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***THE ORISSA BASIC EDUCATION ACT, 1951**

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AN ACT TO PROVIDE FOR MAKING BETTER PROVISION FOR BASIC EDUCATION IN THE STATE OF ORISSA

WHEREAS it is expedient to make better provision for basic education in the State of Orissa in the manner hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title, extent and commencement:- (1) This Act may be called the Orissa Basic Education Act, 1951.

(2) It extends to the whole of the State of Orissa.

¹[(3) This section and section 16-A shall come into force at once and the remaining provisions of this Act shall come into force in such area or areas on such date or dates as the State Government may, by notification, direct.]

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

(i) to “attend” a recognised basic school means to be present for instruction at such school for so many and such days in the year at such time or times on each day of attendance as may be prescribed by the educational authority or the Orissa Board of Basic Education, as the case may be ;

(ii) “basic education” means such a system of all-sided education to be imparted through a, productive craft in the local environment in which pupils live with a view to making it self-supporting and inculcating a true sense of dignity of labour, as shall be recognised by the State Government from time to time ;

(iii) “child” means a boy or girl who is not less than six and not more than ten years of age to whom the primary education or the basic education, as the case may be, shall be imparted and includes in a local area specially notified by

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1. Substituted vide Orissa Act 8 of 1955

the State Government for the purpose of basic education, a boy who is not less than six and not more than fourteen years of age ;

(iv) "parent" includes a guardian and any person who is liable to maintain or has the actual custody of a child ;

(v) "prescribed" means prescribed by rules made by the State Government under this Act ;

(vi) "primary education" means such instruction as is for the time being given in the State of Orissa ;

(vii) "recognised primary school" means a school in which primary education is given and which is for the time being recognised by the prescribed educational authority ;

(viii) "recognised basic school" means a school in which basic education is given and which is recognised as such by the Orissa Board of Basic Education constituted under section 3 or by an officer of the Education Department of the Government of Orissa not being below the rank of a District Inspector of Schools duly authorised by the said Board in this behalf ;

(ix) "school committee" means a committee constituted under section 5 of this Act.

3. Constitution of the Orissa Board of Basic Education:- (1) The State Government may, by a notification constitute a Board to be known as the Orissa Board of Basic Education to exercise the powers conferred by this Act and the rules made there under and may in the like manner vary the constitution of the said Board.

(2) The Orissa Board of Basic Education when constituted shall be deemed to be a Local authority for the purpose of the Orissa Local Fund Audit Act, 1948. (Orissa Act V of 1948)

4. Issue of notification declaring basic or primary education of children compulsory:- (1) The State Government may, by notification, declare that from the date specified in the said notification the basic or primary education of children ordinarily residing in any local area within the jurisdiction of District Board, Municipality or a Grams Panchayat (hereinafter referred to as the Local authority) constituted under the laws for the time being in force, or in any portion of such local area or at any other place in the State outside the jurisdiction of the Local authority, shall be compulsory. Such local area or portion of a local area or place shall be notified by the State Government from time to time.

(2) No such notification shall be issued by the State Government-

(a) unless the State Government are satisfied that the Local authority concerned has so determined by resolution passed at a general meeting specially convened in this behalf and such resolution has been supported by at least two-thirds of the members present at the said meeting ;

(b) unless the Local authority concerned has satisfied the State

Government that it is in a position to make adequate provision for funds in respect of schools maintained or aided by it for compulsory basic or primary education;

- (c) unless in a local area, portion of an area or place there are recognised primary schools with adequate staff.

(3) Every notification under sub-section (1) shall be published in the Gazette and a copy thereof shall be posted at the office of the Local authority and at such other places and in such manner as the State Government may direct.

(4) On and from the date the State Government have declared by a notification under sub-section (1) that the basic or primary education shall be compulsory in any local area within the jurisdiction of my Local authority such Local authority shall be deemed to constitute a basic or primary educational authority for out the purpose of the Act;

Provided that the State Government may in any case if they think fit direct that the Orissa Board of Basic Education shall exercise the functions of a. basic educational authority for any area in respect of which a declaration has been made under sub-section (1).

5. Appointment of school committee:- Where notification under section 4 has been issued in respect of any area the Local authority shall appoint a school committee for the said area for a portion of the said area in accordance with the rules made under this Act.

6. The duty of parent to cause children to attend school:- Where a notification under section 4 is in force in any area the parent of every child shall, in absence of reasonable excuse as hereinafter provided, and if such child ordinarily resides in such area, cause such child to attend a recognised basic or primary school as the case may be, in such area.

7. Meaning of reasonable excuse:- A parent shall be deemed to have a reasonable excuse within the meaning of section 6 for failure to cause a child to attend a recognised basic or primary school in any of the following cases:-

- (a) where the child is prevented from attending school on account of sickness, infirmity, domestic necessity, the seasonal needs of agriculture or other sufficient case ;
- (b) where the child is receiving, otherwise than in a recognised basic or primary school, instruction which in the opinion of the school committee is sufficient or has already completed his basic or primary education ;
- (c) where there is no recognised basic or primary school within a distance of one mile by the shorter route from the residence of the child :

Provided that in the case of any specified area the State Government may, by notification, vary the distance herein before specified for such period as they

may think fit :

Provided further that a parent shall not be compelled to cause a child to attend a recognised basic or primary school at which attendance at religious instructions in a faith other than that to which the child belongs, is compulsory.

8. Issue a attendance order by Magistrate:- (a) Where the school committee is satisfied that a parent being bound under the provisions of section 6 to cause a child to attend, a recognised basic or primary school has, after due warning by or at the instance of the school committee failed to do so, the school committee may apply to the nearest Magistrate for an order directing such parent to cause such child to attend a recognised basic or primary school and the Magistrate shall fix a day for hearing the application and cause notice thereof to be given to the parent.

(b) On the day fixed for the hearing of the application or on any subsequent day to which it may be adjourned, and after hearing the parent or at the discretion of the Magistrate any other person on his behalf, the Magistrate may pass an order directing the parent to cause such child to attend a recognised basic or primary school on and from a date to be specified in the order.

9. Penalty for failure to obey attendance order:- (1) Any parent who fails without reasonable excuse to comply with an order under section 8 shall, on conviction before a Magistrate, be punishable with a fine which may on the first conviction extend to two rupees and on subsequent conviction to ten rupees.

(2) No court shall take cognizance of an offence under sub-section (1) except on the complaint of the school committee or on a complaint by a person authorised by the school committee.

10. Penalty for employing a child in contravention of the Act:- Whoever knowingly employs, either on his own behalf or on behalf of any other person, any child to whom the provisions of section 6 apply, so as to interfere with the attendance of such child at a recognised basic or primary school, shall, on conviction before a Magistrate, be liable to a fine which may extend to twenty-five rupees.

11. Expenditure how to be met:- The expenditure in connection with the maintenance of recognised basic or primary schools may be met from the Primary Education Fund constituted in a District Board or Municipality, as the case may be, under Section 264 of the Orissa Local Government Act, 1950 (Orissa Act XXII of 1950) and section 362 of the Orissa Municipal Act, 1950 (Orissa Act XXIII of 1950) respectively. In a local area where a Grama Panchayat has been constituted, the expenditure shall be met from the Grama Fund so constituted under section 40 of the Orissa Grama Panchayat Act, 1948 (Orissa Act XV of 1948).

12. Basic or Primary education to be free:- The education imparted at a recognised basic and primary school, shall be free.

13. Inspection by persons employed by the State Government :- All recognised basic and primary schools maintained by Local authority shall be

open to inspection by any person employed by the State Government in this behalf.

14. Local authority to perform functions or a school committee :- If the Local authority does not appoint a school committee under the provisions of this Act, the Local authority shall itself exercise all the powers conferred and perform all the duties imposed by or under this Act upon a school committee so appointed.

15. Power of the State Government to cancel the order :- If the State Government are of opinion that a Local authority has made default in any of the requirements of this Act, they may, by notification stating the grounds of such order, cancel any notification which has been issued under section 4 or may make such other orders as they may deem fit.

16. Application of the provision of the Act to existing Primary School:- The State Government may by notification, apply all or any of the provisions of this Act to all or any of the primary schools in the State and thereupon such primary school or schools shall be deemed to be a basic school or schools for the purposes of this Act.

¹[16-A. Constitution of Orissa Primary and Basic School Teacher Provident Fund and power to make rules:- The State Government shall have the constitution power to constitute a Fund to be called the Orissa Primary and Basic School Teachers Provident Fund or the benefit of all or any class or classes of teachers of all or any of the primary and basic schools in the State of Orissa and may by rules provide for-

- (a) the maintainance and administration of the Funds;
- (b) the amount of contribution to be made to the Fund by such teachers and the mode of making such contributions;
- (c) the custody and control of moneys in respect of such contributions ; and
- (d) the extent of contributions to be made to this Fund from out of the Consolidated Fund of the State.]

17. Power to make rules:- (1) The State Government may by notification, make rules to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may-

- (a) prescribe the educational authority, referred to in section 2;
- (b) prescribe the powers of the Orissa Board of Basic Education constituted under section 3;
- (c) determine generally what shall be considered to be adequate provision for basic and primary education under section 4;

1. *Inserted vide Orissa Act 8 of 1955*

- (d) prescribe the manner in which the Local authority shall satisfy the State Government under section 4 and the particular to be furnished in the application ;
- (e) prescribe the manner in which the school committee shall be constituted, the number of members and period of office members of the school committee, its duties and powers in respect of the direction of education in and the regulation of basic and primary schools, the manner in which it shall transact its business, its relation with the Local authority and the prescribed educational authority or the Orissa Board of Basic Education, as the case may be and the circumstances in which separate school committees may be appointed for separate portion of an area in respect of which a notification under section 4 has issued.

18. Removal of difficulties in the working of the Act:- If any difficulty arises in giving effect to the provisions of the Act, the State Government may as occasion requires, by order, do anything which appears to them to be necessary to remove the difficulty.

