reason deemed fit by him, write off at any time, any fine imposed under this Act and remaining unrecovered for more than a year.

Power to write off fines.

24. (1) When it is found by the Vidyadhikari that a particular area cannot be managed for the purposes of this Act by a single Patel or Talati of the area on account of a large population thereof, he shall specify the names of such localities and publish them in the Adnya Patrika.

Dividing a place with large population into blocks.

(2). The Vidyadhikari shall divide such area into such convenient blocks as he may deem fit in view of the population thereof with the help of the Municipal Inspector of the place or Municipal Commissioner of each block, appoint one Patel or any other fit man for each such block and publish the names of the Patels or persons so appointed against the names of the blocks in the Adnya- Patrika.

(3) After the publication of the names of the blocks and the Patels or persons appointed for them as mentioned above the Patel or person

(a) shall exercise within that block all the powers given under this Act to a Patel or Talati, and

(b) discharge all duties imposed on him under this Act.

25. (1) The Talati shall fully give assistance to the Patel in the proper discharge of his duties under the Act.
 Assistance of Talaties and servants of other departments.

(2) The Patel and Talati shall be considered servants of the Educational Department for the purposes of the duties to be performed by them under this Act.

(3) Similarly servants of all other Departments concerned shall give assistance to servants of Educational Department for properly carrying out of the provisions of this Act.

26. The Vidyadhikari may, if he thinks necessary, frame rules with the previous sanction of the Huzur, for the properly carrying out, but not in contravention of, the provisions of this Act.
 Power to frame Rules.

