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The Andaman and Nicobar Gazette

PUBLISHED BY AUTHORITY

No. 8, PORT BLAIR, SATURDAY, SEPTEMBER 5, 1959/BHADRA 14, 1881

OFFICE OF THE CHIEF COMMISSIONER,
ANDAMAN AND NICOBAR ISLANDS,

NOTIFICATION

Port Blair, the 22nd August 1959/31st Sravana 1881.

No. 117/59.—The following Regulation promulgated by the President under clause (1) of article 240 of the Constitution and published in the Gazette of India, Part II Section 1, Extraordinary dated 27th June 1959, is hereby re-published for general information :—

THE ANDAMAN AND NICOBAR ISLANDS (PRIMARY EDUCATION) REGULATION, 1959

No. 3 of 1959

Promulgated by the President in the Tenth Year of the Republic of India.

A Regulation to provide for free and compulsory primary education for children in the Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Andaman and Nicobar Islands (Primary Education) Regulation, 1959.

(2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands.

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(a) "attendance officer" means a person appointed by the Chief Commissioner for any specified area to perform all or any of the functions of an attendance officer under this Regulation;

(b) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;

(c) "child" means a boy or a girl whose age is not less than six, and not more than eleven, years;

(d) "guardian" means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognised 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;

Andaman and Nicobar Islands ;

(f) "prescribed" means prescribed by rules made under this Regulation ;

(g) "primary education" means such elementary education as may be prescribed ;

(h) "recognised school" means a school or department of a school maintained or aided by the Government for imparting primary education ;

(i) "specified area" means any area referred to in section 3.

3. The Chief Commissioner may, after ensuring that adequate facilities for imparting primary education to children have been provided in any area, by notification in the Official Gazette, declare that area within the Islands to be an area in which primary education for children shall be compulsory, and thereupon the provisions of sections 4 to 12 inclusive shall take effect in such area.

Declaration of specified areas for compulsory primary education.

4. (1) It shall be the duty of the guardian of every child residing within a specified area to cause the child to attend a recognised school in the manner required by sub-section (2) unless there be a reasonable excuse for his non-attendance.

Responsibility of guardian to cause children to attend school.

(2) The Chief Commissioner may, by order in writing, specify the days in each month and the hours in each day for which any child shall be required to attend a recognised school, and no child shall be deemed to have attended the school within the meaning of this section unless he has attended the school for the days and hours so specified.

5. No fee shall be levied in respect of any child for attending a recognised school for obtaining primary education.

Fees not to be levied.

6. Any of the following circumstances shall be deemed to be a reasonable excuse for the purposes of this Regulation :—

Reasonable excuse for non-attendance.

(a) that there is no recognised school within a distance of one mile measured by the shortest route from the residence of the child which he can attend, or that any such school is a school in which any religious observance or religious instruction of the nature not approved by the guardian is compulsory ;

(b) that the child has been granted temporary leave of absence from school for sickness or other prescribed reason ;

(c) that the child is receiving instruction in some other manner declared to be satisfactory by the Chief Commissioner ;

(d) that the child has already received instruction up to the standard prescribed for primary education ;

(e) that the child is unfit to attend school by reason of some physical or mental defect.

provisions of section 4 or that a child is being employed elsewhere by any person during the specified hours of attendance at a recognised school, the attendance officer shall warn the guardian or other person, as the case may be, in the prescribed manner to cause the child to attend the recognised school, or to discontinue the employment of such child, as the case may be, within a week after the receipt of the warning.

Penalties.

8. Any guardian or person, who, after the receipt of a warning under section 7, fails to comply with the requirements of such warning, shall be punishable with fine which may extend to fifty rupees.

Cognizance of offences.

9. (1) No court shall take cognizance of an offence under section 8 except on the complaint of a person generally or specially authorised in this behalf by the Chief Commissioner.

(2) No magistrate of the third class shall try any offence punishable under this Regulation, unless he is specially empowered by the Chief Commissioner in this behalf.

Power to exempt.

10. The Chief Commissioner may, by notification in the Official Gazette, exempt any class of persons or any community in any specified area from the operation of this Regulation.

Certain persons to be public servants.

11. Every attendance officer and all persons duly authorised under section 9 to make complaints shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1900.

Protection of action taken in good faith.

12. No suit, prosecution or other legal proceeding shall lie against the Government or any authority or person in respect of anything which is in good faith done or intended to be done by it or him under this Regulation or any rule or order made thereunder.

Delegation of powers.

13. The Chief Commissioner may, by notification in the Official Gazette, authorise any officer or person to exercise all or any of the powers conferred on him by this Regulation except the power to make rules.

Power to make rules.

14. (1) The Chief Commissioner may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

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

(a) declaring what shall constitute primary education;

(b) the circumstances in which, and the authorities by which, leave may be granted to a child under section 6;

(c) the manner in which warnings by attendance officers shall be given and their powers exercised;

(d) the registers, statements and other information which shall be maintained by recognised schools for the purposes of this Regulation;

(e) any other matter which may be, or has to be, prescribed.

(3) The power to make rules conferred by this section shall be subject to the condition of previous publication.

(4) In making such rules, the Chief Commissioner may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

RAJENDRA PRASAD,
President.

R. C. S. SARKAR, *Secy.*

By order,
(B. B. SRIVASTAVA),
Assistant Secretary (Judicial)
to the Chief Commissioner, A. & N. Islands.

Vide Administration's notification No.166/62/
F.No.13-63/62-J dated the 3rd August, 1962 published
in the Andaman and Nicobar Gazette No. 8 dated
5th September, 1962, the Chief Commissioner appoints
the 1st day of August, 1962 as the date on which
the said Regulation came into force.

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