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ASSAM ACT XIII OF 1947.

THE ASSAM PRIMARY EDUCATION ACT, 1947.

[Passed by the Assembly]

(Received the assent of the Governor on the 30th September, 1947.)

[Published in the *Assam Gazette* of the 8th October, 1947.]

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

Preamble.

Whereas it is expedient to make better provision for development, expansion, management and control of primary education and whereas it is expedient that universal, free and compulsory primary education should be introduced in the Province as early as possible :

It is hereby enacted as follows :—

PART I

CHAPTER I

Short title, extent and commencement.

1. (1) This Act may be called the Assam Primary Education Act, 1947.

(2) It extends to the whole of Assam.

(3) Part I and section 49 of Part II shall come into force at once, and the remainder of Part II on such date or dates as the Provincial Government may, by notification in the official Gazette, appoint.

Definitions.

2. 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 primary education has been made compulsory under section 40.

(2) "To attend a recognised primary school" means to be present regularly at a recognised primary school for the purpose of receiving instruction 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 primary school of children to whom this Act applies.

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

(5) "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.

(6) "Head of a family" means that member of the family who ordinarily manages the affairs of the family or under whose directions or control such affairs are ordinarily managed; or where such head of the family cannot readily be ascertained, such person as the School Board shall decide.

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

(8) "Primary education" means education in such subjects and up to such standards as may be prescribed.

(9) "Primary school under private management" means a primary school not under the direct management of the Provincial Government or a local authority.

(10) "Primary School under public management" means a primary school under the direct management of the Provincial Government or a local authority.

(11) "Provincial Board" means the Provincial Advisory Board for Primary Education constituted under section 3.

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

(13) "School Board" means a Subdivisional Board for Primary Education, constituted under sub-section (1) of section 16.

CHAPTER II

Provincial Board.

3. (1) The Provincial Government shall constitute a Provincial Advisory Board for Primary Education for the regulation, control and development of primary education in the Province.

(2) The Provincial Board shall be a body corporate with perpetual succession and a common seal, and shall sue and be sued by the name of the Provincial Advisory Board for Primary 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 Provincial Board.

4. The Provincial Board shall be constituted in the prescribed manner, and shall include:—

(a) the Director of Public Instruction, by virtue of his office, who shall be the Chairman of the Board,

(b) three representatives to be elected by the Assam Legislative Assembly by the system of the single transferable vote,

(c) one representative to be elected by the Assam Legislative Council, and

(d) a Secretary to be appointed by the Provincial Government.

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

Publication of the names of members of the Provincial Board.
Term of office of the members of the Provincial Board.

6. (1) Subject to the other provisions of this Act, every member of the Provincial 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 Provincial Board for a further term of five years.

(2) A casual vacancy occurring in the Provincial 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 Provincial 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 Provincial Board shall continue to hold office until the first meeting of the next Provincial Board at which a quorum is present.

(5) Any member of the Provincial 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.

Resignation of members.

Cessation of membership.

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

Removal of members.

8. The Provincial Government may, of its own motion or on the recommendation of the Provincial Board, remove any member of the Provincial Board if the Provincial 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 Provincial 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 Provincial 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 Provincial Board.

9. The Provincial Board shall advise the Provincial 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 primary school teachers and attendance officers,
- (d) the training of primary school teachers and the making of provision for such training,
- (e) the curriculum, duration, standard and syllabus of primary education,
- (f) the preparation, publication and selection of text-books for primary Schools,
- (g) the medical inspection and treatment of children, and
- (h) any other matter which the Provincial Board considers necessary for carrying out the purposes of this Act fully and effectively or on which the Provincial Government may consult the Provincial Board.

Secretary of the Provincial Board.

10. The Secretary of the Provincial Board shall have such duties and powers as may be prescribed.

CHAPTER III

Provincial Primary Education Fund.

11. (1) A fund hereinafter called the Provincial Primary Education Fund shall be maintained by the Provincial Education Board.

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

- (i) the grant made to the Provincial Board by the Provincial Government on account of primary education,
- (ii) all income derived from any endowment or property owned or managed by the Provincial Board for the purposes of this Act,
- (iii) all other sums of money which may be received by the Provincial Board under or for the purposes of this Act.

Application of Fund.

12. Except as otherwise provided in this Act, or in rules framed thereunder, the Provincial Primary Education Fund shall be applied for:—

- (1) the payment of salaries of the officers of the Provincial 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 Provincial Board as may be prescribed,
- (3) the payment of such travelling and other allowances to members and officers of the Provincial Board as may be prescribed,

(4) the payment of any other sums which the Provincial 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.

Receipts
and expen-
diture.

13. (1) All money received on account of the Provincial Primary Education Fund shall forthwith be paid into an account in a bank approved by the Provincial Government or the Government Treasury in the prescribed manner.

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

(3) No expenditure shall be incurred from the Provincial Primary 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 Provincial Government or by re-appropriation in the prescribed manner.

Accounts.

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

Audit.

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

CHAPTER IV

School
Boards.

16. (1) The Provincial Government shall constitute a Subdivisional Board for Primary Education for each Subdivision 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 Subdivisional Board for Primary Education for the subdivision 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.

Constitution
of School
Boards.

17. The School Boards shall be constituted in the prescribed manner, and shall include:—

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

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

(c) one representative to be elected by a Municipal Board in the Subdivision, as defined in the Assam Municipal Act, 1923, or, where there is no Municipal Board in the Subdivision, by a Town Committee in the Subdivision, as established under section 329 thereof, Assam Act I of 1923.

(d) two representatives to be elected by the Local Board established by the Provincial Government for the Subdivision under section 3 of the Assam Local Self-Government Act, 1915, and Assam Act I of 1915.

(e) for the purposes of the first term only of the School Board, one representative to be elected by the teachers of the primary schools, recognised by the Provincial Government, which were in existence immediately before this Act came into force, and, for the purposes of each term thereafter, one representative to be elected by the teachers of the recognised primary schools.

Publication of names of members of the School Board.

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

Term of office of the members of the School Board.

19. (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 in the next School Board for a further term of five years.

(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 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.

Appointment and election of Chairman.

20. (1) The Provincial Government shall appoint the Chairman of every School Board for the first term of such Board; and thereafter the Chairman shall be elected in the prescribed manner by the School Board itself from amongst its members, subject to approval of such election by the Provincial Government.

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

Resignation of members.

21. 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.

Cessation of membership.

22. 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.

Removal of members.

23. The Provincial Government may, of its own motion or on the recommendation of the Provincial or the School Board, remove any member or the Chairman of a School Board if the Provincial 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 Provincial 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.

Duties and
functions of
School
Boards.

24. A School Board shall perform the following duties and functions within its own area :—

- (1) creation of new primary schools,
- (2) recognition, inspection, control, re-distribution, expansion and amalgamation of primary schools,
- (3) appointment, transfer, leave, reward and punishment of primary school teachers and attendance officers,
- (4) provision of adequate accommodation for and supply of necessary equipment to primary schools,
- (5) provision for medical inspection of children,
- (6) grant of funds to primary schools for their contingent expenditure,
- (7) payment of salary of primary school teachers and attendance officers,
- (8) preparation and maintenance of a register of children,
- (9) decision, when necessary, as to who is the guardian of a child or the head of a family,
- (10) decision as to the days, time and periods of attendance at recognised primary schools, and
- (11) such other acts as may be necessary for carrying out the purposes of this Act fully and effectively.

Secretary of
School
Board.

25. The Secretary of the School Board shall have such duties and powers as may be prescribed.

Rules of
business.

26. 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 Provincial Board and the Provincial Government.

Control by
Government.

27. The Provincial Government may, on the advice of the Provincial 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 Provincial 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.

Powers of the Provincial Government to re-constitute a School Board.

28. (1) Notwithstanding anything hereinbefore contained, if, after consultation with the Provincial Board, the Provincial 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 Provincial 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 and all property and legal rights and liabilities of the School Board shall vest in such person or persons as the Provincial 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 Provincial Government may direct.

Absorption of properties and staff by School Board.

29. (1) All buildings, or other property movable and immovable, which may, on the date of the commencement of this Act, be vested in, held by or under the control of a local authority or the Provincial Government in a Sub-division for the purposes of primary education, shall, on and as from the date of the constitution of the School Board for that Sub-division, vest in or be held by, or be under the control of, such 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 Provincial Government, whose decision thereon shall be final and binding on all parties to such dispute.

(2) As soon as a School Board has been constituted for the first time under this Act, it shall take over and employ all such primary school teachers as were on the date of such taking over in the employment of any local authority within its jurisdiction, or of the Provincial Government, on the same terms and conditions on which such persons were employed under such local authority or the Provincial Government, as the case may be.

(3) The existing and future rights, liabilities, duties and powers of the local authority as aforesaid or the Provincial Government, as the case may be, in respect of such teachers, so far as they are not inconsistent with the provisions of this Act or the rules framed thereunder, shall vest in, be performed and exercised by the School Board on and as from the date when it is first constituted ;

Provided that every such teacher shall have a right of appeal to the Provincial Board against any order of discharge, removal or dismissal by the School Board and the decision of the Provincial Board on any such appeal shall be final ;

Provided further that the pay and prospects of service of such teachers at the time they are taken over and employed by the School Board shall not be reduced or adversely affected by the School Board at any time without the previous approval of the Provincial Government.

Restriction on legal proceedings.

30. No suit, prosecution or other legal proceedings shall lie, without the previous sanction of the Provincial 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

Subdivisional Primary Education Fund.

31. (1) A fund hereinafter called the Subdivisional Primary Education Fund shall be maintained by each School Board.

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

(i) grants-in-aid made to the School Board by the Provincial Government and from the Provincial Primary Education Fund on account of primary education,

(ii) all proceeds of the education tax levied in the Subdivision under the provisions 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 provisions of this Act,

(v) all sums of money vesting in or otherwise to be credited to the School Board under the provisions of subsection (1) of section 29,

(vi) such part of the local rate as is equivalent to the average amount annually spent for primary education by the Local Board for the three years immediately preceding the year in which the School Board is first constituted, as may be determined by the Provincial Government from year to year, and such part of the funds of other local authorities as aforesaid, and

(vii) all other sums of money which may be received by the School Board under or for the purposes of this Act.

Application of the Subdivisional Primary Education Fund.

32. Except as otherwise provided in this Act or the rules framed thereunder, the School Board shall apply the Subdivisional Primary Education Fund for:—

(i) the payment of salaries of—

(a) establishment of the School Board

(b) primary school teachers

(c) attendance officers

and

(d) other establishment of primary 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 primary schools ;
 - (iv) the payment of all liabilities incurred by the School Board for the construction, equipment and maintenance of primary 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.

Receipts and
expenditure.

33. (1) All money received on account of the Subdivisional Primary Education Fund shall forthwith be paid into an account in a Bank approved by the Provincial Government or Government Treasury in the prescribed manner.

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

(3) No expenditure shall be incurred from the Subdivisional Primary 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 Provincial Government or by re-appropriation in the prescribed manner.

Accounts.

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

Audit.

35. The accounts of every School Board shall be examined and audited once in each year by an auditor appointed by the Provincial Government.

CHAPTER VI

Recognition
of and
grants to
Primary
Schools.

36. (1) All primary schools under public management shall be deemed to be recognised as primary schools under this Act.

(2) If the managing authority of any primary school under private management desire that such school shall be recognised as a primary 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 may, 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 primary school, although no application for recognition may have been made by the managing authority of such school under sub-section (2).

Appeal.

37. (1) An appeal shall lie against any order passed by the School Board under sub-section (3) of section 36 and refusing or deferring the grant of recognition to the Provincial Board.

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

Application for grant of aid.

38. (1) If the managing authority of any primary school under private management which has been recognised under the provisions of section 36 desires that such school shall be granted an aid from the subdivisional Primary 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.

Appeal.

(3) An appeal shall lie against any order passed by the School Board under sub-section (2) and refusing or deferring such grant, to the Provincial Board.

(4) An appeal shall lie against any order passed by the Provincial Board under sub-section (3), which confirms the refusing or deferring of such grant, to the Provincial Government.

PART II

CHAPTER VII

No fees to be charged.

39. No fees shall be charged from any pupil in any primary school under public management.

Compulsory Primary Education.

40. The Provincial Government may, by notification in the official Gazette, declare that primary education shall be compulsory in any Subdivision or in any part or parts of a Subdivision for which a School Board has been constituted under the provisions of this Act.

Duty of guardian to cause children to attend School.

41. 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 primary school in such area;

Provided always that no guardian shall be compelled to cause a child to attend a school which is managed or maintained in the interests of any religion or religious sect which is not the religion or sect of such guardian.

Power to exempt children of particular class or community.

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

Exemption from attendance at school.

43. The School Board shall exempt a guardian from causing a child to attend a recognised primary school if

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

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

(iii) there is no recognised primary 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 ; or

(v) the child is a Muslim girl over eleven years of age.

Restriction
on employ-
ment of a
child.

44. 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 primary school.

Penalty.

45. Any guardian who contravenes the provisions of section 41 or any guardian or person who contravenes the provisions 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.

Procedure
on alleged
contraven-
tion.

46. (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 primary 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 primary 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.

Bar on 47. (1) No court shall take cognizance of an offence
 cognizance, under section 41 or section 44 except on complaint as
 limitation, aforesaid, and unless a notice under sub-section (1) of
 and status section 46 has been served on and disregarded by the
 of Secretary 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, Act V of 1898. proviso (aa) of the Code of Criminal Procedure, 1898.

Tax. 48. (1) The Provincial Government may, by notification in the official Gazette, impose an education tax in any area of compulsion.

(2) Every head of a family in an area of compulsion in which such education tax has been imposed shall be liable to pay annually an education tax according to such scale as may be prescribed.

Rules. 49. (1) The Provincial Government may, after previous publication in the official Gazette, make rules for carrying out the provisions of this Act. All rules so made shall be laid before the Provincial Legislature, and shall be subject to such modifications as may be agreed to by both Chambers thereof.

(2) Without prejudice to the generality of the foregoing powers, the Provincial 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 primary school,

(c) constituting the Provincial 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 Provincial Board,

(e) regulating the payment of travelling and other allowances of members and officers of the Provincial Board,

(f) prescribing the rates of pensions, gratuities and the Provincial 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 Provincial Primary Education Fund,

(h) prescribing the manner in which money received on account of the Provincial Primary 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 Provincial 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) prescribing the procedure for election of the Chairman of a School Board,

(m) defining the duties and powers of the Secretary of a School Board,

(n) prescribing the rules of business of a School Board,

(o) prescribing the rates of pensions, gratuities and the School Board's contributions to the Provident Funds of the employees of the Board,

(p) regulating the rates of travelling and other allowances for members of the School Boards and their establishment,

(q) prescribing under clause (vii) of section 32 what liabilities or charges shall be met from the Subdivisional Primary Education Fund,

(r) prescribing the manner in which money received on account of a Subdivisional Primary Education Fund shall be paid into a bank or Government Treasury,

(s) regulating the procedure for re-appropriation under sub-section (3) of section 33,

(t) prescribing the manner in which accounts are to be kept by the School Boards,

(u) 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 Provincial Government may consider necessary to prescribe for the purposes of this Act,

(v) prescribing conditions for the purposes of sub-section (3) of section 36,

(w) prescribing conditions for the purposes of sub-section (2) of section 38,

(x) prescribing the manner of service of notices under sub-section (1) of section 46,

(y) prescribing the scale of education tax leviable under sub-section (2) of section 48.

Repeal.

50. 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	No.	Short Title	Extent of repeal
1	2	3	4
1915	I	The Assam Local Self-Government Act, 1915.	So much of the Act as is inconsistent with, or contrary to the provisions of, this Act.
1923	I	The Assam Municipal Act, 1923.	So much of the Act as is inconsistent with, or contrary to the provisions of, this Act.
1926	V	The Assam Primary Education Act, 1926.	The whole.

The 1st April 1948.

No. EPS, 49/45/255.—In exercise of the powers conferred by section 49 of the Assam Primary Education Act, 1947 (Assam Act XIII of 1947), the Government of Assam are pleased to make the following rules:—

RULES UNDER THE ASSAM PRIMARY EDUCATION ACT, 1947

PART I

- Definition of Primary Education.**—Section 2(8). 1. Primary Education shall mean education in the lower primary schools which were in existence immediately before the Act came into force until such time as it is constituted afresh for the purposes of this Act by the Provincial Government on the advice of the Provincial Board.
- Constitution of the Provincial Board.**—Section 4. 2. (a) The Provincial Board shall consist of the following members:—
- (1) The Director of Public Instruction (*Ex-officio*)—Chairman.
 - (2) } Three representatives to be elected by the Assam
 - (3) } Legislative Assembly—
 - (4) } Members.
 - (5) The Secretary (to be appointed by the Provincial Government).
 - (6) The Inspector or Inspectors of Schools— Member.
 - (7) The Inspectress or Inspectresses of Schools Member.
 - (8) & (9) Two members to be nominated by the Government.
- Three shall form a quorum subject to the first proviso to section 8 of the Act.
- (b) The Provincial Board shall conduct its business according to the rules of business framed by itself subject to the approval of the Provincial Government.
- Duties and functions of the Secretary of the Provincial Board.**—Section 10. 3. (a) He will be the Executive Officer of the Provincial Board and will perform such functions as may be entrusted to him by the Provincial Board from time to time. He will be responsible for the efficient management of the office of the Provincial Board including the staff.
- (b) He may also perform such functions as the Provincial Government may desire.
- Application of the Provincial Primary Education Fund.**—Section 12. 4. The Provincial Primary Education Fund shall be applied for payment of any other liability or charge incurred by the Board in the performance of the duties imposed or in the exercise of the powers conferred by or under the Act in addition to the items mentioned in subsections (1), (2), (3), (4) and (5) of Section 12 of the Act subject to the approval of the Provincial Government.
- Administration of the Provincial Primary Education Fund.**—Section 13. 5. The Provincial Primary Education Fund shall be administered by the Provincial Board in the manner prescribed by and subject to rules framed by the Provincial Board and approved by the Provincial Government.
- Constitution of the School Board.**—Section 17. 6. The School Board shall consist of the following members in addition to those mentioned in Section 17 of the Act to be nominated by the Provincial Government:—
- Three members including the Chairman to be appointed by the Provincial Government under Section 20 (1) of the Act. At least one of them shall be a lady.
- Note*:—Government shall continue to nominate three members even after the expiry of the first term when the Chairman shall be elected by the Board.
- Four shall form a quorum subject to the first proviso to Section 23 of the Act.

Election of Chairman of a School Board.—Section 20(1).

7. The Chairman of a School Board for the subsequent terms after the first term shall be elected in the manner prescribed by the Provincial Board.

Application of the Sub-divisional Primary Education Fund.—Section 32.

8. The Sub-divisional Primary Education Fund shall be applied for the payment of any other liability or charge including the cost of scholarship incurred by the Board in the performance of the duties imposed or in the exercise of the powers conferred by or under this Act subject to the previous approval of the Provincial Government in addition to the items mentioned in sub-sections (i), (ii), (iii), (iv), (v) and (vi) of Section 32 of the Act.

Administration of the Sub-divisional Primary Education Fund.—Section 34.

9. The Sub-divisional Primary Education Fund shall be administered by the School Board in the manner prescribed by and subject to the rules framed by the School Board and approved by the Provincial Government on the recommendation of the Provincial Board.

The form of application for recognition.—Section 36(2).

10. The form of application for recognition under section 36(2) is as per Schedule A annexed hereto.

Recognition of Primary Schools.—Section 36(4).

11. The School Board shall also recognise a primary school under private management although no application for recognition may have been made by the managing authority of such school under sub-section (2) of section 36 of the Act when—
 (i) the locality where the school exists is a backward area,
 (ii) instruction is not being effectively imparted and
 (iii) the management appears to be inefficient.

Form of application for grant-in-aid.—Section 38(1).

12. The form of application for grant-in-aid under section 38(1) of the Act is as per Schedule A annexed hereto.

SCHEDULE A

Form of application for recognition and grant-in-aid

To
 The Secretary School Board.....
 Sir,

I, on behalf of the Managing Committee of Venture Lower Primary School beg to request you to be so good as to accord recognition to the said school and take it over

sanction grant-in-aid for maintenance
 out of the Sub-divisional Primary Education Fund at your disposal.

The particulars of the school are furnished below:—

- Name and Address of the School.....
- Date of Establishment.....
- Nature of School building
- How furnished.....
- How equipped
- Enrolment } in the year of start
- } at the time of application.....
- Name and qualification of the teacher or teachers-in-charge.....
- Whether the school has been going on uniformly.....
- Recommendations from any of the inspecting officers, if any.....

Distance from neighbouring recognised schools—East.....
West.....
North.....
South.....

Number of probable school going children of 6 years of age in the locality

I, further beg to state that the people of the locality have agreed to abide by all rules imposed on us by the School Board for recognition of the School.

Yours obediently,

Name

Designation and Address

A HUSAIN,

for Secy. to the Govt. of Assam, Edn., & L.S.-G. Deptts.