



The Himachal Pradesh Compulsory Primary Education Act, 1953

Act 7 of 1954

Keyword(s):

Child, Parent, Primary Education, Recognized Primary School, Route, To Attend A Recognised Primary School

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

**THE HIMACHAL PRADESH COMPULSORY PRIMARY
EDUCATION ACT, 1953**

(ACT No. 7 OF 1954)¹

ARRANGEMENT OF SECTIONS

SECTIONS :

1. Short title, extent and commencement.
2. Definitions.
3. Issue of notification making primary education compulsory.
4. Condition precedent to the issue of notification.
5. Appointment of a school committee.
6. Duty of parents to cause children to attend school.
7. Meaning of reasonable excuse.
8. Issue of attendance order by the school committee.
9. Penalty for failure to obey attendance order.
10. Penalty for employing child liable to attend primary school.
11. Cognizance of offences.
12. Compulsory primary education to be free of charge.
13. Withdrawal of notification.
14. Powers of State Government to make rules.

(Received the assent of the President of India on the 9th April, 1954, and was published in Hindi in R.H.P., dated the 22nd May, 1954, at p. 271—274 and in English in R.H.P., dated the 12th June, 1954, at p. 310—312).

Amended, repealed or otherwise affected by,—

- (i) A.O. 1973, published in R.H.P. Extra, dated the 20th January, 1973 p. 91—112.

(Authoritative English Text of the Himachal Pradesh Anivarya Prathmik Siksha Adhiniyam, 1953).

An Act to provide for the compulsory attendance of children at primary schools in the Himachal Pradesh.

Preamble.—WHEREAS it is expedient to provide for the compulsory attendance of children at primary schools in the Himachal Pradesh;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Himachal Pradesh Compulsory Primary Education Act, 1953.

1. Passed in Hindi by the H.P. Vidhan Sabha on December 14, 1953. For Statement of Objects and Reasons, See. R.H.P., dated the 5th December 1953, p. 33.

(2) It extends¹ to the² (areas comprised in Himachal Pradesh immediately before 1st November, 1966).

(3) It shall come into force at once.

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

- (1) "child" means a child whose age is not less than seven and not more than fourteen years ;
- (2) "local authority" means a Gram Panchayat,³(Panchayat Samiti), a⁴(Zila Parishad), a Notified Area Committee, a Small Town Committee or a Municipal Committee;
- (3) "parent" includes a guardian or any person who has the actual custody, or is in charge, of a child ;
- (4) "primary education" means such instruction in reading, writing and arithmetic, as may be prescribed for the time being for primary schools by the State Government and such instruction in other subjects, if any, as may be determined by the State Government or the local authority with the approval of the prescribed authority ;
- (5) "prescribed" means prescribed by rules made under this Act;
- (6) "prescribed authority" means an authority notified as such by the State Government whether generally or for a particular purpose ;
- (7) "recognized primary school" means a school or a department of a school in which instruction in primary education is given and which is for the time being recognised by the prescribed authority ;
- (8) "route" means a motor road, a bridle path or a foot path ;
- (9) "school committee" means a committee appointed under the provisions of section 5 of this Act ;
- (10) "State Government" means the Government of Himachal Pradesh ;
- (11) "to attend a recognised primary school" means to be present for instruction at such school, on such days in the year, at such time or times, and for so many hours on each day of attendance, as may be fixed by the prescribed authority.

3. Issue of notification making primary education compulsory.—(1) The State Government may declare by notification that the primary education of male children shall be compulsory in any area.

(2) Where a notification issued under section (1) is in force or at the time when a notification under sub-section (1) is issued, the State Government may issue a notification that the primary education of female children shall be compulsory in the whole or any part of the area to which notification under sub-section (1) applies.

1. Extended and enforced in Bilaspur *vide* Not. No. E. 32-125/54, dt 14-10-1955, appended and subsequently extended to areas added under section 5 of the Punjab Re-organisation Act, 1966 *vide* Act No. 10 of 1981

2. Subs. for the words 'whole of Himachal Pradesh' by A. O. 1973

3. Subs. for 'Tehsil Panchayat', *ibid.*

4. Subs. for 'Zila Panchayat', *ibid.*

(3) A notification issued under this section shall specify the date from which, and the area or areas in which, primary education shall be compulsory and public notice shall be given of the notification in the prescribed manner.

(4) The Act shall not apply to such children who do not attend school and have attained the age of nine years or more on the date of issue of the notification under sub-section (1) or sub-section (2).

4. Condition precedent to the issue of notification.—Notification shall not be issued under section 3 unless the State Government is satisfied that adequate provisions will be made in recognised primary schools for such compulsory education free of charge.

5. Appointment of a school committee.—(1) Where a notification has been issued under section 3, the State Government shall appoint one or more committees for the purpose of exercising the powers and performing the duties of the school committee under this Act.

(2) It shall be the duty of such school committee to enforce the provisions of this Act respecting the attendance of children at school and the employment of children.

6. Duty of parents to cause children to attend school.—Where a notification under section 3 is in force in any area, the parent of every child to whom the notification applies, shall, if such child ordinarily resides in such area, in the absence of a reasonable excuse as hereinafter defined, cause such child to attend recognised primary school.

7. Meaning of reasonable excuse.—Any of the following circumstances shall be deemed to be a reasonable excuse within the meaning of section 6—

- (1) that there is no recognised primary school within a distance of two miles by the nearest route from the residence of the child ;
- (2) that the child is certified by such authority as may be appointed in this behalf by the State Government to have completed a primary course as prescribed ;
- (3) that the child has been granted temporary leave of absence from a school in accordance with the rules made under this Act ;
- (4) that the child is certified by the school committee approved for this purpose by the prescribed authority to be unfit to attend school by reason of some bodily defect or infirmity ;
- (5) that the school committee of the area has on the application of a very old or diseased parent, exempted from compulsory attendance in a school, a child on whom lies the responsibility to attend upon such parent.

8. Issue of attendance order by the school committee.—Where the school committee is satisfied that a parent who is bound under the provisions of section 6 to cause the child to attend a recognised primary school, has failed to do, the school committee may, after giving the parent an opportunity

of being heard, and after such inquiry as it considers necessary, pass an order directing the parent to cause such child to attend recognised primary school from a date which shall be specified in the order.

9. Penalty for failure to obey attendance order.—(1) Any parent against whom an order has been passed under section 8 and who, without reasonable excuse as defined in section 7, has failed to obey such order, shall on conviction before a Magistrate or a Nyaya Panchayat, be liable to a fine not exceeding five rupees.

(2) Any parent who having been convicted for an offence under sub-section (1) continues to disobey the order passed under section 8 shall be liable to a further fine which may extend to one rupee for every day after the date of the first conviction during which he has proved to have persisted in disobeying the order.

10. Penalty for employing child liable to attend primary school.—Any person who shall, during the prescribed hours of attendance at school, utilize on his own behalf or on behalf of any other person, in connection with any employment, whether for remuneration or not, the services of any child whose parent is required under this Act to cause him to attend a recognised primary school, shall, on conviction before a Magistrate or a Nyaya Panchayat, be liable to a fine not exceeding twenty-five rupees.

11. Cognizance of offences.—No court shall take cognizance of an offence under section 9 or section 10 except on the complaint of or on information received from the school committee, or from such person as may be authorized by the school committee or by the State Government by general or special order in this behalf.

12. Compulsory primary education to be free of charge.—No fee shall be charged within the area in which a notification under section 3 is in force in respect of the primary education of any child to whom such notification applies.

13. Withdrawal of notification.—The State Government may, after reference to the local authority, cancel the notification issued under section 3.

14. Powers of State Government to make rules.—(1) The State Government may, after previous publication, make rules¹ for the purposes of this Act.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the State Government may make rules—

- (a) prescribing under clause 4 of section 2 the range of instruction in primary schools ;
- (b) determining generally what shall be considered to be adequate provision for compulsory primary education free of charge;
- (c) requiring the local authority to prepare and publish a register of children in the area concerned;

1. Rules framed *vide* Not. No. E. 32-125/54, dated the 9th December, 1955, appended.

- (d) defining the conditions on which the State Government will bear share or whole of the cost of providing primary education;
 - (e) the manner in which the school committees shall be constituted, the number of its members and their duties, powers and responsibilities;
 - (f) the steps which the school committee may take to secure attendance of children at school and the conditions under which leave of absence from school may be allowed;
 - (g) the jurisdiction of each school committee where more than one school committees are appointed;
 - (h) the relations to be observed between the school committee and any education committee of any local authority that may have been appointed under any other Act; and
 - (i) the matters which are to be and may be prescribed.
-