

# BANGLADESH

## Primary Education (Compulsory) Act, 1990<sup>1</sup>

### Act No. 27

An Act made to provide for the obligation to primary education.

Whereas it is expedient to provide for the obligation to primary education;

Therefore the following Act is hereby made.

**1. Short title.** This Act may be called (Obligation to) Primary Education Act, 1990.

**2. Definitions.** Unless there is anything repugnant in the context, in this Act-

- a) "Guardian" means the child's father or, in his absence, the mother or, in the absence of both parents, any person taking care of the child.
- b) "Committee" means Obligation to Primary Education Committee established as under section 4.
- c) "Primary Education" means education for children determined or consented to by the Government.
- d) "Primary Education Institute" means any governmental or non-governmental educational institute where provision for primary education has been made.
- e) "Child" means any boy or girl between 6 and 10 years.

### **3. Obligation to primary education.**

(1) The Government may, by notification in the official Gazette, declare primary education obligatory in whatever area from whenever onwards.

(2) The guardian of any child dwelling permanently in a area where primary education is obligatory shall, in the absence of justified reasons, get his child admitted for the purpose of receiving primary education in a primary education institute of the said area in the vicinity of his place of residence.

(3) The "justified reasons" mentioned in subsection (1) shall be understood as the following reasons, namely:

- a) The impossibility of admitting a child in a primary education institute for illness or any other unavoidable reason.
- b) The non availability of a primary education institute within 2 kilometres of the dwelling place of the child.
- c) The impossibility of admitting a child in a primary education institute even if applied for.

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<sup>1</sup> Heidelberg University, South Asia Institute, *Bangladesh Law Translation Project*:  
<http://www.sai.uni-heidelberg.de/bdlaw/1990-a27.htm>

d) The decision of a primary education officer that the education a child is receiving at the time being is equivalent to a primary education.

e) The decision of a primary education officer that it is not desirable to enter a child in a primary education institute on account of it's being mentally retarded.

(4) In the areas where primary education shall be obligatory no person shall keep children engaged in such occupations as may prevent them from attending a primary education institute for the purpose of receiving primary education.

#### **4. Obligatory Primary Education Committee.**

(1) Every area where primary education shall be obligatory shall have a Committee called Obligatory Primary Education Committee for every ward of the union or municipal areas.

(2) The Committee for any union ward shall be formed by the following members, namely:

a) a member of the ward nominated by the Chairman of the Upazila Council, who shall be its Chairman too.

b) two patronizers of learning nominated by the Chairman of the Upazila Council after taking the advice of the Chairman of the Union Council.

c) two lady patronizers of learning nominated by the Chairman of the Upazila Council after taking the advice of the Chairman of the union Council.

d) the headmaster or lady principal of a primary education institute, who shall be it's secretary too.

(3) The Committee for any municipal area ward shall be formed by the following members, namely:

a) a ward commissioner nominated by the Mayor of the municipal corporation or the Chairman of the municipal meeting, who shall be it's Chairman too.

b) two patronizers of learning nominated by the said Mayor or Chairman after taking the advice of the ward commissioner.

c) two lady patronizers of learning nominated by the said Mayor or Chairman after taking the advice of the ward commissioner.

d) the headmaster or lady principal of the primary education institute, who shall be the secretary too.

(4) There being more than one primary education institute in a ward, the headmaster or lady principal of any of these shall be member of the Committee and the Chairman of the Upazila respectively the Mayor of the municipal corporation, or the Chairman of the municipal council shall decide who of those shall be secretary of the Committee.

## **5. Duties and Responsibilities of the Committee.**

(1) The Committee shall ensure that all children dwelling permanently in its area be entered in and regularly present at the primary education institute, and shall take for this purpose all measures it deems necessary or which are prescribed by the Government.

(2) The Committee shall prepare a list of all children dwelling permanently in its area, which shall contain the name of the child, the name of the guardian and the age of the child; the names of the children to be entered in a primary education institute or to be exempted therefrom shall be contained in the list separately.

(3) The list prepared according to subsection (2) shall be rectified every year in the last week of December; the names of those who cease to be children with the beginning of the new year shall be cancelled and the names of those who will be children entered.

(4) A copy of the list mentioned in subsection (2) and the rectified list mentioned in subsection (3) shall be sent to all primary education institutes situated within two kilometres of the primary education officer and the concerned ward.

(5) Every year in the last week of January, the headmaster or lady principal of any primary education institute shall send a list containing the names of all children entered in their institute to the concerned Committee and primary education officer.

(6) The headmaster or lady principal of any primary education institute shall send, in the first week of any month, a list containing the names of all children who had been absent for at least 7 days during the foregoing month to the concerned Committee and primary education officer.

(7) Where the Committee is satisfied that a child entered in its list has, without justified reasons, not been entered in a primary education institute or been absent for at least 7 days within a month without the approval of the headmaster or lady principal of the education institute, it may after hearing the statement of the guardian or, if necessary, investigating the case, give order that the guardian of the child, in case of the child's not having been admitted, admit the child within the term determined by the Committee in a primary education institute, or that, in case of the child's having been absent, he ensure that the child be present regularly at the education institute concerned.

## **6. Punishment.**

(1) If any Committee fails to accomplish its duties under this Act, any of its members shall be punished with a fine of not more than 200 Takas.

(2) If any guardian fails three times in a row to comply with an order given under section 5 (7), he shall be punished with a fine of not more than 200 Takas.

## **7. Cognizance of an offence.**

Without a complaint in written form by the Chairman of the Committee, no Court shall take cognizance of any offence under this Act.

## **8. Power to make rules.**

The Government may, by notification in the official Gazette, make rules for the purpose of this Act.