

ကင်းလွတ်ခွင့်။

၂၉။ ။ သဘောရိုးဖြင့် ဤအက်ဥပဒေအရသော်၎င်း၊ နည်းဥပဒေများအရ သော်၎င်း ပြုသည့်၊ သို့တည်းမဟုတ် ပြုရန်ကြံရွယ်သည့်ကိစ္စအတွက် မည်သူ့ကိုမျှ တရားမမှုဖြစ်စေ၊ ရာဇဝတ်မှု ဖြစ်စေ၊ အခြားတရားမှုခင်းဖြစ်စေ စွဲဆိုခြင်းမပြုရ။

ဇယား။

ပုဒ်မ ၁၄၊ ပုဒ်မခွဲ (၁) တွင်ရည်ညွှန်းသည့် တိုင်းရင်းဆေးဆရာအဖြစ် မှတ်ပုံတင်နိုင်ခွင့်ပေးရန် သတ်မှတ်ထားသောအရည်အချင်းများ။

(က) ၁၃၀၉ ခုနှစ်၊ နှစ်ဆန်း ၁ ရက် (၁၉၄၇ ခုနှစ်၊ ဧပြီလ ၁၆ ရက်) နေ့မတိုင်မီ ကစ၍ တိုင်းရင်းမြန်မာ ဆေးပညာအတတ်ဖြင့်၊ ဆေးကုသည့်အလုပ်ကို လုပ်ကိုင်လာခဲ့သူဖြစ်ကြောင်းကို တိုင်းရင်း ဆေးဆရာအဖွဲ့က ယုံကြည်လောက်သော အထောက်အထား ပြနိုင်သူ (သက်ဆိုင်ရာခရိုင်နှင့် အခြားယုံကြည်အားထားခံထိုက်သူ နှစ်ဦးထံမှရရှိသောထောက်ခံချက်များ သည် ဤကိစ္စအလို့ငှာ၊ ယုံကြည်လောက်သော အထောက်အထားဟု ယူဆရမည်)။

(ခ) တိုင်းရင်းဆေးဆရာအဖွဲ့က မှန်ကန်သင့်တော်သည်ဟု ယူဆသော ဆေးကျမ်း တစောင်စောင်ကိုပြုသူ။

(ဂ) နိုင်ငံတော်အစိုးရအသိအမှတ်ပြုပြီး တိုင်းရင်းမြန်မာဆေးကျောင်းတွင်၊ သို့တည်းမဟုတ် ဆေးတက္ကသိုလ်တွင်တက်ရောက်သင်ကြား၍ အောင်မြင်သည့်လက်မှတ်ရသူ။

B.—EDUCATION.

ခ။ ။ ပညာရေး။

THE PRIMARY EDUCATION ACT.

[BURMA ACT XX. 1940.] (1st December, 1941.)

Commence-
ment.

1. This Act shall come into force on such date ¹ as the President of the Union may, by notification, direct.

Definitions.

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

(i) “local authority”, in relation to a school, means the District Council or Municipal or Town Committee constituted under the Municipal Act, or the Municipal Corporation of the City of Rangoon, as the case may be, having authority over the area in which the school is or is proposed to be situated, and, where there is no such authority, the Deputy Commissioner having authority over such area ;

(ii) “child ” means a boy or girl, who has completed not less than six years and not more than eleven years of age, at the beginning of the school year in the area concerned ;

¹ This Act came into force on the 1st December, 1941; see *Burma Gazette*, 1941, Part I, page 1579.

- (iii) "guardian" means any person to whom the care, nurture or custody of a child falls by law or natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of a child, or to whom the care or custody of a child has been entrusted by lawful authority ;
- (iv) "primary education" means education in such subjects and up to such standards as are prescribed * * * * ;¹
- (v) "prescribed" means prescribed by the rules made by the President of the Union for the purposes of this Act ;
- (vi) "approved school" means a school or part of a school in which primary education is given and which is either--
 - (a) recognized under the [rules for the time being in force],² or
 - (b) approved by a local authority in accordance with the rules made under this Act.

3. A local authority may resolve to provide compulsory primary education in the whole or in any part of the area subject to its jurisdiction, in the case of children of either sex or both sexes, prepare a scheme therefor, and apply to the President of the Union for a declaration under section 6.

Resolution
by local
authority.

4. An application by the local authority under section 3 shall be made in the prescribed manner and the local authority shall furnish such further information in respect of the application as may be required by the President of the Union.

Application
by local
authority.

5. The President of the Union may direct a local authority to submit, within the time specified by him, a scheme to provide compulsory primary education in the whole or any part of the area subject to its jurisdiction, in the case of children of either sex or both sexes, with a statement of its finances and the ways and means of meeting its share of the cost of carrying out the scheme.

Notification
declaring
'primary
education'
compulsory.

6. The President of the Union may, after the submission to him of a scheme under the provisions of section 3 or section 5 or of section 9, declare by notification that primary education shall be compulsory in the whole or in any part of the area subject to the jurisdiction of a local authority, in the case of children of either sex or of both sexes.

Notification
declaring
primary
education
compulsory.

Such notification shall specify the date from which and the area in which primary education shall be compulsory, and public notice shall be given of the notification locally in the area concerned :

Provided that no such notification shall be issued unless the President of the Union is satisfied that the local authority is in a position to meet its share of the cost of carrying out the scheme.

¹ Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

² Substituted *ibid.*

Division of
financial res-
ponsibility.

7. When a declaration has been made under section 6, the Government shall bear not less than a quarter of the additional recurring and non-recurring annual cost that has to be incurred in carrying out the scheme, if the local authority is a Municipal or Town Committee or the Municipal Corporation of the City of Rangoon, not less than one-third of the said cost if the local authority is a District Council, and the whole of the said cost if the local authority is a Deputy Commissioner.

School
committees.

8. (1) When a notification has been issued under section 6, the local authority shall appoint one or more committees for the purpose of exercising the powers and performing the duties of the school committee under this Act.

(2) It shall be the duty of such school committee, subject to the provisions of this Act, to take action under the provisions of this Act respecting the attendance of children at school and the employment of children.

Compulsion
to submit
the scheme
or to keep it
in operation.

9. If a local authority fails to comply with a direction issued to it under section 5, or if it fails to bring into operation or continue to keep in operation a scheme in regard to which a notification has been issued under section 6, the President of the Union may, after enquiry, appoint a person to submit a scheme to bring the scheme into operation or to keep it in operation, as the case may be, and the expense thereof shall be paid by the local authority to Government. If the expense is not so paid the President of the Union may make an order directing any person who has, for the time being, custody of any moneys on behalf of the local authority as banker or otherwise to pay such expense from such money as he may have in his hands, or may from time to time receive, and such person shall be bound to obey such order.

Application
for cancella-
tion of noti-
fication.

10. A local authority may apply to the President of the Union to cancel the notification under section 6, if at any time it finds itself no longer in a position to carry out its obligations under this Act.

Duty of a
guardian.

11. When a notification under section 6 is in force in any area, the guardian of every child to whom the notification applies shall, if such child ordinarily resides in such area, in the absence of a reasonable excuse as hereinafter defined, cause such child to attend an approved school.

Reasonable
excuses.

12. Any of the following circumstances shall be deemed to be a reasonable excuse within the meaning of sections 11 and 14:—

- (i) that there is no accommodation in an approved school within a prescribed distance from the residence of the child ;
- (ii) that the child has been exempted by the school committee on religious grounds ;
- (iii) that the child is receiving otherwise than in an approved school instruction which in the opinion of the school committee is efficient ;
- (iv) that the child is certified by such authority as may be prescribed in this behalf to have completed a course of primary education ;

- (v) that the child has been granted temporary leave of absence from school, in accordance with regulations made under this Act by the local authority ;
- (vi) that the child is certified by a registered medical practitioner or by a Burmese *sesaya* or by three elders of the locality concerned to be unfit to attend school by reason of some bodily or mental defect or infirmity ;
- (vii) that the child has, with the consent of the prescribed authority, been exempted by the school committee for special reasons recorded by it in writing.

13. If the school committee is satisfied that a guardian, who is bound under the provisions of section 11 to cause a child to attend an approved school, has failed to do so, it may, after giving the guardian an opportunity of being heard, and after such inquiry as it considers necessary, serve him with an order directing him to cause such child to attend an approved school from a date which shall be specified in the order.

Direction to cause a child to attend school.

14. (1) Any guardian who has been served with an order under section 13, and who without reasonable excuse has failed to obey such order, shall, on conviction before a Magistrate or a village committee, be liable to a fine not exceeding five rupees.

Punishment of guardian for disobedience.

(2) Any guardian who, having been convicted of an offence under sub-section (1), continues to disobey the order passed under section 13 shall be liable to a further fine not exceeding one rupee for every day after the date of the first conviction during which he is proved in a subsequent proceeding before a Magistrate or a village committee to have persisted in disobeying the order.

15. Any person other than the guardian who, during the prescribed hours of attendance at school, utilizes on his own behalf or on behalf of any other person, in connection with any employment, whether for remuneration or otherwise, the services of any child whose guardian is required under this Act to cause him to attend an approved school shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty-five rupees.

Punishment for improper employment.

16. (1) No Magistrate or village committee shall take cognizance of an offence under section 14 or section 15 except on the complaint of the school committee concerned or a person authorized by the school committee by general or special order in this behalf : provided that the school committee or such person shall, before instituting a prosecution against any person, cause a warning to be given to him in writing.

Complaints.

(2) The school committee or such person may, instead of instituting or continuing a prosecution for an offence, compound the same on the payment by the person accused of such sum as it deems proper, not exceeding the amount of the fine with which such offence is punishable under this Act.

Fines and fund for compulsory education.

17. All sums realized on conviction or by way of composition under the provisions of this Act shall be credited to the local authority's fund for compulsory education.

Public servants.

18. Every member, officer or servant of a school committee, or any person authorized by a school committee to perform any duty under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

Power of exemption.

19. The President of the Union may, by notification, exempt any person or class of persons from the effect of a notification under section 6.

Compulsory education to be free.

20. No fee for primary education shall be charged in respect of any child compulsorily attending an approved school within an area in which a notification under section 6 is in force.

Power to make rules.

21. (1) The President of the Union may, after previous publication, make rules ¹ for carrying out the purposes of this Act.

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

- (a) prescribing the authorities mentioned in clauses (iv) and (vii) of section 12 ;
- (b) prescribing under clause (iv) of section 2 the standard of instruction in primary schools ;
- (c) prescribing the manner in which application may be made by the local authority under sections 3 and 10 and the particulars to be stated in such application ;
- (d) requiring the local authority to prepare and publish a register of children in the whole or in any part of the local authority's area ;
- (e) defining the conditions on which Government will bear its share of the cost of providing compulsory primary education ;
- (f) requiring the local authority to submit such returns as the President of the Union may think fit showing the action taken and the progress made by the local authority under this Act ; and
- (g) laying down the conditions of and the qualifications for the appointment of teachers with due regard to the educational needs of different communities in every locality.

Power to make regulations.

22. When a notification under section 6 is in force in any area the local authority may make regulations for such area consistent with this Act, prescribing—

- (a) the manner in which the school committee shall be constituted, its jurisdiction, the number of its members and their duties, powers and responsibilities ;

¹ For rules under this section, see *Burma Gazette*, 1942, Part I, page 47.

- (b) the steps which the school committee may take to secure the attendance of children at school, and the conditions under which leave of absence from school may be allowed ;
- (c) the jurisdiction of each school committee where more school committees than one are appointed ; and
- (d) the supply of text-books and educational requisites to the children of indigent or needy guardians free of charge.

**THE PRIMARY EDUCATION (TEMPORARY AMENDMENT)
ACT, 1950.**

[ACT XXI, 1950.] (9th May, 1950.)

It is hereby enacted as follows :—

1. (1) This Act shall come into force on such date¹ as the President may, by notification, appoint in this behalf.

(2) It shall remain in force until such date as the President may, by notification, direct that it shall no longer be in force.

2. So long as this Act remains in force, the Primary Education Act shall have effect as if :—

(i) for clause (i) of section 2 thereof the following were *substituted*, namely :—

“ (i) ‘ the authority ’ in relation to a school means the Director of Public Instruction, Burma, or his local official representative, the Inspector of Schools in charge of the area, except in the City of Rangoon, where the Municipal Corporation of the City of Rangoon shall be the authority ; ” ;

(ii) for the expression “ A local authority ” or “ a local authority ” or “ the local authority ” as the case may be wherever it occurs the expression “ The Authority ” or “ the authority ” as the case may be were *substituted* ;

(iii) in section 5 thereof the comma (.) after the words “ both sexes ” and the words following thereafter were *deleted* ;

(iv) in the proviso to section 6 thereof after the words “ is satisfied that ” the words “ in the City of Rangoon ” were *inserted* ;

(v) for section 7 thereof the following were *substituted*, namely :—

“ 7. When a declaration has been made under section 6, the Government shall bear all expenses, except that in the City of Rangoon, it shall bear not less than a quarter of the additional recurring and non-recurring annual cost that has to be incurred in carrying out the scheme.” ;

Financial
respon-
sibility.

¹ This Act came into force on the 9th May 1950 ; see *Burma Gazette*, 1950, Part 1, page 345.