

ASSAM ACT XXVI OF 1954

THE ASSAM BASIC EDUCATION ACT, 1954

(Passed by the Assembly)

(Received the assent of the Governor of Assam on the 23th August 1954)[Published in the *Assam Gazette*, dated the 8th September 1954]

An

Act

to make provision for the management and control of basic education, and to provide for compulsory basic education in Assam.

Preamble.—WHEREAS it is expedient to make better provision for development, expansion, management and control of basic education and whereas it is expedient that universal, free and compulsory basic education should be introduced in the State in gradual stages.

It is hereby enacted in the Fifth Year of our Republic as follows:—

PART I

CHAPTER I

1. Short title, extent and commencement.—(1) This Act may be called the Assam Basic Education Act, 1954.

(2) It extends to the whole of Assam.

(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 there is anything repugnant in the subject-matter or context—

(1) "Area of compulsion" means a subdivision or part of a subdivision in which basic education has been made compulsory under section 40.

(2) "To attend a recognised basic school" means to be present regularly at a recognised basic school for the purpose of receiving instructions on such days, at such time and for such periods on each day as a School Board may by order lay down.

(3) "Attendance officer" means an officer appointed by a School Board for the purpose of ensuring regular attendance at a recognised basic school of children to whom this Act applies.

(4) "Basic Education" means education in such subjects and up to such standards as may be prescribed.

(5) "Basic School" means a school which is recognised by a School Board under this Act, and shall include a pre-basic school, a junior basic school or a senior basic school.

(6) "Child" means a person of either sex of such age, not being less than six or more than fourteen years, as the State Government may, from time to time, prescribe within this limit.

(7) "Guardian of a child" means the person to whom the duty of taking care of bringing up or the custody of the child has been entrusted by law or custom or by any lawful authority, or who has in fact accepted or assumed such duty, or has actual custody of such child; or where such guardian cannot be readily ascertained such person as the School Board shall decide.

(8) "Local Authority" means the Local Board as established or deemed to be established under section 3 of the Assam Local Self-Government Act, 1953,

the Municipal Board as defined in the Assam Municipal Act, 1923, and the Town Committee as established under section 329 of the above Municipal Act.

(9) "Panchayat" means a Panchayat established under the Assam Rural Panchayat Act, 1948.

(10) "Prescribe" and "Prescribed" mean respectively "prescribe" and "prescribed" by any rule made by the State Government under section 49.

(11) "Primary or basic school under private management" means a primary or a basic school not under the direct management of the State Government or a local authority or a School Board constituted under the Assam Primary Education Act, 1947.

(12) "Recognised basic school" means a basic school recognised by a School Board.

(13) "Region" means the area under the jurisdiction of a School Board as may be fixed by the State Government in this behalf.

(14) "School Board" means a Regional Board for Basic Education, constituted under sub-section (1) of section 16.

(15) "State Board" means the State Advisory Board for Basic Education constituted under section 3.

CHAPTER II

3. State Board.—(1) The State Government shall constitute a State Advisory Board for Basic Education for the regulation, control and development of basic education in the State.

(2) The State Board shall be a body corporate with perpetual succession and a common seal, and shall sue and be sued by the name of the State Advisory Board for Basic Education. It shall be competent to acquire and to hold movable and immovable property, to transfer any such property so held by it, and to do all other acts necessary for carrying out its duties, and functions under this Act and the rules made thereunder.

4. Constitution of the State Board.—(1) The State Board shall be constituted in the prescribed manner, and shall include:—

(a) The Minister of Education, by virtue of office, who shall be the Chairman of the Board.

(b) The Director of Public Instruction, by virtue of his office, who shall be the Vice-Chairman of the Board.

(c) Five representatives to be elected by the Assam Legislative Assembly from amongst its Members by the system of the single transferable vote.

(d) A Secretary or Secretaries as may be appointed by the State Government.

(e) The Inspectors and Inspectress of Schools.

(f) One Headmaster of a High School to be nominated by Government.

(g) One Principal of a Basic Training Centre and one Superintendent of a Normal School to be nominated by Government.

(h) Two Deputy Inspectors of Schools to be nominated by Government.

(i) The Head of the Teachers' Training Department of the Gauhati University or any other teacher of that Department to be appointed by the State Government on the recommendation of the said University.

(j) Not exceeding three from among educationists in the State of whom one shall be a woman.

(2) No person shall be entitled to continue as a member of the State Board under clause (c) of sub-section (1), if he ceases to be a member of the Legislative Assembly.

(3) No person nominated or appointed by virtue of his office under this section shall continue to be a member of the State Board, if he ceases to hold the office.

5. Publication of the names of members of the State Board.—As soon as the State Board has been constituted, the names of the members thereof shall be notified by the State Government in the official Gazette.

6. Term of office of the members of the State Board.—(1) Subject to the other provisions of this Act, every member of the State Board shall hold office for a term of five years from the date on which the notification under section 5 has been published. On the expiry of such term, a member shall be eligible for re-appointment in the next State Board for a further term of five years.

(2) A casual vacancy occurring in the State Board at any time during its term of office shall be filled for the remaining portion of such term in the same manner in which the seat that falls vacant was originally filled up.

(3) The State Board shall be competent to exercise all its powers at any time notwithstanding the fact that any vacancy in its membership may remain unfilled for the time being.

(4) Notwithstanding the expiry of five years specified in sub-section (1), every member of the State Board shall continue to hold office until the first meeting of the next State Board at which a quorum is present.

(5) **Resignation of members.**—Any member of the State Board may resign his seat at any time by giving notice thereof in writing to the Chairman; and such member shall be deemed to have vacated his seat as soon as the Chairman has accepted his resignation.

7. Cessation of membership.—Any member of the State Board not being an *ex-officio* member shall be removed from office by the State Government if he is absent from three consecutive meetings thereof and fails to offer reasons for such absence which are considered sufficient by the State Government.

8. Removal of members.—The State Government may, of its own motion or on the recommendation of the State Board, remove any member of the State Board if the State Government is satisfied that he has been guilty of misconduct in the discharge of his duties as such member or of any conduct involving moral turpitude or has become incapable of performing such duties by reason of any physical or mental infirmity;

Provided that no such member shall be so removed unless the recommendation, if any, for such removal has been made by a resolution passed in a meeting of the State Board in which at least two-thirds of the total number of members were present:

Provided further that no member shall be so removed by the State Government of its own motion, nor shall any resolution recommending his removal be of any effect, unless he has previously been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

9. Duties and functions of the State Board.—The State Board shall advise the State Government on matters relating to—

- (a) the control and direction of the activities of School Boards,
- (b) the making of grants to School Boards,
- (c) the method of recruitment and the conditions of service of basic school teachers and attendance officers,
- (d) the training of basic school teachers and the making of provision for such training,
- (e) the curriculum, duration, standard and syllabus of basic education,
- (f) the preparation, publication and selection of text-books for basic schools,

(g) the medical inspection and treatment of children, and
 (h) any other matter which the State Board considers necessary for carrying out the purposes of this Act fully and effectively or on which the State Government may consult the State Board.

10. Powers and duties of officers of the Board.—The Chairman, Vice-Chairman, Secretary or Secretaries and any other officer, if appointed by Government, shall have such powers and discharge such duties as may be prescribed.

CHAPTER III

11. State Basic Education Board Fund.—(1) A fund hereinafter called the State Basic Education Fund shall be maintained by the State Board of which the Director of Public Instruction shall be the controlling authority.

(2) Each Local Authority shall pay to the State Basic Education Fund an annual sum equivalent to the average amount spent by such authority in excess of the Government Grants drawn by it, on maintenance of the Middle Vernacular Schools under it during the three financial years immediately preceding the financial year in which this Act comes into force together with such an annual sum as is equivalent to the average amount spent by such an authority in excess of the Government Grants drawn by it on maintenance of the Lower Primary Schools under it during the three consecutive financial years ending in 1947-48 :

Provided that if any Local Authority has maintained Middle Vernacular School or Schools for less than three financial years, the sum payable by it shall be equivalent to two financial years' average or one financial year's actual as the case may be.

(3) If any Local Authority fails to pay any amount due under sub-section (2) above, the amount so due shall be liable to be deducted by the State Government from any money payable by the State Government to the said Authority. The money so deducted shall be paid to the State Basic Education Fund :

Provided that in consideration of the hardship caused to the Local Boards due to reduction in their income on their parting with a share of it to the Panchayats, such relief may be granted to the Local Boards as the State Government may deem fit and proper.

(4) The following shall form part of and be paid into the State Basic Education Fund :—

(i) the grant made to the State Board by the State Government on account of basic education.

(ii) The contribution from a Local Authority.

(iii) All income derived from endowment or property owned or managed by the State Board for the purposes of this Act.

(iv) All other sums of money which may be received by the State Board under or for the purposes of this Act.

12. Application of Fund.—Except as otherwise provided in this Act, or in rules framed thereunder, the State Basic Education Fund shall be applied for—

(1) the payment of salaries of the officers of the State Board, and of office expenses ;

(2) the payment of such pensions, gratuities and contributions to the Provident Funds in respect of the officers of the State Board as may be prescribed ;

(3) the payment of such travelling and other allowances to members and officers of the State Board as may be prescribed ;

(4) the payment of any other sums which the State Board is legally liable to pay ;

(5) the payment of grants-in-aid, if any, made to School Boards ; and

(6) the payment of any other liability or charge as may be prescribed.

13. Receipts and Expenditure.—(1) All money received on account of the State Basic Education Fund shall forthwith be paid into an account in a bank approved by the State Government or the Government Treasury in the prescribed manner.

(2) Such account shall be operated by any officer authorised in this behalf by the State Government.

(3) No expenditure shall be incurred from the State Basic Education Fund except for the purposes of this Act and unless such expenditure has been provided for either by provision in a budget approved by the State Government or by re-appropriation in the prescribed manner.

14. Accounts.—The State Board shall keep accounts of all its receipts and expenditure in the manner prescribed.

15. Audit.—The accounts of the State Board shall be examined and audited once in each year by an auditor appointed by the State Government.

CHAPTER IV

16. School Boards.—(1) The State Government shall constitute a Regional Board for Basic Education for each region of a District.

(2) Every School Board shall be a body corporate with perpetual succession and a common seal and shall sue and be sued by the name of the Regional Board for Basic Education for the region concerned. It shall be competent to acquire and to hold movable and immovable property, to transfer any such property so held by it and to do all other acts necessary for carrying out its duties and functions under this Act and the rules made thereunder.

17. Constitution of School Boards.—(1) The School Boards shall be constituted in the prescribed manner, and shall include—

(a) the Deputy Inspector of Schools for the region, by virtue of his office, who shall be the Secretary of the School Board,

(b) the Additional Deputy Inspector of Schools, if any, for the region by virtue of his office,

(c) the Senior Sub-Inspector of Schools, by virtue of his office.

Explanation.—The Deputy Inspector or the Additional Deputy Inspector or the Senior Sub-Inspector of Schools whose jurisdiction partly or fully falls within a region will be treated as the Deputy Inspector or Additional Deputy Inspector or the Senior Sub-Inspector of Schools, as the case may be, of that region.

(d) one representative to be elected from amongst its member by each of the Municipal Board or Boards or Town Committee or Committees in the region as defined in the Assam Municipal Act, 1923,

(e) two representatives to be elected from amongst its members, by the Local Board established or deemed to be established by the State Government for the region under section 3 of the Assam Local Self-Government Act, 1953, and

(f) when a Municipal Board or a Town Committee is superseded under section 293 of the Assam Municipal Act, 1923 or a Local Board is superseded under section 92 of the Assam Local Self-Government Act, 1953 the State Government shall nominate a person in the case of a Municipal Board or Town Committee, and two persons in the case of the Local Board, and such nominated person or persons shall continue to be member or members of the School Board until the Municipal Board or Town Committee or Local

Board, as the case may be, is re-established and the representatives elected under clause (d) or clause (e) of this Act by the re-established Board or Town Committee,

- (g) for the purpose of the first term only of the School Board one representative to be elected by and from amongst the teachers of Junior Basic Schools and Primary Schools and one representative to be elected by and from amongst the teachers of Senior Basic Schools and Middle Vernacular Schools which had been recognised by the State Government or by any Local Authority or by the Primary Education Board and which were in existence immediately before this Act came into force, and, for purposes of each term thereafter two representatives, one each to be elected by and from amongst the teachers of the recognised Junior and Senior Basic Schools respectively,
- (h) one President from amongst the Presidents of the Panchayats of the Region to be nominated by Government,
- (i) for the purposes of the first term only of the School Board, one representative to be nominated by the State Government from amongst the Presidents of the Managing Committees of the Basic Schools, Primary Schools and Middle Vernacular Schools which had been recognised by State Government or by any Local Authority or by the Primary Education Board and which were in existence immediately before this Act came into force, and for the purposes of each term thereafter one representative from amongst the Presidents of the Managing Committees of the recognised basic schools, to be elected in the manner prescribed,
- (j) not more than four and not less than three members to be nominated by the Government and of whom one at least shall be a woman.

(2) No person shall be entitled to continue as a member of a School Board under clauses (d) and (e) of sub-section (1), if he ceases to be a member on the expiry of the terms or resignation or on supersession of that Municipal Board, Town Committee or Local Board, as the case may be.

(3) If a Municipal Board, Town Committee or Local Board fails to elect any of its representative under clauses (d) and (e) of sub-section (1) within time to be prescribed, the State Government shall appoint any such representative.

(4) No person elected, nominated or appointed by virtue of his office under this section shall continue as a Member of a School Board, if he ceases to hold the office.

18. Publication of names of Members of the School Board.—As soon as a School Board has been constituted, the names of the members thereof shall be notified by the State Government in the official Gazette.

(a) In a region where no School Board can be constituted under section 17, all powers and functions of a School Board shall vest in such a committee of persons not exceeding five in number, as the State Government by notification in the official Gazette, appoint, and the powers and functions of a School Board shall be exercised and carried out by the committee so appointed in such manner as the State Government may direct and until such time a School Board under the aforesaid section is constituted.

(b) A committee so appointed shall, for the purposes of this Act, be regarded and named as a School Board.

19. Term of office of the members of the School Board.—(1) Subject to the other provisions of this Act, every member of a School Board shall hold office for a term of five years from the date on which the notification under

section 18 has been published. On the expiry of such term, a member shall be eligible for re-appointment or re-election as the case may be.

(2) A casual vacancy occurring in a School Board at any time during its term of office shall be filled for the remaining portion of such term in the same manner in which the seat or the office as the case may be, that falls vacant was originally filled up.

(3) A School Board shall be competent to exercise all its powers at any time notwithstanding the fact that any vacancy in its membership may remain unfilled for the time being.

(4) Notwithstanding the expiry of five years specified in sub-section (1), every member of a School Board shall continue to hold office until the first meeting of the next School Board at which a quorum is present.

20. Appointment and election of Chairman.—(1) The State Government shall appoint the Chairman of every School Board for the first term and thereafter he shall be elected by the Board from among the non-official member of the Board.

(2) The name of the Chairman shall be notified in the official Gazette.

21. Resignation of members.—(a) Any member of a School Board may resign his seat at any time by giving notice thereof in writing to the Chairman; and such member shall be deemed to have vacated his seat as soon as the Chairman has accepted his resignation.

(b) The Chairman may resign his office by giving notice thereof to the Chairman of the State Board and he shall be deemed to have vacated his office as soon as his resignation is accepted by the Chairman of the State Board.

22. Cessation of membership.—Any member of a School Board not being an *ex-officio* member shall be removed from office if he is absent from three consecutive meetings thereof and fails to offer reasons for such absence which are considered sufficient by the School Board concerned.

23. Removal of members.—The State Government may, of its own motion or on the recommendation of the State or the School Board, remove any member or the Chairman of a School Board if the State Government is satisfied that such member or Chairman has been guilty of any misconduct or of habitual negligence in the discharge of his duties as such member or Chairman or of any act involving moral turpitude or that he has become incapable of performing such duties by reason of any physical or mental infirmity:

Provided that no such member or Chairman shall be so removed unless the recommendation, if any, for such removal has been made by a resolution passed in a meeting of the State Board or the School Board, as the case may be, in which at least two-thirds of the total number of members of such Board were present:

Provided further that no such member or Chairman shall be so removed by the Government of its own motion, nor shall any resolution recommending his removal be of any effect unless he has previously been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

24. Duties and functions of School Boards.—Subject to such control as the State Government may vest in the Education Department a School Board shall perform the following duties and functions within its own area:—

- (1) creation of new basic Schools;
- (2) recognition, control, re-distribution, expansion and amalgamation of basic Schools;
- (3) appointment and punishment of basic school teachers and attendance officers;

- (4) provision of adequate accommodation for and supply of necessary equipment to basic school ;
- (5) provision for medical inspection of children ;
- (6) grant of funds to basic schools for their contingent expenditure ;
- (7) preparation and maintenance of a register of children ;
- (8) decision, when necessary, as to who is the guardian of a child or the head of a family ;
- (9) decision as to the days, time and periods of attendance at recognised basic schools ;
- (10) arrangement for stocking and marketing and disposal of the products of the school crafts ;
- (11) arrangement for periodic exhibition of such products in the region ;
- (12) such other acts as may be necessary for carrying out the purposes of this Act fully and effectively.

25. Powers and duties of officers of the Board.—The Chairman, Secretary and other officers, if any, of the Board shall exercise such powers and discharge such duties as may be prescribed.

26. Rules of business.—Every School Board shall conduct its business according to the prescribed rules of business, if any, or in the absence thereof, according to such rules of business as it may frame itself, subject to the approval of the State Board and the State Government.

27. Control by Government.—The State Government may, on the advice of the State Board, or otherwise, rescind in part or in whole any resolution, order or decision of a School Board, and may also prohibit the doing of any act in pursuance of such resolution, order or decision whenever in the opinion of the State Government, such resolution, order, decision or act is in excess or abuse of the powers conferred upon the School Board by this Act or by any rule framed thereunder.

28. Powers of the State Government to reconstitute a School Board.—

(1) Notwithstanding anything hereinbefore contained, if, after consultation with the State Board, the State Government is of opinion that a School Board has proved itself to be persistently incompetent or has habitually made default in the performance of the duties imposed upon it by or under this Act or exceeded or abused its powers, the State Government may, by notification in the official Gazette, supersede such School Board and reconstitute it afresh as if the term of office of such Board has expired.

(2) During the period between the date of such order superseding a School Board and the date of the first meeting of the reconstituted Board, all powers and functions of the School Board, all property and legal rights and liabilities of the School Board shall vest in such person or persons as the State Government may, by notification in the official Gazette appoint, and the powers and functions aforesaid shall be exercised and carried out by the person or persons so appointed in such manner as the State Government may direct.

29. Absorption of properties and staff by School Board.—(1) All building or other properties, movable and immovable, which may be held on behalf of any school which is recognised by the School Board shall on and as from such date of recognition vest in the said School Board :

Provided that in the event of any dispute arising as to whether any particular property shall so vest in or be held by or be under the control of the School Board, the matter shall be referred to the State Government, whose decision thereon shall be final and binding on all parties to such dispute.

(2) All teachers and other employees of a basic school as defined in clause (5) of section 2 of this Act, and all employees under the School Board or the State Board constituted under the Primary Education Act, 1947, should from the date of enforcement of this Act, be employed by the Authorities constituted under this Act under the same terms and conditions under which these persons were previously employed.

(3) The existing and future rights, liabilities, duties and powers of any Local Authority or private management or the School Board and the State Board mentioned in sub-section (2) above, in respect of such teachers and other employees so far as they are not inconsistent with the provision of this Act or the Rules made thereunder, shall vest in, be performed and exercised by the respective authorities constituted under this Act on and as from the date of its enforcement:

Provided that every such teacher or employee shall have a right of appeal to the State Board against any order of discharge, removal or dismissal passed by an authority subordinate to the State Board, and to the State Government if such an order is passed by the State Board, and the decision of the State Board or of the State Government, as the case may be, shall be final.

30. Restriction on legal proceedings.—No suit, prosecution or other legal proceedings shall lie, without the previous sanction of the State Government, against any School Board or a member or employee thereof for anything done or purporting to have been done under this Act.

CHAPTER V

31. Regional Basic Education Fund.—(1) A Fund hereinafter called the Regional Basic Education Fund shall be maintained by each School Board.

(2) The following shall form part of and be paid into Regional Basic Education Fund:—

- (i) grants-in-aid made to the School Board by the State Government and from the State Basic Education Fund on account of basic education,
- (ii) all proceeds of any cess which the State Government may by law impose from time to time for the purposes of this Act,
- (iii) all income derived from any endowment or property owned or managed by the School Board for the purposes of this Act,
- (iv) fees and fines realised under the provision of this Act,
- (v) all sums of money vesting in or otherwise to be credited to the School Board under the provisions of sub-section (1) of section 29,
- (vi) all sale proceeds of crafts and other products of the Schools,
- (vii) any other income the Board may derive,
- (viii) all other sums of money which may be received by the School Board under or for the purposes of this Act.

32. Application of the Regional Basic Education Fund.—Except as otherwise provided in this Act or the rules framed thereunder, the School Board shall apply the Regional Basic Education Fund for—

- (i) the payment of salaries of—
 - (a) establishment of the School Board;
 - (b) basic school teachers;
 - (c) attendance officers and other establishment of basic schools within its area;
- (ii) the payment of such pensions, gratuities and contributions to the Provident Funds in respect of the employees mentioned in clause (i) as may be prescribed,

- (iii) the payment of grants-in-aid to basic schools;
- (iv) the payment of all liabilities incurred by the School Board for the construction, equipment and maintenance of basic schools;
- (v) the payment of such travelling and other allowances to members of the School Board and its establishment as may be prescribed;
- (vi) the payment of any other sums which the School Board is legally liable to pay; and
- (vii) the payment of such other liability or charge including the cost of such scholarships as may be prescribed.

33. Receipts and expenditure.—(1) All money received on account of Regional Basic Education Fund shall forthwith be paid into an account in a Bank approved by the State Government or Treasury in the prescribed manner.

(2) The Secretary of the School Board shall operate upon such account.

() No expenditure shall be incurred from the Regional Basic Education Fund except as provided by this Act and unless such expenditure has been provided for either by provision in a budget approved by the State Government or by re-appropriation in the prescribed manner.

34. Accounts.—The School Board shall keep accounts of all its receipts and expenditure in the manner prescribed.

35. Audit.—The Accounts of every School Board shall be examined and audited once in each year by an auditor appointed by the State Government.

CHAPTER VI

36. Recognition of and grants to basic schools.—(1) The following classes of schools shall be deemed to be recognised as basic schools under this Act, namely:—

- (a) All Government Middle Vernacular Schools.
- (b) All Middle Vernacular Schools under Local Authority, including those which are aided by such Authority.
- (c) All Government Aided Middle Vernacular Schools.
- (d) All Primary Schools which were recognised under the Assam Primary Education Act, 1947.
- (e) All Basic Schools under the Basic Education Department.

(2) If the Managing Authority of any Basic or Primary School under private management or any unaided but recognised Middle Vernacular Schools or any Venture and non-recognised Middle Vernacular School desires that such School should be recognised as a Basic School under this Act, it shall submit an application in the prescribed form to the School Board concerned.

(3) Subject to such conditions as may be prescribed, the School Board, by an order in writing grant such recognition conditionally or unconditionally, or may refuse or defer the grant of recognition. The School Board may at any time, by an order in writing, withdraw or modify any recognition so granted.

(4) The School Board may also, subject to such conditions as may be prescribed, recognise any School under private management, within its jurisdiction as a Basic School, although no application for recognition may have been made by the managing authority of such School under sub-section (2).

37. Appeal.—(1) An appeal shall lie against any order passed by the School Board under sub-section (3) of section 36 to the State Board.

(2) The orders passed by the State Board on any such appeal shall be final and binding on all concerned.

38. Application for grant-in-aid.—(1) If the managing authority of any school under private management mentioned in sub-section (2) of section 36 which has been recognised under the provisions of section 36 desires that such school shall be granted an aid from the Regional Basic Education Fund, it shall submit an application in the prescribed form to the School Board concerned.

(2) The School Board may, subject to such conditions as may be prescribed, grant such application by an order in writing, fully or in part, conditionally or unconditionally, or it may refuse or defer such grant.

(3) An appeal shall lie against any order passed by the School Board under sub-section (2) to the State Board.

(4) An appeal shall lie against any order passed by the State Board under sub-section (3) to the State Government.

PART II

CHAPTER VII

39. No fees to be charged.—No fees shall be charged upto a standard to be prescribed from any pupil in any basic school.

40. Compulsory Basic Education.—The State Government may, by notification in the official Gazette, declare that Basic Education shall be compulsory upto a certain age to be prescribed, in any region or in any part or parts of a region for which a School Board has been constituted under the provision of this Act.

41. Duty of guardian to cause children to attend school.—In an area of compulsion the guardian of every child resident in such area shall, subject to the provisions of sections 42 and 43, be bound to cause the child to attend a recognised basic school in such area.

42. Power to exempt children of particular class or community.—On the recommendation of the State Board, the State Government may, by notification in the official Gazette, exempt from the operation of Part II of this Act, children of either sex in any area of compulsion or part thereof.

43. Exemption from attendance at school.—The School Board shall exempt a guardian from causing a child to attend a recognised basic school if—

(i) the child is receiving education otherwise than in a recognised basic school to the satisfaction of the School Board ; or

(ii) the child has already completed the standard of basic education prescribed ; or

(iii) there is no recognised basic school within a distance of one mile from the residence of the child, or, even if there is any such school, when in the opinion of the School Board such school is not reasonably or conveniently accessible from such residence ; or

(iv) the child is prevented from attending school by sickness, infirmity or any other cause accepted as sufficient by the School Board.

44. Restriction of employment of a child.—No guardian or person shall utilise the time or the services of a child in connection with any employment of such child, whether for remuneration or otherwise, in such a manner or at such times of the day as to interfere with the regular attendance of the child at the recognised basic school.

45. Penalty.—Any guardian who contravenes the provisions of section 41 or any guardian or person who contravenes the provision of section 44 shall be punished with a fine not exceeding twenty-five rupees for the first offence and not exceeding one hundred rupees for each subsequent offence.

46. Procedure on alleged contravention.—(1) When a School Board is satisfied that any guardian or person has committed an offence under section 41 or section 44, it shall first issue a notice in writing on such guardian or person requiring him to cause the child to attend a recognised basic school or to cease to employ the child in a manner prohibited by section 44, as the case may be, within one week from the date of service of such notice. Such notice shall be served in the prescribed manner.

(2) If such guardian or person fails to comply with the directions given to him by such notice, the Secretary of the School Board shall file a complaint in writing against the offender before a Magistrate who has jurisdiction to receive a complaint under the provisions of the Code of Criminal Procedure, 1898, (Act V of 1898).

(3) On receipt of such complaint, the Magistrate shall deal with the same in accordance with law, or he may, if he so thinks fit, pass an order directing the guardian or person complained against forthwith to cause the child to attend a recognised basic school or to cease to employ the child in the manner prohibited by section 44, as the case may be, or to appear and to show cause before the Magistrate why he should not be dealt with in accordance with law.

(4) If, even after being served with any such order, the guardian or person complained against fails to comply with the same or to show cause to the satisfaction of the Magistrate within such time as the Magistrate may allow, the complaint shall be dealt with in accordance with law.

47. Bar on cognizance, limitation, and status of Secretary.—(1) No court shall take cognizance of an offence under section 41, or section 44 except on complaint as aforesaid, and unless a notice under sub-section (1) of section 46 has been served on and disregarded by the guardian or person.

(2) A complaint under sub-section (2) of section 46 shall be filed within three months of the date of service of the notice mentioned in sub-section (1) thereof.

(3) The Secretary of a School Board shall be deemed to be a public servant within the meaning of section 200, proviso (aa) of the Code of Criminal Procedure, 1898 (Act V of 1898).

48. Educational Cess.—The State Government may impose an educational cess in any area for purposes of the Act.

49. Rules.—(1) The State Government may, after previous publication in the official Gazette, make rules for carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, the State Government may make rules—

- (a) fixing the limits of age for a child,
- (b) prescribing the curriculum, duration, standard and syllabus of the course of instruction to be imparted in a basic school,
- (c) constituting the State Board, and directing what number shall be a quorum at a meeting thereof, subject to the first proviso to section 8, and the first proviso to section 23,
- (d) defining the duties and powers of the Secretary of the State Board,
- (e) regulating the payment of travelling and other allowances of members and officers of the State Board,
- (f) prescribing the rates of pensions, gratuities and the State Board's contributions to the Provident Funds in respect of the officers of the Board,

- (g) prescribing under clause (6) of section 12 what liabilities or charges shall be met from the State Basic Education Fund,
- (h) prescribing the manner in which money received on account of the State Basic Education Fund shall be paid into a bank or Government Treasury,
- (i) regulating the procedure for re-appropriation under sub-section (3) of section 13,
- (j) prescribing the manner in which accounts are to be kept by the State Board,
- (k) constituting the School Boards, and directing what number shall be a quorum at a meeting thereof, subject to the first proviso to section 23,
- (l) defining the duties and powers of the Secretary, and of the Chairman of a School Board, in regard to transfer, leave, reward and punishment of basic school teachers and attendance officers and also regarding payment of salaries of such officers,
- (m) prescribing the rules of business of a School Board,
- (n) prescribing the rates of pensions, gratuities and the School Board's contributions to the Provident Funds of the employees of the Board,
- (o) regulating the rates of travelling and other allowances for members of the School Boards and their establishment,
- (p) prescribing under clause (vii) of section 32 what liabilities or charges shall be met from the Regional Basic Education Fund,
- (q) prescribing the manner in which money received on account of a Regional Basic Education Fund shall be paid into a bank or Government Treasury,
- (r) regulating the procedure for re-appropriation under sub-section (3) of section 33,
- (s) prescribing the manner in which accounts are to be kept by the School Boards,
- (t) prescribing forms of application referred to in sub-section (2) of section 36 and sub-section (1) of section 38, or any other form that the State Government may consider necessary to prescribe for the purposes of this Act,
- (u) prescribing conditions for the purposes of sub-section (3) of section 36,
- (v) prescribing conditions for the purposes of sub-section (2) of section 38,
- (w) prescribing the manner of service of notices under sub-section (1) of section 46,
- (x) prescribing time limits for filing appeals under sub-sections (3) and (4) of section 38.

50. Repeal.—The enactments specified in column 3 of the Schedule to this Act are hereby repealed to the extent mentioned in the fourth column thereof.

SCHEDULE

Year (1)	No. (2)	Short title (3)	Extent of repeal (4)
1953	1	The Assam Local Self-Government Act, 1953.	So much of the Act as is inconsistent with, or contrary to the provisions of this Act.
1923	1	The Assam Municipal Act, 1923.	So much of the Act as is inconsistent with, or contrary to the provisions of this Act.
1947	XIII	The Assam Primary Education Act, 1947.	The whole.

51. Saving.—Notwithstanding the repeal of the Assam Primary Education Act, 1947 (Assam Act XIII of 1947) all authorities constituted, appointments, rules, order or notifications made under the said Act shall be deemed to be constituted or made under this Act and continue to function or to be in force until actions under the provision of this Act are taken.

ASSAM ACT XXVII OF 1954

THE ASSAM COURT-FEES (AMENDMENT) ACT, 1954

(Passed by the Assembly)

(Received the assent of the Governor of Assam on the 29th August 1954)

[Published in the *Assam Gazette*, dated the 8th September 1954]

An

Act

further to amend the Court-Fees Act, 1870 (Act VII of 1870) with reference to the scale of Court-Fees in Assam

Preamble.—WHEREAS it is necessary to amend the Court-Fees Act, 1870 (Act VII of 1870) hereinafter called the Principal Act, in its application to Assam, in the manner hereinafter appearing ;

It is hereby enacted in the Fifth year of our Republic as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Assam Court-Fees (Amendment) Act, 1954.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

2. Amendment of Section 1 (3) of Assam Act VIII of 1950.—In subsection (3) of Section 1 of the Assam Court-Fees (Amendment) Act, 1950, a full-stop shall be inserted after the figures "1950" and the words "and shall remain in force for a period of five years" shall be deleted.

3. Amendment of Schedule II, Article 1.—For clause (a) (a) in the second column and entry in the third column of Article 1 of Schedule II to the Principal Act the following shall be substituted, namely:—

"(a) (a)—When presented to a Regional Transport Authority or State Transport Authority containing prayer for permits for Contract Carriage, Stage Carriage, Private Carrier or Public Carrier or for any other purpose.... Five rupees".