



The Tamil Nadu Elementary Education Act, 1920

Act 8 of 1920

Keyword(s):

Attendance, Director of Public Instruction, District Board, Elementary Education, Elementary School, Elementary School-Place, Guardian, Municipal Council, Panchayat, Public Management, School-Age

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**THE TAMIL NADU ELEMENTARY EDUCATION
ACT, 1920.**

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¹ (TAMIL NADU) ACT No. VIII OF 1920².

[THE ¹ (TAMIL NADU) ELEMENTARY EDUCATION ACT, 1920.]

(Received the assent of the Governor on the 12th October 1920, and that of the Governor-General on the 18th November 1920; the assent of the Governor-General was first published in the Fort St. George Gazette of the 7th December 1920.)

Preamble.

WHEREAS it is expedient to make better provision for elementary education in the ³[State of Tamil Nadu]; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Title.

1. This Act may be called the ¹[Tamil Nadu] Elementary Education Act, 1920.

Extent and commencement.

2. It shall come into force in such areas and on such dates as the ⁴[State Government] may, by notification, direct.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 9th March 1920, pages 311 and 312; for Report of the Select Committee, see *ibid*, dated the 27th July 1920, pages 1251 to 1276; *ibid*, dated the 2d August 1920, pages 1277 to 1278; and *ibid*, dated the 10th August 1920, pages 1281 and 1282; for Proceedings in Council, see *ibid*, dated the 15th June 1920, pages 823 to 833; *ibid*, dated the 2nd November 1920, page 1333; *ibid*, dated the 30th November 1920, page 1514, and *ibid*, dated the 18th January 1921, pages 108 to 211.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

³ This expression was substituted for the expression "President of Fort St. George" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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3. In this Act, unless there is something repugnant in the subject or context,—

(i) 'attendance' at a school means presence for instruction at an elementary school for so many and on such days in the year and at such time or times on each day of attendance as may be prescribed;

¹[(ii) *'Director of Public Instruction,' ²[and 'Director of District Educational Officer,'] mean such officer or officers as may be appointed by the ³[State Government] to perform the duties of *Director of Public Instruction ⁴[or District Educational Officer] as the case may be ;]

⁵[(iii) * * * * *]

⁶(iv) 'district board' means district board constituted under the ⁷⁸(Tamil Nadu) Local Boards Act, ⁹(1920)] ;

⁹[Tamil Nadu] Act XIV of 1920.

¹ This clause was substituted for the original clause (ii) by section 3 (i) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

² These words were substituted for the words "District Educational Officer" and "Inspectress of Girls' Schools" by section 2 (i) of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "District Educational Officer or Inspectress of Girls' Schools" by *ibid*.

⁵ Clause (iii) was omitted by section 2 (ii) of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

⁶ Under section 193 (i)(a) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), this clause shall be deemed to have been omitted in its application to a panchayat development block.

⁷ Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920) or the Tamil Nadu Village Panchayats Act, 1950 (Tamil Nadu Act X of 1950), as the case may be.

⁸ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

⁹ These figures were substituted for the figures "1884" by section 3 (ii) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

* Now the Director of School Education.

'Elementary education'.

(v) 'elementary education' means education in such subjects and up to such standard as may be prescribed ;

'Elementary school'.

(vi) 'elementary school' means a school or department of a school recognized as an elementary school ¹[by the *Director of Public Instruction or by such authority as may be empowered by him in this behalf ;]

'Elementary school-place'.

(vii) 'elementary school-place' means such accommodation and equipment as may be prescribed as necessary for a child of school-age ;

'Guardian'.

(viii) 'guardian' means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any lawful authority ;

'Local authority'.

(ix) 'local authority' means a municipal council or a ²[district board] ;

'Municipal council'.
'Municipality'.

(x) 'municipal council' and 'municipality' mean respectively, a municipal council and a municipality governed by the ³[Tamil Nadu] District Municipalities Act, 1920, or the ^{**}Madras City Municipal Act, 1919.

¹ These words were substituted for the words and figures "under section 41" by section 2 (iii) of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

² These words were substituted for the words "taluk board" by section 53(i) of the Tamil Nadu Local Boards and Elementary Education (Amendment) Act, 1934 (Tamil Nadu Act II of 1934).

Under section 193(i) (b) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words "district board", the words "panchayat union council" shall be deemed to have been substituted in respect of a panchayat development block.

³ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

* Now the Director of School Education.

** The short title of this Act has subsequently been amended by the Madras City Municipal Corporation Act, 1919.

¹[(x-a) 'notification' means notification in the 'Notification'
²(Official Gazette) :

⁴[Tamil
Nadu]
Act XIV
of 1920.

³ (x-b) 'panchayat' means a panchayat constituted 'Panchayat'.
under the ⁴[⁵(Tamil Nadu) Local Boards Act, ⁶(1920)];]

(xi) 'prescribed' means prescribed by ⁷[this Act 'Prescribed'.
or by] rules made by the ⁸[State Government] under
this Act ;

(xii) 'public management' ⁹[. . .] means 'Public
management by the ⁸[State Government] or, by a local 'Private
authority ; all other management shall be deemed to management'.
be 'private management' ;

(xiii) 'school-age' means such age as the ⁸[State 'School-age'
Government] may prescribe in respect of children of
either sex in any local area or of any particular
community.

¹ Clauses (x-a) and (x-b) were inserted by section 3 (iii) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

² These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

³ Under section 193 (i) (c) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for clause (x-b), the following clause shall be deemed to have been substituted in respect of a panchayat development block, namely.—

"(x-b) 'panchayat union council' means a panchayat union council constituted under the Tamil Nadu Panchayats Act, 1958".

⁴ Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920), or the Tamil Nadu Village Panchayats Act, 1950 (Tamil Nadu Act X of 1950), as the case may be.

⁵ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

⁶ These figures were substituted for the figures "1884" by section 3 (ii) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁷ These words were inserted by section 3 (iv) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁸ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

⁹ The words " in relation to an elementary school " were omitted by section 3 (v) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

¹[* * * * *]

²[CHAPTER II * * * * *]

CHAPTER III.

ELEMENTARY EDUCATION FUNDS.

(1) *Their Constitution and Control.*

Elementary
education
fund.

32. There shall be constituted for each ³[local authority] in every district in which this Act is brought into force an elementary education fund to which shall be credited—

(i) the proceeds of any tax levied within the jurisdiction of ⁴[such authority] under the provisions of this Act ;

⁵[(i-a) an annual contribution from the general funds of ⁴(such authority) not being less than a minimum fixed by the ⁶(State Government) in that behalf] ;

⁵[(i-b) such additional contribution from the general funds of ⁴(such authority) as the ⁶(State Government) may decide to be necessary in any year in order to balance the budget of the fund for such year] ;

¹ Clause (xiv) was omitted by section 53 (ii) of the Tamil Nadu Local Boards and Elementary Education (Amendment) Act, 1934 (Tamil Nadu Act II of 1934).

² Chapter II was omitted by section 3 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939) ;

³ Under section 193 (ii) (a) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words " local authority ", the words " municipal council " shall be deemed to have been substituted in respect of a panchayat development block.

⁴ Under section 193 (ii) (b) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words " such authority ", the words " such municipal council " shall be deemed to have been substituted in respect of a panchayat development block.

⁵ Clauses (i-a) and (i-b) were inserted by section 56 of the Tamil Nadu Local Boards and Elementary Education (Amendment) Act, 1934 (Tamil Nadu Act II of 1934).

⁶ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

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(ii) all sums granted to ¹[such authority] by the ²[State Government] for the benefit of elementary education ;

(iii) all fines and penalties levied within the jurisdiction of ¹[such authority] under the provisions of this Act ;

(iv) all income derived from any endowments or other property owned or managed by ¹[such authority] for the benefit of elementary education ;

(v) all school fees, if any, collected in elementary schools managed by ¹[such authority] ; and

(vi) all other sums of money which may be contributed or received by ¹[such authority] for the purposes of this Act.

33. (1) The education fund constituted under section 32 shall be lodged in such bank or Government treasury as the ²[State Government] may direct.

Education fund where to be lodged and how to be drawn upon.

(2) All expenses incurred on elementary education by the ³[local authority] concerned shall be paid out of the fund.

(3) All orders or cheques upon the fund shall be signed by the chief executive officer of the ¹[local authority] or by such person as he may authorize in writing to sign on his behalf.

(4) So far as the funds to credit permit, the treasury or bank shall pay—

(a) all orders or cheques signed in accordance with sub-section (3) ;

¹ Under section 193 (ii) (b) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words "such authority", the words "such municipal council" shall be deemed to have been substituted in respect of a panchayat development block.

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ Under section 193 (iii) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words "local authority", the words "municipal council" shall be deemed to have been substituted in respect of a panchayat development block.

(b) all expenses incurred by the ¹[State Government] on behalf of the ²[local authority], provided that the ²[local authority] has given previous authority in writing to the bank or treasury to debit such expenses to the fund without the issue of any order or cheque.

(2) *The Education Tax and Government Contribution.*

Education taxes.

³[34. ⁴(1) Any municipal council may, with the previous sanction of the ¹[State Government] and shall, if so directed by them, ⁵[levy within its area taxes at such rates as may be considered suitable, as an addition to the taxation levied in the municipality] under the law for the time being in force governing the same under all or any of the following heads, namely, property tax, tax on companies and profession tax.

⁶[*Explanation.*—In construing the expression "taxation levied" occurring in this sub-section, exemptions granted under clause (a) of the proviso

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² Under section 193 (iii) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words "local authority" the words "municipal council" shall be deemed to have been substituted in respect of a panchayat development block.

³ Sections 34 and 35 were substituted for the original sections 34 and 35 by section 57 of the Tamil Nadu Local Boards and Elementary Education (Amendment) Act, 1934 (Tamil Nadu Act II of 1934).

⁴ Under section 193 (iv) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), sub-section (2) of section 34 and the brackets and figure "(1)" occurring at the beginning of sub-section (1) shall be deemed to have been omitted in their application to a panchayat development block.

⁵ These words were substituted for the words "levy within its area taxes not exceeding twenty-five per centum of the taxation levied in the municipality" by section 2(i) of the Tamil Nadu Elementary Education (Amendment) Act, 1950 (Tamil Nadu Act XXVIII of 1950), deemed to have come into force on the 1st day of April 1950.

⁶ This Explanation was added by section 2 of the Madras Elementary Education (Amendment) Act, 1943 (Madras Act XXVIII of 1943) re-enacted permanently by section 2 of, and the First Schedule of the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1950 (Tamil Nadu Act VII of 1948).

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[Tamil Nadu] Act IV of 1919. [Tamil Nadu] Act V of 1920.

to section 102 of the *Madras City Municipal Act, 1919, or under sub-section (2), (3) or (4) of section 83 of the ¹[Tamil Nadu] District Municipalities Act, 1920, as the case may be, shall not be taken into account.]

(2) Any district board may with the previous sanction of the ²[State Government], and shall, if so directed by them, ³[levy within its area or any part thereof taxes at such rates as may be considered suitable as an addition to the taxation levied in such area or part] under the law for the time being in force governing district boards, under all or any of the following heads, namely, land-cess, profession tax and house-tax.]

⁴[⁵35. (1) The rates of levy of any tax under section 34 shall be determined—

Rates of levy of taxes under section 34.

(a) by the ⁶[local authority] with the previous sanction of the ²[State Government], in case the tax

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "levy within its area or any part thereof taxes not exceeding twenty-five per centum of the taxation levied in such area or part" by section 2 (ii) of the Tamil Nadu Elementary Education (Amendment) Act, 1950 (Tamil Nadu Act XXVIII of 1950), deemed to have come into force on the 1st day of April 1950.

⁴ Sections 34 and 35 were substituted for the original sections 34 and 35 by section 57 of the Tamil Nadu Local Boards and Elementary Education (Amendment) Act, 1934 (Tamil Nadu Act II of 1934).

⁵ This section was substituted by section 3 of the Tamil Nadu Elementary Education (Amendment) Act, 1950 (Tamil Nadu Act XXVIII of 1950) for the original section 35 as substituted by section 57 of the Tamil Nadu Local Boards and Elementary Education (Amendment) Act, 1934 (Tamil Nadu Act II of 1934).

⁶ Under section 193 (v) (a) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words "local authority", the words "municipal council" shall be deemed to have been substituted in respect of a panchayat development block.

* The short title of this Act has subsequently been amended as the Madras City Municipal Corporation Act, 1919.

is levied by the ¹[local authority] of its own motion ;
and

(b) by the ²[State Government], in case the tax is levied at their direction :

Provided that the rates of any such tax levied as an addition to the taxation under the head of tax on companies or of profession tax shall be subject to the limits specified in any law for the time being in force governing the ¹[local authority] or prescribed by rules made under this Act :

Provided further that the rates of any such tax levied by a municipal council as an addition to the taxation under the head of property tax shall not exceed five per centum per annum in the case of properties taxed on their annual value, one-fourth per centum per annum in the case of properties taxed on their capital value, and four rupees per annum for every 320 square yards or part thereof in the case of properties taxed on their extent :

³Provided also that the rates of any such tax levied by a district board as an addition to the taxation under the head of land-cess shall not exceed ⁴[twenty naye paise] in the rupee of the annual rent value of the land.

(2) Subject to the provisos aforesaid, the ¹[local authority] may, with the previous sanction of the ²[State Government], and shall, if so directed by them, alter the rates of levy of any such tax.]

¹ Under section 193 (v) (a) of the Tamil Nadu Panchayats Act 1958 (Tamil Nadu Act XXXV of 1958), for the words "local authority", the words "municipal council" shall be deemed to have been substituted in respect of a panchayat development block.

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1950 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ Under section 193 (v) (a) of the Tamil Nadu Panchayats Act 1958 (Tamil Nadu Act XXXV of 1958), this proviso shall be deemed to have been omitted in its application to a panchayat development block.

⁴ These words were substituted for the words "three annas" by section 2 of, and the Schedule to, the Tamil Nadu Co-operation (Alteration of References) Act, 1960 (Tamil Nadu Act 9 of 1960).

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¹[36. ²(1) Every tax levied in any area under any head of taxation mentioned in section 34 shall be deemed to be an addition to a tax levied under the same head in such area under the law for the time being in force governing municipalities ²[or local boards, as the case may be], and all the provisions of such law relating to the incidence, assessment or realization of such tax or in any manner connected therewith shall be applicable accordingly :

Assessment and realization of taxes.

Provided that the ³[State Government] may direct that the said provisions shall apply subject to such modifications and restrictions as may be prescribed.

⁶[Tamil Nadu] Act XIV of 1920.

⁴(2) In particular, any such tax levied in a panchayat area under any head of taxation other than land-cess, shall be realized by the president of the panchayat as an addition to a tax levied under the same head under the ⁵[⁶(Tamil Nadu) Local Boards Act, 1920]. Out of the proceeds of the tax so realised, such percentage as may be prescribed shall be credited to the village fund of the panchayat on account of the cost of collection and the balance shall be paid to the credit of the elementary education fund under the control of the ⁷[district board] concerned.]

¹ This section was substituted for the original section 36 by section 6 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

² Under section 193 (vi) (a) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), the brackets and figure " (1) " occurring at the beginning of section 36 and the words " or local boards, as the case may be " shall be deemed to have been omitted in their application to a panchayat development block.

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ Under section 193 (vi) (b) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), this sub-section shall be deemed to have been omitted in its application to a panchayat development block.

⁵ Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920) or the Tamil Nadu Village Panchayats Act, 1950 (Tamil Nadu Act X of 1950), as the case may be.

⁶ These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

⁷ These words were substituted for the words "taluk board " by section 58 of the Tamil Nadu Local Boards and Elementary Education (Amendment) Act, 1934 (Tamil Nadu Act II of 1934),

Government contribution to elementary education fund.

¹[37. (1) When an elementary education fund is constituted under section 32 for a municipal council, the State Government shall contribute to such fund—

(i) a sum equal to fifty per centum of the proceeds of the taxation levied in the municipality under section 34, ²[sub-section (1)], under the head of property tax; and also

(ii) a sum equal to fifty per centum of the proceeds of the taxation levied in the municipality under section 34, ²[sub-section (1)], under the heads of tax on companies and profession tax, or a sum equal to ten per centum of the total taxation levied in the municipality under the said heads both under section 34, ²[sub-section (1)], and under the *Madras ³[Tamil Nadu] District City Municipal Act, 1919, or the ³[Tamil Nadu] District Municipalities Act, 1920, whichever sum is less.

⁴(2) When an elementary education fund is constituted under section 32 for a district board, the State Government shall contribute to such fund a sum equal to fifty per centum of the proceeds of the taxation levied in the district board area under section 34, sub-section (2), under the head of land-cess:

¹ This section was substituted for the original section 37 by section 4 of the Tamil Nadu Elementary Education (Amendment) Act, 1950 (Tamil Nadu Act XXVIII of 1950) deemed to have come into force on the 1st day of April 1950.

² Under section 193 (vii) (a) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), the expression "sub-section (1)" shall be deemed to have been omitted in its application to a panchayat development block.

³ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

⁴ Under section 193 (vii) (a) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), sub-section (2) shall be deemed to have been omitted and sub-sections (3) and (4) shall be deemed to have been renumbered as sub-sections (2) and (3), respectively in respect of a panchayat development block.

⁵ This section shall be deemed to have been amended as the original section 37 of the Tamil Nadu Elementary Education Act, 1920.

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Provided that if the rate of such taxation exceeds ¹[ten naye paise] in the rupee of the annual rent value of the land, the State Government shall contribute to the fund only a sum equal to one-half of such portion of the proceeds as is attributable to the levy of the tax at the rate of ¹[ten naye paise] in the rupee.

²(3) If, in any year, the contribution made to an elementary education fund by the State Government under sub-section (1) ³[or sub-section (2)] is less than the contribution made to such fund in respect of the financial year 1949-50, the State Government shall pay the difference between the two amounts to such fund by way of additional contribution.

²(4) The contribution payable to an elementary education fund under ⁴[sub-sections (1) to (3)] shall be in addition to, and not in lieu of, the amount of recurring expenditure incurred from the State funds during the financial year 1920-21 on education in elementary schools under public management situated within the municipality ⁴(or district board area, as the case may be).]

¹ These words were substituted for the words "eighteen pies" by section 2 of, and the Schedule to, the Tamil Nadu Coinage (Alteration of References) Act, 1960 (Tamil Nadu Act 9 of 1960).

² Under section 193 (vii) (b) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), sub-section (2) shall be deemed to have been omitted and sub-sections (3) and (4) shall be deemed to have been renumbered as sub-sections (2) and (3) respectively in respect of a panchayat development block.

³ Under section 193 (vii) (c) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), the words, brackets and figure " or sub-section (2)" shall be deemed to have been omitted in their application to a panchayat development block.

⁴ Under section 193 (vii) (d) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words, brackets and figures " sub-sections (1) to (3) ", the words, brackets and figures " sub-sections (1) and (2) " shall be deemed to have been substituted and the words " or district board area, as the case may be " shall be deemed to have been omitted in their application to a panchayat development block.

(3) *Budget and Audit.*

Budget of elementary education fund.

33. (1) On or before the 30th November in each year every ¹[local authority] for which an elementary education fund has been constituted under section 32 shall submit to the ²[State Government] through ³[. . .] the *Director of Public Instruction, in such forms as may be prescribed, a budget for the ensuing financial year showing the income and expenditure relating to such fund.

(2) The ²[State Government] may pass such orders as ⁴[they think fit] in respect of the budget and the ¹[local authority] concerned shall be bound to carry out all such orders.

Audit of accounts of elementary education fund.

39. The accounts of each education fund shall be examined and audited by an officer appointed by the ²[State Government] in this behalf, and the ⁵(local authority) concerned shall carry out any instructions which the ²[State Government] may issue on the audit report.

¹ Under section 193 (viii) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words "local authority", the words "municipal council" shall be deemed to have been substituted in their application to a panchayat development block.

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1950 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The words "the district educational council and" were omitted by section 4 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

⁴ These words were substituted for the words "he thinks fit" by the Schedule to the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁵ Under section 193 (ix) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words "local authority" the words "municipal council" shall be deemed to have been substituted in respect of a panchayat development block.

* Now the Director of School Education.

(4) *Saving Clause.*

40. Save as otherwise expressly provided by this Saving clause.

¹[Tamil Nadu] Act V of 1920. ¹[Tamil Nadu] Act XIV of 1920. ¹[Tamil Nadu] Act IV of 1919.

Act, nothing in the ¹[Tamil Nadu] District Municipalities Act, 1920, ²[or in the ¹(Tamil Nadu) Local Boards Act³, ⁴(1920)], or in the Madras City Municipal Act, 1919*, shall affect any of the provisions of this ⁵[Act].

⁶[CHAPTER IV * * * *].

CHAPTER V.

COMPULSORY ELEMENTARY EDUCATION.

(1) *Introduction of Compulsion.*

44. Subject to the conditions laid down in this chapter, any local authority may, by a resolution passed at a meeting specially convened for the purpose and supported by the votes of not less than two-thirds of the members present, resolve that elementary education ⁷[or education in such standards thereof

Local authority may resolve to make education compulsory.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² Under section 193 (x) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words and figures "or in the Madras Local Boards Act, 1920", the words and figures "or in the Madras Panchayats Act, 1958" shall be deemed to have been substituted in respect of a panchayat development block.

³ Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920) or the Tamil Nadu Village Panchayats Act, 1950 (Tamil Nadu Act X of 1950), as the case may be.

⁴ These figures were substituted for the figures "1884" by section 7 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁵ This word was substituted for the word "Chapter" by *ibid.*

⁶ Chapter IV was omitted by section 5 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

⁷ These words were inserted by section 7 (1) of the Tamil Nadu Elementary Education (Amendment) Act, 1935 (Tamil Nadu Act XI of 1935).

* The short title of this Act has now been amended as the Madras City Municipal Corporation Act, 1919.

as may be prescribed in this behalf] shall be compulsory within the whole or a specified part of the local area under its jurisdiction—

(a) for all children of school-age, or

(b) for boys of school-age, or

(c) for girls of school-age, ¹[or]

²[(d) for all children of school-age who have, for such period as may be prescribed attended an elementary school ; or

(e) for all boys of school-age who have, for such period as may be prescribed, attended an elementary school ; or

(f) for all girls of school-age who have, for such period as may be prescribed, attended an elementary school.]

Local authority to submit its resolution to Government.

45. (1) Every resolution passed under section 44 shall be submitted ³(through the *Director of Public Instruction) to the ⁴[State Government].

(2) The ⁴[State Government] may accept or reject any such resolution :

¹ The word "or" was added by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955). In so far as this Act applies to the added territories, this word was added by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws (No. 2) Act, 1961 (Tamil Nadu Act 39 of 1961).

² Clauses (d), (e) and (f) were added by section 7(ii) of the Tamil Nadu Elementary Education (Amendment) Act, 1935 (Tamil Nadu Act XI of 1935).

³ These words were substituted for the words "through the district educational council" by section 6 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

* Now the Director of School Education.

Provided that the ¹[State Government] shall reject the resolution unless —

(a) ²the local authority concerned shall have declared by resolution its readiness to levy the tax or taxes leviable under section 34 throughout the area specified at such rates as may be necessary to meet the expenditure involved ; and

(b) the ¹[State Government] ³[are satisfied] that adequate arrangements have been made for the provision of trained teachers and that the number of elementary school-places in the area is sufficient or will, within a reasonable period, be made sufficient for all children of school-age residing therein in respect of whom it has been resolved that elementary education shall be compulsory subject always to the exceptions permitted by the provisions of section 50 :

Provided further that if the resolution extends only to the children of one sex the ¹[State Government] may reject it unless satisfied that sufficient accommodation is or will be provided as required by sub-clause (b) of the foregoing proviso for all the children of school-age of the other sex resident in the area or for such proportion of them as the ¹[State Government] may in each case direct.

Explanation.—The number of elementary school-places should not be considered to be sufficient unless provision has already been made or will, within a reasonable period, be made for the education of

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² Under section 193 (xi) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words "the local authority", the words "in the case of a municipality, the municipal council" shall be deemed to have been substituted in respect of a panchayat development block.

³ These words were substituted for the words "is satisfied" by the Schedule to the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

every child not exempted under section 50 in an elementary school situated within one mile from the residence of such child :

Provided that in the case of any specified local area the ¹[State Government] may, by notification, vary the distance herein laid down for such period of time ²[as they may think fit].

Power of State Government to require local authorities to frame schemes for compulsory elementary education.

³[45-A. (1) The ¹[State Government] may of their own motion require any local authority to frame a scheme for any of the purposes mentioned in section 44 within such time as may be specified in the requisition. Such scheme shall be submitted to the ¹[State Government] through ⁴[. . .] the *Director of Public Instruction.

(2) The ¹[State Government] may accept the scheme or accept it with such modifications as they may deem necessary or they may reject it.

(3) If the local authority fails to submit a scheme for the purposes and within the time specified in the requisition, or if any scheme so submitted is rejected under sub-section (2), the ¹[State Government] may themselves frame a scheme for such purposes.]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "as he may think fit" by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

³ Section 45-A was inserted by section 8 of the Tamil Nadu Elementary Education (Amendment) Act, 1935 (Tamil Nadu Act XI of 1935).

⁴ The words "the district educational council and" were omitted by section 7 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

* Now the Director of School Education.

¹[46. If the ²(State Government) accept a resolution under sub-section (2) of section 45 or a scheme under sub-section (2) of section 45-A or frame a scheme under sub-section (3) of section 45-A, such resolution or scheme shall be notified in the ³(Official Gazette) and in the Gazette of the district, if any, and the provisions of sections 47 to 51 (both inclusive) shall thereupon come into force within the area to which the resolution or scheme applies and from such date as may be specified in the notification].

Publication of resolution or scheme.

⁴[47. (1) No fees shall be levied at any elementary school under public or ⁵[panchayat] management situated in any area affected by a notification under section 46, from any child to whom such notification applies.

No fee to be levied at elementary schools under public or panchayat management in areas notified under section 46.

(2) Fees may be levied from any such child at any other elementary school situated in the said area :

Provided that where within one mile of such school or such other distance therefrom as may be notified under the Explanation to sub-section (2) of section 45, there is no other elementary school at which fees are not levied, such number of free

¹This section was substituted for the original section 46 by section 9 of the Tamil Nadu Elementary Education (Amendment) Act, 1935 (Tamil Nadu Act XI of 1935).

²The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

⁴This section was substituted for the original section 47 by section 10 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

⁵Under section 193 (xii) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the word "panchayat", the words "panchayat union council" shall be deemed to have been substituted in respect of a panchayat development block.

places as may be fixed by ¹(the District Educational Officer) in consultation with the local authority concerned shall be reserved in such school.]

(2) *Exemptions.*

Power to exempt any person or class of persons.

48. The ²[State Government] may, by notification, exempt any person or class of persons from the effect of a notification under section 46.

(3) *Responsibility of Guardians.*

Responsibility of guardian to cause child of school-age to attend school.

49. In every area affected by a notification under section 46, it shall be the duty of the guardian of every child of school-age resident in such area ³[and affected by such notification], subject to the exceptions authorized by section 50, to cause such child to attend an elementary school in such area :

Provided that no guardian shall be compelled to cause a child to attend a school at which attendance at religious instruction in a faith other than that to which the child belongs is compulsory.

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Attendance of child at school optional in certain circumstances.

50. Attendance at school shall not be compulsory in the following circumstances :—

(i) if there is no elementary school within one mile or such other distance as may have been notified under the explanation to sub-section (2) of section 45 from the residence of the child ;

¹ These words were substituted for the words "the District Educational Council" by section 8 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

² The words "Provincial Government" were substituted for words "Local Government" by the Adaptation Order of 1937. The word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were inserted by section 11 of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1931).

⁴ The second proviso to section 49 was omitted by section 10 of the Tamil Nadu Elementary Education (Amendment) Act, 1935 (Tamil Nadu Act XI of 1935).

(ii) if the child is prevented from attending school by reason of sickness, infirmity or other cause declared by a resolution of the local authority concerned to be a reasonable excuse ;

¹[(ii-a) if the child is receiving instruction in an unrecognized school or department of a school, provided the instruction imparted therein is declared to be satisfactory by a prescribed officer];

(iii) if the child is receiving instruction in some other manner declared to be satisfactory by a prescribed officer ;

(iv) if the child has already received instruction in an elementary school or otherwise up to the standard prescribed for elementary education ;

(v) if the child is exempt from attendance on any other prescribed ground.

²[(4) *Enforcement of Compulsion.*]

²[51. (1) In areas where education is made compulsory under this Act, ³[the District Educational Officer concerned], shall be responsible for the enforcement of the provisions of section 49, and subject to such rules as may be prescribed, shall impose a penalty, not being less than such minimum sum and not exceeding such maximum sum as may be prescribed, on any guardian who has without reasonable excuse failed to discharge the obligation created by section 49.

Enforcement of the liability of guardians under section 49.

¹ This clause was inserted by section 5 of the Tamil Nadu Elementary Education (Amendment) Act, 1950 (Tamil Nadu Act XXVIII of 1950), deemed to have come into force on the 1st day of April 1950.

² Section 51 and the heading thereto were substituted for the original sections 51 and 52 and the heading thereto by section 11 of the Tamil Nadu Elementary Education (Amendment) Act, 1935 (Tamil Nadu Act XI of 1935).

³ These words were substituted for the words "the Commissioner in the case of the Corporation of Madras, the chairman concerned in the case of any other municipality, and the president of the district board concerned in the case of non-municipal areas" by section 2 (i) of the Madras Elementary Education (Amendment) Act, 1946 (Madras Act VIII of 1946), re-enacted permanently by section 2 of the Tamil Nadu Re-enacting Act, 1950 (Tamil Nadu Act III of 1950). Madras Act VIII of 1946 came into force on the 1st June 1947.

¹[(2) Against any order of a District Educational Officer imposing a penalty under sub-section (1), an appeal shall lie, within one month of the date of the service of such order, to the *Director of Public Instruction who may confirm, reduce or cancel the penalty.]

(3) Any penalty imposed under this section shall be recovered from the guardian concerned in the same manner as if it were a tax levied under the law for the time being in force governing the municipality or the ²(district board) concerned.]

³[52. * * * * *]

[CHAPTER VI * * *]

CHAPTER VII.

MISCELLANEOUS.

⁵[55. * * * * *]

56. (1) The ⁶[State Government] may, after previous publication, make rules not inconsistent with this Act to carry out all or any of the purposes of this Act.

Power of State Government to make rules.

¹ This sub-section was substituted for the original sub-section (2) by section 2 (ii) of the Madras Elementary Education (Amendment) Act, 1946 (Madras Act VIII of 1946), re-enacted permanently by section 2 of the Tamil Nadu Re-enacting Act, 1950 (Tamil Nadu Act III of 1950).

² Under section 193 (xiii) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the words "district board", the words "panchayat union council" shall be deemed to have been substituted in respect of a panchayat development block.

³ Section 51 and the heading thereto were substituted for the original sections 51 and 52 and the heading thereto by section 11 of the Tamil Nadu Elementary Education (Amendment) Act, 1935 (Tamil Nadu Act XI of 1935).

⁴ Chapter VI was omitted by section 9 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act I of 1939).

⁵ This section was omitted by section 60 of the Tamil Nadu Local Boards and Elementary Education (Amendment) Act, 1934 (Tamil Nadu Act II of 1934).

⁶ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937; and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

* Now the Director of School Education.

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(2) In particular and without prejudice to the generality of the foregoing provision ¹[they may make] rules—

²[(a) with reference to all matters expressly required or allowed by this Act to be prescribed];

³[(aa)] declaring what shall constitute 'elementary education', 'elementary school-place', 'school-age' and 'attendance at school';

(b) declaring what schools ⁴[or departments of schools] shall be classed as elementary ⁵[schools];

⁶[(c) to (e) * * *];

(f) laying down the registers, statements, reports, returns, budgets and other information to be maintained or furnished ⁷[. . .] by local authorities, ⁸[by panchayats], ⁹[and] by managers of elementary schools under private management ⁹[. . .] ¹⁰[and the time within which any statement, report, return, budget or other information shall be furnished];

¹ These words were substituted for the words "he may make" by the Schedule to the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

² New clause (a) was inserted by section 13 (i), *ibid.*

³ Original clause (a) was re-lettered as clause (aa) by *ibid.*

⁴ These words were inserted by section 13 (ii), *ibid.*

⁵ This word was inserted by *ibid.*

⁶ Clauses (c), (d) and (e) were omitted by section 10 (i) of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

⁷ The words "by district educational councils" were omitted by section 10 (ii), *ibid.*

⁸ These words were inserted by section 13 (iv) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

Under section 193 (xiv) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), the words "by panchayats" shall be deemed to have been omitted in their application to a panchayat development block.

⁹ The word "and" was inserted before the words "by managers" and the words "and by attendance committees" were omitted by section 3 (1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).

¹⁰ These words were added by section 3 (ii) of the Madras Elementary Education (Amendment) Act, 1931 (Madras Act II of 1932).

(g) regulating the procedure for the assessment and realization of the taxes leviable under section 34 ;

(h) declaring the conditions subject to which schools may be admitted to recognition or aid.

¹[(i) * * * * *]

²[(j) * * * * *]

¹ Clause (i) was omitted by section 10 (iii) of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

² Clause (j) was omitted by section 12 (ii) of the Tamil Nadu Elementary Education (Amendment) Act, 1935 (Tamil Nadu Act XI of 1935).

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[TAMIL NADU] ACT No. II OF 1934^a.

[THE ¹(TAMIL NADU) LOCAL BOARDS AND ELEMENTARY EDUCATION (AMENDMENT) ACT, 1934.]

[Received the assent of the Governor on the 10th March 1934 and that of the Governor-General on the 20th March 1934 ; the assent of the Governor-General was first published in the Fort St. George Gazette of the 27th March 1934.]

An Act to amend the ¹[Tamil Nadu] Local Boards Act, 1920^b, and the ¹[Tamil Nadu] Elementary Education Act, 1920, for certain purposes.

WHEREAS it is expedient to amend the ¹[Tamil Nadu] Local Boards Act, 1920^b, and the ¹[Tamil Nadu] Elementary Education Act, 1920, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

¹[Tamil Nadu] Act XIV of 1920. [Tamil Nadu] Act VIII of 1920.

Short title and commencement.

1. (1) This Act may be called the ¹[Tamil Nadu] Local Boards and Elementary Education (Amendment) Act, 1934.

(2) It shall come into force on such date* as the ¹[State Government] may by notification in the ¹[Official Gazette], appoint.

¹ These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 18th January 1934, page 20.

³ Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

⁴ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

⁵ These words were substituted for the words " Fort St. George Gazette " by the Adaptation Order of 1937.

* Came into force on the 18th April 1934.

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[2-60 * * * * *]

¹[Tamil Nadu] Act XIV of 1920.

61. (1) All taluk boards constituted under the ^{Abolition of} [Tamil Nadu] Local Boards Act, 1920², shall, on the commencement of this Act, be deemed to have been abolished.

(2) Any reference to taluk board or its president contained in any enactment in force in the ^{Construction of} [State of Tamil Nadu] or in any notification, order, scheme, rule, form or by-law made under any such enactment and in force in the ^{references to} [said State] shall, after the commencement of this Act, be construed as a reference to the district board or its president, as the case may be.

¹[Tamil Nadu] Act XIV of 1920.
²[Tamil Nadu] Act VIII of 1920.

62. In giving effect to the provisions of the ^{[Tamil Nadu} [Tamil Nadu] Local Boards Act, 1920,² and the ^{Acts] XIV and VIII of 1920,} [Tamil Nadu] Elementary Education Act, 1920, as amended by this Act, the said provisions shall be read subject to the rules contained in the Schedule. ^{as amended by this Act, to be read subject to the rules in the Schedule.}

THE SCHEDULE

Transitional Provisions.

1. (1) Save as provided in rule 5, all property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in or held in trust by, or for, any taluk board

¹ Sections 2 to 60 were repealed by the First Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

² These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

³ Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

⁴ This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

⁵ This expression was substituted for the expression "said Presidency" by paragraph 3 (1) of, and the Schedule to, *ibid.*

⁶ This expression was substituted for the expression "Madras Acts" by *ibid.*

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Education (Amendment)]

constituted under the ¹[Tamil Nadu] Local Boards ²[Tamil Nadu] Act, 1920,³ as well as all liabilities legally subsisting against such board shall, on and from the date of the commencement of this Act and subject to such direction as the ⁴State Government] may by general or special order give in this behalf pass to the district board concerned.

Explanation.—All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a taluk board at the commencement of this Act may be recovered by the district board concerned.

(2) All proceedings taken by or against any taluk board and pending at the commencement of this Act may, thereafter, be continued by or against the district board concerned.

(3) Any remedy by way of application, suit or appeal available to or against a taluk board at the commencement of this Act shall, after such commencement, be available to or against the district board concerned.

2. Any action taken by a taluk board before the commencement of this Act shall, subject to such directions as the ³[State Government] may by general or special order give in this behalf, be deemed to have been taken by the district board concerned unless and until superseded by action taken by such district board.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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3. On the commencement of this Act, all moneys standing to the credit of the Development Fund maintained by a district board, and all rights and general funds of the district board, and all liabilities attaching to such board, shall pass to the district board.

4. The land-cess levied in the year 1920^a, for the fasli year in which this Act comes into force shall be distributed among district boards and panchayats in such manner as the Government may by general or special order direct.

[Tamil Nadu] Act XIV of 1920.

5. (1) All taluk roads, dispensaries, taluk markets, festivals shall, on the commencement of this Act, be deemed to have been classified under rule 3 of Schedule V to the Local Boards Act, 1920^a, as amended by this Act, as district roads, district choultries, district dispensaries, district fairs and district festivals respectively.

(2) All taluk libraries shall, on the commencement of this Act, vest in the panchayat concerned or where there is no panchayat concerned, in the district board.

(3) All taluk hospitals shall, on the commencement of this Act, vest in the panchayat concerned.

6. All presidents of taluk holding office on the first day of the commencement of this Act are not members of the district board.

^a These words were substituted for the words "Tamil Nadu Adaptation of Laws Order" by the Tamil Nadu Adaptation of Laws (Securities) Act, 1950.

^b Now the Tamil Nadu District Boards Act, 1920 (Act XIV of 1920).

^c The words "Provincial Government" were substituted for the words "Local Government" by the Tamil Nadu Adaptation of Laws (Securities) Act, 1950. The word "State" was substituted for "Province" by the Tamil Nadu Adaptation of Laws (Securities) Act, 1950.

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Education (Amendment)]

shall be members of the district board concerned over and above the sanctioned strength thereof. They shall hold office as such members, subject to the provisions of sub-section (2) of section 54, and sections 56, 57 and 59 of the ¹[Tamil Nadu] Local Boards Act, 1920², as amended by this Act, until the other members of the district board vacate office by efflux of time. ¹[Tamil Nadu] Act XIV of 1920.

7. ³[Where a notification is issued under section 3-A of the ¹[Tamil Nadu] Local Boards Act, 1920², splitting up a district into two or more districts with effect from a date earlier than that in which the members of the existing district board would vacate office by efflux of time, the following provisions shall, unless the ⁴[State Government] otherwise direct, apply until the date on which the said members would vacate office as aforesaid :—]

(a) Section 7 of the ¹[Tamil Nadu] Local Boards Act, 1920², in so far as it applies to the minimum number of members of a district board shall not apply to the new district boards. ¹[Tamil Nadu] Act XIV of 1920.

(aa) The circles of the new districts shall, unless and until the ⁴[State Government], direct otherwise by a notification under section 47 of the ¹[Tamil Nadu] Local Boards Act, 1920², be the circles of the old district falling within the respective areas of the new districts. ¹[Tamil Nadu] Act XIV of 1920.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

³ The opening paragraph within square brackets was substituted for the original paragraph by section 5(i) of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1935).

⁴ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

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(b) The members of each of the new district boards shall, notwithstanding anything contained in clause (g) of sub-section (1) of section 56 of the ¹[Tamil Nadu] Local Boards Act, 1920², be the members elected to the old district board by the circles falling within the new district, together with the presidents of taluk boards ³[if any] who became members of the old district board under rule 6 and who were originally elected to the taluk boards by taluk board circles falling within the new district.

¹[Tamil Nadu] Act XIV of 1920.

(c) If any vacancy in the office of a member of the district board existed at the time of the notification under the said section 3-A, such vacancy shall be filled by a casual election by the circle concerned.

‘[(cc) * * * * *]

(d) The members of the new district boards shall, subject to the provisions of sub-section (2) of section 54, section 56, except clause (g) of sub-section (1) and sections 57 and 59 of the ¹[Tamil Nadu] Local Boards Act, 1920², as amended by this Act, hold office until the date on which they would have vacated their offices on the old district board by efflux of time, if the notification under the said section 3-A had not been issued.

¹[Tamil Nadu] Act XIV of 1920.

(e) If any vacancy in the office of a member of the new district board occurs otherwise than by efflux of time, such vacancy shall be filled by casual election by the circle concerned. Any person elected at such election shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

¹ These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

³ The words within square brackets were inserted by section 5 (ii) of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1935).

⁴ Clause (cc) was omitted by section 2 of the Madras Local Boards (Amendment) Act, 1937 (Madras Act XI of 1937).

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(f) Nothing contained in clauses (c) and (e) shall apply to any vacancy in the office of a member of the district board who became such member by virtue of rule 6 or of that rule read with clause (b) of this rule.

(g) (i) The president of the district board holding office ¹[on the date on which the notification under the said section 3-A takes effect] shall ²[with effect from such date], be the president of the district board of which he becomes a member under clause (b).

(ii) Where by the operation of sub-clause (i) no person becomes the president of a district board, the members of the board shall, as soon as may be ³[after the date on which the notification under the said section 3-A takes effect], meet for the election of a president on such date as may be fixed in that behalf by the Collector of the district.

(iii) As soon as may be ³[after the date on which the notification under the said section 3-A takes effect], the members of the district board shall meet for the election of the vice-president on such date as may be fixed in that behalf by the president of the board.

(h) The ⁴[State Government] shall cause arrangements for a general election to the new district boards to be made in accordance with the notifications issued by them with respect thereto under the ⁵[Tamil Nadu]

¹ The words, figure and letter within square brackets were substituted for the words, figure and letter " on the date of issue of the notification under the said section 3-A, " by section 5 (iii) (a) of the Madras Local Boards (Amendment) Act, 1934 (Madras Act III of 1935).

² The words within square brackets were substituted for the words " with effect from the date of such notification " by section 5 (iii) (b), *ibid.*

³ The words, figure and letter within square brackets were substituted for the words, figure and letter " after the issue of the notification under the said section 3-A " by section 5, *ibid.*

⁴ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

⁵ The words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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¹[Tamil Nadu] Act XIV of 1920.

Local Boards Act, 1920¹, as amended that the newly elected members may continue the date referred to in clause (d).

8. When after the commencement of this Act candidates are required for appointment under a district board or panchayat, the appointment thereto shall, subject to the conditions as may be issued by the ²[State Government], be restricted to persons who have been elected to taluk boards and are thrown out of such boards in consequence of the abolition of taluk boards by this Act, so long as such persons desirous of selection are available and continue to be fit and suitable for the post.

The ³[State Government] may issue special directions as they may think necessary for the purpose of regulating appointments under this Act, otherwise giving due effect to the provisions of this Act, and no appointment to any post under a taluk board or panchayat made in contravention of such directions shall be deemed to have been made.

⁴[9-10 * * * * *]

11. The elementary education fund for taluk boards in any district board as constituted at the commencement of this Act, form the commencement of this Act, form the elementary education fund constituted by this Act under the ¹[Tamil Nadu] Elementary Education Act, 1920, as amended by this Act.

¹[Tamil Nadu] Act VII of 1920.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1970.

² Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Tamil Nadu Adaptation of Laws Order, 1950. The word "State" was substituted for "Provincial Government" by the Tamil Nadu Adaptation of Laws Order of 1950.

⁴ Rules 9 and 10 were omitted by section 11 of the Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

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12. Any tax levied by a taluk board under the '[Tamil Nadu] Elementary Education Act, 1920, before the commencement of this Act shall be deemed to have been levied by the district board under that Act as amended by this Act. [Tamil Nadu] Act VII of 1920

13. If any difficulty arises in giving effect to the provisions of these rules or of the '[Tamil Nadu] Local Boards Act, 1920², or of the '[Tamil Nadu] Elementary Education Act, 1920, as amended by this Act, the ³[State Government] as occasion may require may by order do anything which appears to them to be necessary for the purpose of removing the difficulty. [Tamil Nadu] Act XIV of 1920.
[Tamil Nadu] Act VII of 1920.

¹ These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

³ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

‘[TAMIL NADU] ACT No. XI OF 1935’.

[THE ‘[TAMIL NADU] ELEMENTARY EDUCATION (AMEND-
MENT) ACT, 1935.]

(Received the assent of the Governor on the 27th March 1935, and that of the Governor-General on the 11th May 1935 ; the assent of the Governor-General was first published in the Fort St. George Gazette of the 4th June 1935.)

An Act further to amend the ‘[Tamil Nadu] Elementary Education Act, 1920, for certain purposes.

WHEREAS it is expedient further to amend the ‘[Tamil Nadu] Elementary Education Act, 1920 ; It is hereby enacted as follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the ‘[Tamil Nadu] Elementary Education (Amendment) Act, 1935.

(2) It shall come into force on such *date as the ‘[State Government] may, by notification in the ‘[Official Gazette], appoint.

¹ These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 2nd October 1934, Part IV, pages 396-399.

³ The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

⁴ These words were substituted for the words “*Fort St. George Gazette*” by the Adaptation Order of 1937.

*Came into force on the 15th November 1935.

[2-12. * * * * *]

Transitional Provisions.

[13. * * * * *]

14. If any difficulty arises in first giving effect to the provisions of this Act or of the said Act as amended by this Act, the [State Government] may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

Removal of difficulty in giving effect to Act.

¹ Sections 2 to 12 were repealed by the First Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

² Section 13 was omitted by section 12 of the Tamil Nadu Elementary Education (Amendment) Act, 1939 (Tamil Nadu Act II of 1939).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[TAMIL NADU] ACT No. II OF 1939².

[THE [TAMIL NADU] ELEMENTARY EDUCATION (AMENDMENT) ACT, 1939.]

(Received the assent of the Governor on the 14th February 1939; first published in the Fort St. George Gazette on the 21st February 1939.)

An Act further to amend the [Tamil Nadu] Elementary Education Act, 1920, the [Tamil Nadu] Local Boards and Elementary Education (Amendment) Act, 1934, and the [Tamil Nadu] Elementary Education (Amendment) Act, 1935, for certain purposes.

WHEREAS it is expedient further to amend the [Tamil Nadu] Elementary Education Act, 1920, the [Tamil Nadu] Local Boards and Elementary Education (Amendment) Act, 1934, and the [Tamil Nadu] Elementary Education (Amendment) Act, 1935, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the [Tamil Nadu] Elementary Education (Amendment) Act, 1939. Short title and commencement.

(2) It shall come into force on such date as the [State] Government may, by notification in the Official Gazette, appoint.

[2 to 12. * * * * *]

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969,

² For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 12th January 1939, Part IV, page 5.

³ Came into force on the 1st June 1939.

⁴ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁵ Sections 2 to 12 were repealed by section 2 of, and the First Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).

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13. The accounts of every district educational council up to the date on which this Act comes into force, shall be examined and audited by an officer appointed by the ¹[State] Government in that behalf.

14. All orders of recognition in respect of elementary schools and all orders admitting elementary schools to aid, made or deemed to have been made by a district educational council before the commencement of this Act under sections 41 and 42 of the said Act respectively, shall be deemed to have been made by the Director of Public Instruction or by such authority as may be empowered by him after this Act comes into force to grant recognition to elementary schools or to admit elementary schools to aid, as the case may be, and any such order shall be liable to cancellation or modification as if it had been made after the commencement of this Act.

15. All orders passed by a district educational council before the commencement of this Act under the proviso to sub-section (2) of section 47 of the said Act fixing the number of free places, shall have effect as if they had been passed after such commencement by the District Educational Officer.

16. (1) All property and all rights of whatever kind used, enjoyed or possessed by and all interests of whatever kind owned by, or vested in, or held in trust by, or for, any district educational council constituted under the said Act, including all moneys standing to the credit of the fund referred to in section 28 of the said Act, as well as all liabilities legally subsisting against such council shall, on and from the date of the commencement of this Act, pass to the ¹[State] Government.

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

Audit of accounts of district educational councils up to the commencement of the Act.

Continuance of orders according recognition or admitting schools to aid.

Orders of district educational council fixing the number of free places deemed to be those of the District Educational Officer.

Devolution of properties and rights of district educational councils to State Government and continuance of proceedings pending at the commencement of the Act.

(2) All proceedings taken by or against any district educational council and pending at the commencement of this Act may, after such commencement, be continued, subject to the provisions of this Act, by or against the [State] Government or by or against such authority as may be designated by them in this behalf.

(3) Any remedy by way of application, suit or appeal available to or against a district educational council at the commencement of this Act shall, after such commencement, be available, subject to the provisions of this Act, to or against the [State] Government.

17. The repeal of section 21 of the said Act by this Act shall not be deemed to affect the powers of the [State] Government to act under that section in respect of any resolution passed or order issued by any district educational council or the president thereof before the commencement of this Act, or in respect of any act which is about to be done or is being done at such commencement. ^{Power of State Government to suspend action.}

18. If any difficulty arises in giving effect to the provisions of this Act or of the said Act as amended by this Act, the [State] Government as may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty. ^{Power to remove difficulties in giving effect to Act.}

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.