

THE PUDUCHERRY COMPULSORY ELEMENTARY EDUCATION ACT, 2000

(Act No. 8 of 2001)

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THE PUDUCHERRY COMPULSORY ELEMENTARY EDUCATION ACT, 2000

(Act No. 8 of 2001)

(05-10-2001)

AN ACT

to provide for compulsory elementary education in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Fifty-first Year of the Republic of India as follows: -

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Compulsory Elementary Education Act, 2000.

(2) It extends to the whole of the Union territory of Puducherry.

† (3) It shall come into force on such date as the Government may, by notification in the official gazette appoint, and different dates may be appointed for different provisions of this Act.

Definitions

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 and up to such standard as may be prescribed;

(4) "elementary school" means all schools, other than unaided private schools 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 Education or by any authority of the Education Department;

(5) "Government" means the Administrator of the Union territory of Puducherry appointed by the President under article 239 of the Constitution of India;

(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;

† This Act has come into force w.e.f 01-01-2006 vide Notification published in the Gazette of Puducherry No. 7 dated 14-02-2006

(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 six to fourteen years of age; and

(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 Union Territory with trained teachers, as may be considered necessary.

Duty of every parent or guardian of a child of school age

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) if such child is prevented from attending an elementary school by reason of sickness, infirmity or such other cause as may be prescribed;

(2) if such child is attending any unrecognised school provided that the education imparted therein is declared to be satisfactory by the competent authority;

(3) if such child is imparted education under Non-formal Education Programme;

(4) if such child is attending any other programme of alternative schooling at the elementary level recognised by the competent authority; or

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

Competent authority

6. (1) The Government, may, by notification, appoint any officer of the Education Department, not below the rank of Chief Educational Officer, to be the 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.

Competent authority etc., to be public servants

9. The competent authority appointed under section 6 and the officer authorised under section 8 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 appropriate proceedings under this Act in any case specified in the order, and the competent 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 in good faith

11. 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

12. (1) The Government may make rules to carry out all or any of the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Puducherry while it is in session for a total period of fifteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid the Legislative Assembly agrees in making any modification in the rule or agrees that the rules should not be made, the rule 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.

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 official gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of a period of two years from the date of commencement of this Act.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.8 OF 2001

As per the provisions of Article 45 of the Constitution of India, the state shall endeavour to provide within a period of 10 years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of 14 years. A policy decision has been taken by the Government of Puducherry to provide compulsory elementary education for all children of school age in this Union territory. In order to give effect to that policy decision, it is necessary to make elementary education compulsory for all such children. 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 elementary school. To achieve these objects, it is proposed to enact a law to make elementary education in this Union territory compulsory.

This Bill seeks to achieve the above objects.
