

benefits.

ASSAM ACT No.XXX OF 1962
THE ASSAM ELEMENTARY EDUCATION ACT, 1962

(As passed by the Assembly)

Received the assent of the Governor on the 3rd October 1962

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An
Act

*to make provision for the management and control of elementary education and
to provide for free and compulsory elementary education in Assam*

reamble

WHEREAS it is expedient to make better provision for the development, expansion, management and control of elementary education ;

AND WHEREAS it is further expedient that free and compulsory elementary education should be introduced in the State in gradual stages ;

It is hereby enacted in the Thirteenth Year of the Republic of India as follows :—

PART I

CHAPTER

Preliminary

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Elementary Education Act, 1962.

(2) It extends to the whole of Assam except the Autonomous Districts :

Provided that the Governor may, with the consent of the District Council concerned, extend all or any of the provisions of this Act to all or any of the Autonomous Districts on such date or dates as may be notified in this behalf.

(3) It shall come into force at once.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context :—

(a) "Area of compulsion" means an area specified or the purpose of making elementary education compulsory under section 41 ;

(b) "Attendance Authority" means any person appointed to be an attendance authority under section 47 ;

(c) "Autonomous District" means the autonomous districts under the Sixth Schedule to the Constitution of India ;

(d) "Basic Training Centre" means an Institution in which teachers are trained in Basic Education ;

(e) "Block Development Officer" means the Executive Officer appointed by the Government to be in-charge of a Community Development Block ;

(f) "Child" means a person of either sex, of such age, between six and fourteen years, or as the State Government may, from time to time, prescribe ;

(g) "District Council" means a District Council constituted under sub-paragraph (I) of paragraph 2 of the Sixth Schedule to the Constitution of India ;

(h) "Elementary Education" means education upto such class or standard, not beyond the eighth class or standard, as may be prescribed ;

(i) "Elementary School" means a school where elementary education is imparted ;

(j) "Guardian" 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 Local Authority shall decide ;

(k) "Local Authority" means a Municipal Board as defined in the Assam Municipal Act, 1956, a Town Committee as established under section 335 of the said Act, and a Gaon Panchayat established under the Assam Panchayat Act, 1959: Assam Act
XV of
1957.

Provided that the State Board shall be deemed as Local Authority for the areas not covered by Municipality, Town Committee, Gaon Panchayat and District Council; Assam Act
XXIV of
1959.

(l) "Management" means and includes such powers and functions in respect of the Local Authorities and of District Councils as have been laid down in this Act;

(m) "Notification" means a notification published in the Official Gazette;

(n) "Prescribed" means prescribed by rules made under this Act;

(o) "Recognised School" means a school recognised under this Act;

(p) "School Board" means a Regional Board for basic education constituted under section 76 of the Assam Basic Education Act, 1954; Assam Act
XXVI of
1954.

(q) "State Board" means the State Board for Elementary Education constituted under section 3.

CHAPTER II

State Board, its constitution and Powers and functions

State Board 3. (1) The State Government shall constitute a State Board for Elementary Education to advise Government for the development, expansion, management and control of elementary 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 Board for Elementary 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.

Constitution
of the State
Board.

4. (1) The State Board shall be constituted with the following members :—

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

(ii) The Deputy Minister of Education, by virtue of his office who shall be the Vice-Chairman of the Board.

(iii) The Director of Public Instruction by virtue of his office.

(iv) The Joint Director of Public Instruction or the Officer in-charge of Elementary Education by whatever name he may be designated, by virtue of his office, who shall be the Secretary of the Board.

(v) The Assistant Director of Public Instruction in-charge of Women's Education.

(vi) One Inspector of Schools, to be nominated by the State Government.

(vii) One Principal of a Basic Training Centre to be nominated by the State Government.

(viii) Five representatives to be elected by the Assam Legislative Assembly from amongst its members.

(ix) One representative from each of the District Councils of the Autonomous Districts.

(x) One Chairman of a Municipal Board or a Town Committee to be nominated by the State Government.

(xi) Two Presidents of Mohkuma Parishads to be nominated by the State Government.

(xii) Three members to be nominated by the State Government who will be educationists and of whom one will be a woman.

(xiii) Members not exceeding three in number to be nominated by the State Government to serve such other interests as, in the opinion of the Government, should specially be represented.

(xiv) Chairman of the State Social Welfare Board.

(xv) Two representatives of teachers of Lower Primary and Middle Vernacular Schools to be nominated by the State Government.

(2) No person shall be entitled to ~~continue~~ as a member under clause (viii) 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 that office.

(4) Seven members shall form the quorum.

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

Term of office of the member of the State Board. 6. (1) Subject to the other provisions of this Act, every member of the State Board shall hold office for a term of three 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 or re-election.

(2) A casual vacancy occurring in the State Board at any time during the term of three years shall be filled for the remaining portion of such term in the same manner in which the membership, 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 or vacancies in its membership may remain unfilled for the time being.

(4) Notwithstanding the expiry of three 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.

Resignation of membership. 7. Any member of the State Board may resign his membership at any time by giving notice thereof in writing, to the Chairman who shall forward the same to the Government. The member shall be deemed to have vacated his membership as soon as the Government has accepted his resignation.

Cessation of membership. 8. Any member of the State Board who is not a member by virtue of office may be removed from office by the State Government if he is absent from three consecutive meetings thereof and fail to offer reasons for such absence which are considered sufficient by the State Government.

Removal of members: 9. 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, when there be 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.

Duties and functions of the State Board. 10. The State Board shall have the following functions, namely:—

(a) to lay down principles for allocation of grants for carrying out the purposes of this Act, to the local authorities;

(b) to lay down procedure and conditions and to hold such tests as may be necessary for recruitment of teachers of elementary schools on such terms and conditions of service as may be prescribed;

(c) to lay down conditions for recognition, expansion and amalgamation of elementary schools, and opening of elementary schools; and

(d) to do any other act which the State Board considers necessary for carrying out the purposes of this Act fully and effectively.

Responsibility of the State Government. 11. Notwithstanding anything contained in section 10 and notwithstanding anything contained in this Act, the responsibility of proper administration, supervision and inspection of elementary education and of arrangement of proper training of teachers shall lie with the Government. The Government shall also determine the curriculum and duration, standard and syllabus of the course of instruction to be imparted in an elementary school.

Chairman to
preside over
meetings.

12. The Chairman and in his absence the Vice-Chairman shall preside over the meetings of the State Board, and in the absence of both the members present shall elect one of them to preside over the meeting.

Powers and
duties of the
Secretary.

13. The Secretary of the State Board shall be the Principal Administrative Officer of the Board and, shall exercise such powers and perform such duties as may be required for carrying out the purposes of this Act. He shall also perform such other duties and exercise such other powers as may be prescribed.

The Assistant
Secretaries, their
powers and
duties.

14. (1) Subject to the provisions of section 26, the Deputy Inspectors of Schools, by virtue of office, shall be the Assistant Secretaries of the State Board.

(2) The Headquarters and jurisdiction of the Assistant Secretaries shall be the same as those of the Deputy Inspectors.

(3) The Assistant Secretary shall exercise powers and perform duties as follows in his own jurisdiction:—

(i) to operate the fund placed at his disposal by the State Board ;

(ii) to appoint his office staff and manage his office properly ;

(iii) to appoint teachers in recognised schools on the advice of a Committee constituted by the State Board under section 16 and transfer them as necessary and also grant such leave, other than casual leave, to them as may be admissible ;

(iv) to make payment of contingent expenditure to schools and salaries to the teachers and other employees of the State Board, if any, in the area concerned by himself or through the Block Development Officer or through such other officer as may be specified by the Government for this purpose ;

(v) to make payments to the local authorities for proper maintenance of schools in the manner prescribed ;

(vi) to make such other payments including scholarships as may be prescribed ;

(vii) to maintain proper accounts of the fund placed at his disposal ;

(viii) to carry out such other duties as may be entrusted to him by the Secretary, State Board for the purpose of carrying out the provisions of the Act.

Rules of business. 15. The State Board shall perform its duties and carry out its functions in accordance with such rules of business as may be prescribed.

CHAPTER III

ADVISORY COMMITTEE FOR STATE BOARD

Advisory Committee for State Board. 16 (1) The State Board shall constitute an Advisory Committee for the purpose of appointing teachers under section 14(3) (iii) and salaried attendance authorities under section 47 consisting of three members in each Deputy Inspector's Circle of the State.

(2) Assistant Secretaries of the State Board shall be the members of the Advisory Committees in addition to three members of the Committee under sub-section (1) above.

(3) The tenure of the Committee shall be three years.

(4) The Committee shall advise the Assistant Secretaries of the State Board in the manner prescribed.

CHAPTER IV

ELEMENTARY EDUCATION FUND

Elementary Education Fund. 17. (1) A fund hereinafter called the Elementary Education Fund, shall be created and maintained by the State Board.

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

(i) All sums of money that may be in the State Basic Education Fund, constituted under section 11 of the Assam Basic Education Act, 1954, on the date on which this Act comes into force; Assam Act XXVI of 1954.

(ii) such grants as may be made by the State Government to the State Board for the purpose of elementary education;

(iii) all income derived from any endowment or property owned or managed by the State Board for the purposes of this Act; and

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

Application of the Fund. 18. Except as otherwise provided in this Act, the Elementary Education Fund shall be applied for:—

(i) payment of grants to the local authorities and to the District Councils, as the case may be, for the purpose of elementary education ;

(ii) payment of grants to a school authority or other authorities, if any, on specific projects and schemes on elementary education ;

Explanation.—“School Authority” means the Managing Committee or the Head of the Institution or the proprietor, as the case may be ;

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

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

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

(vi) payment of any other sums which the State Board is legally liable to pay, or of any other liability as may be prescribed.

Note—The Assistant Secretaries of the State Board shall be deemed to be local authorities under, and for the purpose of this section.

Administration of the fund. 19 The fund shall be administered by the Secretary of the State Board and the accounts shall be operated by him.

Receipt and expenditure. 20. (1) All moneys received for this purpose of the Elementary Education Fund shall forthwith be paid into an account opened in the Government Treasury or in a Bank approved by the State Government.

(2) No expenditure shall be incurred from the Elementary Education Fund except for the purposes of this Act and unless such expenditure has been provided for in the budget of the State Board approved by the State Government.

Budget. 21. (1) On receipt of the estimates from the Assistant Secretaries and the District Councils, or otherwise, the State Board shall prepare the annual budget estimates before the commencement of the next financial year at such time and in such manner as may be prescribed.

(2) Such budget estimates shall include the probable receipts and expenditure of the year concerned on account of Elementary Education.

(3) The budget estimates as approved by the State Government shall be treated as the final budget of the State Board.

(4) The State Board shall be competent to make re-appropriation from one head to another within the approved budget.

Accounts and audits.

22. The State Board shall keep accounts of all its receipts and expenditure and such accounts shall be audited by an auditor appointed by the State Government.

CHAPTER V

LOCAL AUTHORITIES POWER OF MANAGEMENT OF ELEMENTARY SCHOOLS

Management through local authorities and District Councils.

23. As soon as this Act comes into force, the management of elementary schools shall, subject to such conditions as may be prescribed, vest in the local authority of the area concerned.

Co-ordinating agency.

24. In the areas where the Assam Panchayat Act, 1959, is in operation the Block Development Officer or, where there is no Block Development Officer, such other officers as may be specified by the Government in this behalf, with the help of such officers of the Education Department, as may be attached to him, shall act as a Co-ordinating agency between the Gaon Panchayats and the State Board.

Powers and functions of local authority.

25. (1) Without prejudice to any of the provisions of this Act in general and of section 11 in particular, a local authority in which the management of Elementary Education has vested, shall have the following duties and functions to perform and carry out, namely:—

(i) construction, expansion, improvement and maintenance of school buildings ;

(ii) supply of necessary equipments to elementary schools ;

(iii) arranging of play grounds, mid-day meal-drinking water and medical inspection of students ;

(iv) preparation and maintenance of a register of children of the area in the form prescribed ;

(v) decision, when necessary, as to who is the guardian of a child or the head of a family ;

(vi) arrangement for stocking and marketing and disposal of the products of school crafts ;

(vii) arrangement for periodic exhibition of such products in the region ;

(viii) supervision of attendance ; and

(ix) such other duties and functions, as may be entrusted to them by the State Board for carrying out the purposes of this Act.

Powers of
District
Council

26. The District Council for an autonomous district shall have the power to establish, construct, or manage elementary schools in the autonomous district and, in particular, to prescribe the language and the manner in which elementary education shall be imparted in the elementary schools in the district subject to such conditions as may be prescribed with the consent of the District Council or Councils concerned.

Control of
State Go-
vernment on
local autho-
rities.

27. 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 local authority 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 local authority by this Act, or by any rules framed thereunder.

CHAPTER VI

Fund of Local Authority and its Operation

The fund of
the local
authority.

28. (1) As soon as the management of Elementary Education is vested in a District Council or a local authority, the State Government shall constitute a fund for the purposes of elementary education and shall place such amounts out of the said fund as may be necessary at the disposal of the District Council, local authority, the Assistant Secretary of the State Board and the Block Development Officer concerned, subject to such conditions as may be prescribed.

(2) In an Autonomous District the said fund shall be deposited in the fund of the District Council but the fund shall be applied for the purposes enumerated in section 30.

(3) The Assistant Secretary, the Block Development Officer and the Local Authority shall deposit the amount received under sub-section (1) in a Government Treasury, Post Office Savings Bank or any other Bank approved by the Government and shall disburse the same in the manner prescribed.

Constitution
of the fund.

29. The following shall form part of and be paid into the fund created under section 28 of this Act, namely:—

- (i) grants or allotments, as the case may be, made by the State Board for the purpose of elementary education ;
- (ii) fees and fines realised under the provisions of this Act ;
- (iii) all other sums of money that may be realised by the authority concerned under, and for the purposes of this Act ;
- (iv) any other sum of money that may be received from the State Government for any specific purpose, concerning elementary education or for the general purpose of carrying out the provisions of this Act.

Application
of the fund.

30. Subject to other provisions of this Act, the fund shall be applied for the following purposes, namely:—

- (i) payment of salaries of—
 - (a) the establishment maintained by the local authority concerned on account of elementary education as may be prescribed ;
 - (b) teachers and other employees of the elementary schools ;
 - (c) such salary or honoraria as may be prescribed to the Attendance Authority ;
- (ii) payment of such retirement benefits, gratuities and contributions to the Provident Funds in respect of the employees mentioned in clause (i) as may be prescribed ;
- (iii) payment of any stipend or scholarship to students in accordance with Rules and Orders of the Education Department ;
- (iv) payment of such sums of money as may be found necessary for construction, expansion, improvement and maintenance of school buildings and for provision of mid-day meal, play ground, furniture and equipment ;

(v) payment of travelling and other allowances to the officers and establishment of the local authorities concerned, as may be prescribed ; and

(vi) payment of any other sum which the local authority concerned is legally liable to pay or of any other liability as may be prescribed.

Note.—The Assistant Secretaries of the State Board, the Block Development Officers, the District Councils shall be treated as local authorities for the purpose of this section.

Accounts

31. (1) Each local authority, District Council, the Assistant Secretaries and the Block Development Officers to whom funds are allotted, shall maintain separate accounts of income and expenditure relating to elementary education within its respective jurisdiction, in the manner prescribed.

(2) The accounts so maintained shall be open to inspection by such officer as may be deputed by the State Government for the purpose.

Audit

32. The accounts of the local authorities, the District Councils, the Assistant Secretaries, the Block Development Officers, relating to elementary education shall be examined and audited at least once in each year by an auditor appointed by the State Government.

CHAPTER VII

PROPERTIES OF THE SCHOOL BOARD

Cessation of jurisdiction of School Boards.

33. As soon as this Act comes into force the School Board shall cease to have any jurisdiction with regard to the area concerned and the Local Authority shall take over the assets and liabilities of the School Board subject to the provision of section 34, and subject to such condition as may be prescribed.

Absorption of Properties, etc.

34. As soon as this Act comes into force,

(1) all money deposited in the hands of and held by the State Advisory Board for Basic Education constituted under section 3 of the Assam Basic Education Act, 1954 on the date on which the State Board established under this Act takes charge of office, shall be transferred to and be held by the State Board ;

Assam Act
XXVI of
1954.

(2) all teachers and other employees of Schools maintained by School Board shall be taken over by the State Board ;

Provided that the total emoluments of these employees at the time they are taken over, shall be protected and their existing seniority shall be maintained ;

(3) all other employees of the School Boards including the employees in the office of the School Boards shall be taken over and employed in the manner laid down by the State Government in this behalf ;

(4) the office buildings of School Boards together with furniture and equipments shall vest in the State Government and be utilised for such purposes as may be in consonance with the provisions of this Act ;

(5) all buildings and other properties including the land owned by any school under the management of a School Board, shall vest in and be held by the local authority concerned created under this Act;

(6) all residuary properties held before the commencement of this Act by any authority constituted under the Assam Basic Education Act, 1954 and not transferred to a local authority or to the State Government under the provision of this Act shall vest in and be held by the State Board.

Assam Act
XXVI of
1954.

State Government's power to settle disputes. 35. Any dispute arising out of provision of section 34 in respect of transfer and ownership of any property or in respect of any terms and conditions of any appointment of any employee or any matter pertaining to the aforesaid provision, shall be referred by the aggrieved party to the State Government whose decision in this behalf shall be final and binding on all concerned.

CHAPTER VIII

RECOGNITION OF ELEMENTARY SCHOOLS AND THEIR AFFAIRS

Classes of schools to be recognised as Elementary Schools. 36. The following classes of schools shall be deemed to be recognised as Elementary Schools under this Act, namely :—

(a) all Government Middle Vernacular Schools and Government Senior Basic Schools including those that receive grant-in-aid from Government ;

(b) all Middle Vernacular Schools including Middle Madrassas under the management of any other Authority or Authorities, that have been recognised by the State Government, to be responsible for maintenance of such schools;

(c) all schools under the management of the School Boards ;

(d) all Primary Schools and Senior Basic Schools maintained or aided directly by Government or by any other duly constituted authority which is recognised by the State Government to be responsible for imparting elementary education.

Recognition and grant-in-aid to new Schools. 37. (1) The terms and conditions of recognition, and of grant-in-aid to new Elementary Schools, shall be as laid down by the State Board from time to time:

Provided that the State Government may direct the State Board to recognise any existing rule or set of rules adopted in any particular area, by an authority duly constituted to look after the management of Elementary Schools; and such direction from the said Government shall be binding on the State Board.

(2) Subject to the provision of sub-section (1) the Inspector of Schools of the area concerned shall, on the recommendation of the Deputy Inspector of Schools concerned, accord necessary recognition to such of the senior Basic Middle Madrassa and Middle Vernacular Schools as fulfil the required conditions. In all other cases the Deputy Inspector of Schools shall accord such recognition.

Appointment of teachers. 38. All teachers existing or to be appointed in any Elementary School recognised under this Act, except in the case of the Autonomous Districts, shall be deemed to have been employed by the State Board.

Appeal 39. An appeal against the decision of a local authority or of the Assistant Secretary, State Board, by a teacher or any other employee of an Elementary School or by other employees of these authorities shall lie to the Secretary, State Board. A second appeal against the decision of the Secretary, State Board, shall lie to the State Government whose decision in this behalf shall be final.

An appeal in each case shall be preferred within ninety days from the date of order appealed against.

PART II

CHAPTER IX

COMPULSORY EDUCATION

Exemption from fees. 40(1) No fee shall be levied in respect of any child for attending a recognised school which is under the management of the State Board or a Local Authority.

(2) Where in respect of any child an attendance order has been passed under sub-section (3) of section 47 and the only school which he can attend is a recognised school under private management, the Local

Authority or the State Board shall take such steps as it may think fit for the purpose of ensuring that the education which the child is to receive is free.

Compulsory education. 41. The State Government may, by notification, declare that elementary education shall be compulsory upto a certain age to be prescribed, in any area of the State as specified under the notification.

Duty of guardian. 42. In an area of compulsion the guardian of every child, resident in such area, shall, subject to the provisions of section 43, be bound to cause the child to attend a recognised Elementary School in such area.

Exemption 43. A guardian may be exempted from causing a child to attend a recognised Elementary School if,—

(i) the child is receiving education otherwise than in a recognised Elementary School to the satisfaction of the Attendance Authority ;

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

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

(iv) the child is prevented from attending school by sickness, infirmity or any other mental or physical defect accepted as sufficient ground by the Attendance Authority ; or

(v) there is any other compelling circumstance which, in the opinion of the Attendance Authority prevents child from attending a recognised Elementary School.

Part time instruction. 44. (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 permit the child to attend any institution imparting part time elementary education.

(2) A child receiving education as provided under sub-section (1), shall be deemed to have fulfilled the requirements of section 42 of this Act.

Preparation of details in enforcing compulsion. 45. The manner in which a list of children in an area of compulsion shall be caused to be prepared, the manner of notifying the guardians, the period and duration of compulsory attendance of children in schools, shall be as prescribed.

Duty of the local authorities to arrange for attendance. 46. In an area of compulsion, it shall be the duty of every local authority to enlist the co-operation of the guardians in ensuring the attendance of children in schools.

Attendance Authority. 47. (1) The Assistant Secretaries of the State Board may appoint on the advice of the Committee appointed by the State Board under section 16, Attendance Authorities for the purpose of enforcing attendance in Schools.

(2) The Attendance Authorities shall have such powers, responsibilities and duties as may be prescribed.

(3) An attendance order on the guardian of a child shall be passed at such time and in such manner as may be prescribed.

Restriction on employment of a child. 48. No guardian or person shall utilise the time or the services of a child in connection with employment of such a child, whether on remuneration or otherwise, in such a manner or at such time of the day as to interfere with regular attendance of the child in a school as required under this Act.

Penalty. 49. Any guardian who contravenes the provisions of section 42 or any guardian or person who contravenes the provisions of section 48 shall be punishable with fine not exceeding two rupees, and in case of a continued contravention with an additional fine not exceeding fifty naye paise for every day, during which such contravention continues:

Provided that the amount of fine payable by any one person in respect of any child in any one year shall not exceed fifty rupees.

Courts competent to try offences. 50. The courts competent to try offences under this Act shall be the following:—

(a) in areas where the Panchayati Adalat has been constituted under section 86 of the Assam Panchayat Act, 1959—the Adalat within whose jurisdiction the offence is committed; Assam Act XXIV of 1959.

(b) in other areas—the Court of a Magistrate having jurisdiction.

Cognizance of offences. 51. No Court shall take cognizance of an offence under this Act except on complaint of an Attendance Authority.

Certain persons to be public servants. 52. The Attendance Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Act XLV of 1960.

Restriction
on legal
proceedings,

53. No suit, prosecution or other legal proceedings for anything done in good faith under this Act shall lie without the previous sanction of the State Government in this behalf.

Rules

54. (1) The State Government may, after previous publication in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely:—

(i) laying down terms and conditions of service of teachers of Elementary Schools including conduct and discipline of teachers ;

(ii) laying down powers and duties of the Secretary of the State Board required to be prescribed under section 13 ;

(iii) manner of placing Funds by the State Board at the disposal of local authorities and other authorities constituted under this Act ;

(iv) manner of making payments including scholarships by the State Board ;

(v) laying down the Rules of Business of the State Board ;

(vi) fixation of rates of retirement benefits, gratuity and contribution to Provident Fund of the employees of the State Board ;

(vii) laying down conditions of drawal and fixation of rates of travelling and other allowances to members and officers of the State Board ;

(viii) payment of other liability that the State Board is legally liable to pay ;

(ix) manner of preparing the annual budget estimates by the State Board ;

(x) laying down conditions under which management of elementary schools shall vest in the local authority ;

(xi) laying down the form of register of children to be maintained by a local authority ;

(xii) laying down conditions under which administration of elementary education has to be carried out in the Autonomous Districts ;

(xiii) laying down conditions for placing of funds with different authorities constituted under this Act;

(xiv) manner of disbursing of funds by a local authority or by any other authority constituted under this Act;

(xv) terms and conditions of service of the establishment of the local authorities;

(xvi) payment of retirement benefits, gratuity and contribution to the Provident Fund in respect of the employees of the local authorities constituted under this Act;

(xvii) fixation of rates of travelling and other allowances to the officers and establishment of the local authorities;

(xviii) conditions of payment of other liabilities that a local authority has to make;

(xix) manner of keeping accounts by a local authority, a District Council, the Assistant Secretaries and by the Block Development Officers;

(xx) laying down conditions of taking over of assets of the School Boards by a local authority;

(xxi) fixation of standard upto which no fees are to be charged;

(xxii) fixing the limits of the age for a child;

(xxiii) manner of preparation of details as required under section 45;

(xxiv) fixation of powers, duties and responsibilities of the Attendance Authorities;

(xxv) fixing time and manner of serving attendance order on guardians; and

(xxvi) manner of advising the Assistant Secretary under sub-section (4) of section 16.

(3) All rules made under this section shall be laid for not less than fourteen days before the Assam Legislative Assembly as soon as possible, after they are made and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

Repeal and savings

55. (1) On and from the date on which this Act comes into force the Assam Basic Education Act, 1954 shall be repealed. Assam Act XXVI of 1954.

(2) Notwithstanding the repeal all authorities constituted, appointments, rules, orders 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 provisions of this Act are taken.

(3) Any of the provisions of the Assam Municipal Act, 1956, which is repugnant to any of the provisions of this Act shall stand repealed. Assam Act XV of 1957.