

List of Amendment Acts- 49 of 1997

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY
PUBLISHED BY AUTHORITY

Part IV — Section 2

Tamil Nadu Acts and Ordinances,.

The following Act of the Tamil Main Legislative Assembly received the assent of the President of the 21st November 1995 and is hereby published 'for general information :—

ACT No. 33 OF 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 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 :—

Short title, extent and commencement. 1. (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 as the Government may, by notification appoint and different dates may be appointed for different provisions of this Act.

Definition. 2. 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 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 any 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.

Elementary education to be compulsory. 3.(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. 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.

Exemptions. 5. Attendance at an elementary school for a child of school age shall not be compulsory—

¹[(1) *****];

(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) (i) such child has already been imparted education in an elementary school or otherwise, upto the standard prescribed for elementary education ; or

(6) if such child is exempt from attendance on any other ground as may be prescribed.

¹ Omitted by s.2 of TNA 49 of 1997 (w.e.f.to be updated).

Competent authority. 6.(1) The Government may, by notification, appoint any office, of the Education department, not below the, of District Educational Office to be competent authority 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.

Penalty. 7. 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.

Cognizance of offences. 8. No court shall take cognizance of an offence punishable under this Act except on a complaint in writing made by an officer: authorised by the Government in this behalf by general or special order.

9. The competent authority appointed under section 6 and the officer authorised under sections shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Power of Government to give directions. 10. The Government may, in the public interest, by order, direct the competent authority to make an enquiry or to take this Act in any case specified in the order and the 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.

Protection of action taken. 11. In 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.

Power to make rules.5. (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.

Power to remove difficulties. 13. 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 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.

¹[16. Repeal and saving.- (1) The Tamil Nadu Elementary Education Act, 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 to 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].

1 Substituted by s.3 of TNA 49 of 1997 (w.e.f.to be updated).

(By order of the Governor)

M. MUNIRAMAN,

Secretary to Government,

Law Department.

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