

SIND ACT No. VII OF 1940<sup>1</sup>.

[THE SIND ZAMINDARS CHILDREN EDUCATION ACT, 1940.]

[7th March, 1940]

*An Act to provide for the compulsory education of children of Zamindars.*

WHEREAS it is expedient to provide for the compulsory education of children of zamindars; It is hereby enacted as follows:—

Short title,  
commence-  
ment and  
extent.

1. (1) This Act may be called the Sind Zamindars Children Education Act, 1940.

(2) It shall come into force on such date<sup>2</sup> as the Provincial Government may, by notification in the *Official Gazette*, appoint.

(3) It shall extend to the whole of the Province of Sind.

Definitions.

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

<sup>3</sup>[(1) "Child" means a male child whose age at the beginning of the school year is not less than six and not more than eighteen years and who is—

(a) a zamindar, or

(b) a son of a zamindar, or

(c) a grandson of a zamindar, living with and being maintained by such zamindar.

*Explanation.*—The expression 'grandson' includes a daughter's son ;]

(2) "zamindar" means—

(a) a jagirdar of the first or second class in the Province, or

<sup>1</sup> For Statement of Objects and Reasons, see S. G. G., 1940, Pt. IV, pp. 51—52 and for Proceedings in Assembly, see S. L. A. Debates, 1940, Vol. X—Book, No. 7, pp. 66—76.

<sup>2</sup> Came into force w. e. f. 1st April, 1942, vide G. N., G. D., No. 318—G.B./40/II, dated 11th August, 1941, see S. G. G., 1941, Pt. I, p. 2098.

<sup>3</sup> Subs. by Sind I of 1946, s. 2 (a), for the original cl. (1).

<sup>1</sup>[(b) a person who in the year preceding that in which he or his child, as the case may be, completes the age of six years—

(i) has in his own right, paid land revenue amounting to not less than one thousand rupees in respect of land in the Province, or

(ii) has, held alienated land in respect of which land revenue amounting to not less than one thousand rupees would have been paid if the land had not been alienated, or

(iii) has received as a *Pattadar* or as a *Hissadar* a share of land revenue amounting to not less than one thousand rupees.]

*Explanation 1.*—Where any person has inherited any land, he shall be deemed for the purposes of this Act to have paid any land revenue paid in respect of that land by the person from whom he inherited it ;

*Explanation 2.*—Where land is held or occupied by members of a joint Hindu family every member of such family shall be deemed to be a zamindar if the family has in the year preceding that in which the question of applying the provisions of this Act arises, paid land revenue amounting to not less than two thousand rupees in respect of land in the Province ;

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

(4) "Matriculation Examination" means the Matriculation Examination held by an University constituted under a statute and includes such other examination as may be prescribed ;

(5) "prescribed" means prescribed by rules made under this Act ;

(6) "approved school" means a school or part of a school which is for the time being approved for the purposes of this Act by the Provincial Government and shall include a primary school and a secondary school ;

(7) "to attend an approved school" means to be present for instruction at such school on such days and at such time and for such periods on each day as may be prescribed ;

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<sup>1</sup> Subs. by Sind I of 1946, s. 2 (b), for the original sub-clause (b).



(8) "Director" means the Director of Public Instruction, Sind, or such other officer as may be appointed by the Provincial Government for the purpose of discharging the functions of the Director under this Act.

Obligation to attend school.

<sup>1</sup>3. (1) It shall be compulsory for every child to attend an approved school until he passes the Matriculation Examination or completes the age of eighteen years whichever event happens first.

<sup>2</sup>[(2) Subject to the provisions of sub-section (1), every child shall attend an approved primary school upto the fourth standard vernacular and thereafter an approved secondary school.]

Parents' duty to cause child to attend school.

4. It shall be the duty of the parent of every child whose attendance at an approved school is compulsory under section 3 to cause such child to attend such school for the period specified in the said section, unless there is a reasonable excuse within the meaning of the next succeeding section for the non-attendance of the child.

Reasonable excuse for non-attendance.

5. Any of the following shall be deemed to be a reasonable excuse for the non-attendance of a child—

(a) that the child is prevented from attending school by sickness or infirmity ;

(b) that the child is receiving, otherwise than in an approved school, instruction which, in the opinion of the Director, would, in the ordinary course, enable the child to pass the Matriculation Examination ;

(c) That there is no approved school imparting instruction in primary education within a distance to be fixed by the Provincial Government and measured according to the nearest road from the place where the child ordinarily resides to which parent can send the child without exposing him to religious instruction to which the parent objects.

Report of birth or death.

<sup>3</sup>[5A. (1) Every zamindar, other than a zamindar who is a child, to whom a child is born or whose child dies shall, within fifteen days of the occurrence, give to the Director a notice in writing of such birth or death.

<sup>1</sup> The original section 3 re-numbered as sub-section (1) of that section by Sind I of 1946, s. 3.

<sup>2</sup> Sub-section (2) added, *ibid.*

<sup>3</sup> Section 5A *ins. ibid.*, s. 4.

(2) Every such zamindar who fails to comply with the provisions of sub-section (1) shall, on conviction, be liable to be punished with fine not exceeding five hundred rupees.]

6. An approved school shall admit every child who ordinarily resides—

Obligation to admit children to approved schools.

(a) where the school is a primary school, within the district in which the school is situate ;

(b) where the school is a secondary school, within the Province :

Provided that the Provincial Government may by order prescribe that a secondary school shall not be required to admit children beyond such number as may be specified in such order.

7. (1) An approved school shall, if it is a secondary school, make such arrangements as the Director may require for the lodging, boarding and tuition of children who reside within the Province, but not in the town or village in which such school is situate.

Approved school to make lodging and boarding arrangements.

(2) Where a secondary school is required under sub-section (1) to add to its building accommodation, equipment or teaching staff, the Provincial Government shall give to the school in such manner, on such terms and subject to such conditions as may be prescribed, a grant-in-aid for the purposes of such addition.

8. The Provincial Government or such authority as it may appoint in this behalf shall prescribe the fees and the charges for the lodging and boarding of children which an approved school may, for the purposes of this Act recover from the children.

Power to prescribe fees and lodging and boarding charges.

9. The parent of a child and where the child has a separate estate such estate shall be liable for the payment of the school fees and all other charges lawfully incurred under this Act in relation to such child and any amount due from the parent or the estate of the child, under this Act, shall, upon a certificate from the Director be recoverable by any Collector as an arrear of land revenue.

Primary liability for the payment of fees, etc.

10. (1) Where the Director is satisfied that the parent of any child who is bound under the provisions of this Act to cause such child to attend an approved school, has failed to do so, the Director may, after giving an opportunity to the parent of being heard and after such inquiry as he considers necessary, pass an order directing the parent to cause such child to attend an approved school on and from a date which shall be specified in such order.

Order by Director directing parent to cause the child to attend school.



(2) The powers under sub-section (1) may be delegated by the Director to any officer subordinate to him.

Penalty for failure to comply.

11. Any parent against whom an order with reference to a child has been passed under section 10 and who fails to comply with the provisions of section <sup>1</sup>[4] on and after the date specified in such order except where such child wilfully and persistently defaults in attending the school, shall on conviction by a magistrate, be sentenced to simple imprisonment for a term not exceeding six months or a fine not exceeding five hundred rupees or both and if such failure continues after such conviction he shall on conviction by a magistrate be liable to a fine of rupees ten for every day that the failure continues or is repeated.

Power of Director when progress of child unsatisfactory.

<sup>2</sup>[11A. (1) Where the Director is satisfied that the progress of a child in his studies is not satisfactory, the Director may require the parent to take, within a period not exceeding one month, such measures as are, in the Director's opinion, calculated to improve the child's standard of proficiency.

(2) If the parent fails to take, within the period prescribed, the measures required of him under sub-section (1), the Director may himself take such measures and recover the cost thereof from the parent as an arrear of land revenue.]

Child wilfully defaulting to be detained in custody.

12. (1) If a child wilfully and persistently defaults in attending an approved school <sup>3</sup>[or notwithstanding the measures taken under section 11A fails to attain an adequate standard of proficiency in his studies,] the Provincial Government may order any such child to be detained in such place and on such conditions as it thinks fit and while so detained the child shall be deemed to be in legal custody :

Provided that a child shall not be detained under this section for more than six months at a time and during such detention facilities for education shall be provided :

Provided further that on release from such detention the child shall continue to attend an approved school so long as he is liable under the Act for such attendance.

<sup>1</sup> Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "3".

<sup>2</sup> Section 11-A ins. by Sind I of 1946, s. 5.

<sup>3</sup> Ins. *ibid.*, s. 6 (a).

(2) The cost of detention of the child in such custody shall be borne by the parent and shall be recoverable as an arrear of land revenue.

<sup>1</sup>[(3) The Provincial Government may delegate its powers under sub-section (x) to the Director.]

13. No court shall take cognizance of an offence under this Act except on the complaint of the Director or some person authorised generally or specially by the Director in this behalf. Cognizance  
of offences.

14. (x) The Provincial Government may make rules<sup>2</sup> for the purpose of carrying out the provisions of this Act. Rules.

(2) In particular and without prejudice to the generality of the foregoing power rules may be made—

(a) prescribing the examinations under clause (4) of section 2;

(b) prescribing the school fees and the charges for the lodging and boarding of children admitted to approved schools;

<sup>3</sup>[(bb) prescribing the form of register to be maintained by the Director for recording the birth and death of a child reported under sub-section (x) of section 5A;]

(c) prescribing all matters which may be or are required by this Act to be prescribed.

(3) All rules made under this section shall be subject to the condition of being made after previous publication.

(4) Rules made under this section shall be laid upon the table of the Sind Legislative Assembly at the session of the said Assembly next following and shall be liable to be modified or rescinded by a resolution of the said Assembly and the modification or rescission so made shall, after publication by notification in the *Official Gazette*, be deemed to have come into force.

<sup>1</sup> Ins. by Sind I of 1946, s. 6 (b).

<sup>2</sup> For Rules, see G. N., G. D., No. 318-G.B./40/II, dated 11th August 1941, S. G. G. 1941, Pt. IV-A, pp. 737—741 as amended.

<sup>3</sup> Cl. (bb) ins. by Sind I of 1946, s. 7.