

AS INTRODUCED IN LOK SABHA

Bill No. 162 of 2019

THE FREE AND COMPULSORY PRIMARY, SECONDARY, HIGHER
AND TECHNICAL EDUCATION BILL, 2019

By

SHRI H. VASANTHA KUMAR, M.P.

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BILL

to provide for free and compulsory primary, secondary, higher and technical education to every child in order to eradicate illiteracy and overall development and for deterrent punishment to those who prevent their children from going to school and pursuing their studies in any manner and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Free and Compulsory Primary, Secondary, Higher and Technical Education Act, 2019.

Short title
and extent.

(2) It extends to the whole of India.

Definitions.	2. In this Act, unless the context otherwise requires,—	
	(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;	
	(b) "child" means a male or a female who has attained the age of four years but has not attained the age of twenty-five years;	5
	(c) "higher and technical education" means education beyond senior secondary level and includes education in the fields of law, theology, medicine, technology, business, music or art;	
	(d) "parent" in relation to a child includes guardian and every person who has the actual custody of the child for the time being;	10
	(e) "prescribed" means prescribed by rules made under this Act; and	
	(f) "primary and secondary education" means education in a school from primary to senior secondary level.	
Compulsory admission of children in school and prohibition on their employment.	3. (1) Notwithstanding any custom, usage or belief of any section of the society, every parent shall compulsorily admit his children in a school, on completion of four years of age in order to enable them to get primary education and shall not restrain him in any manner from attending the school.	15
	(2) No person including a parent shall engage a child in any household job or employ a child in a manner which prevents the child from attending the school and deprives him from primary, secondary, higher and technical education.	20
	(3) Whoever contravenes the provisions of sub-section (1) or (2) shall be guilty of an offence under this Act.	
Appropriate Government to provide free and compulsory primary, secondary, higher and technical education to every child.	4. (1) The appropriate Government shall provide free and compulsory primary, secondary, higher and technical education to every child, who is ordinarily residing within its territorial jurisdiction.	25
	(2) The appropriate Government shall establish adequate number of schools within its territorial jurisdiction including special schools for physically challenged children at such places as it may deem necessary with such basic facilities, as may be prescribed.	
	(3) If any child intends to pursue higher studies beyond the primary and secondary educational levels, the appropriate Government shall provide free higher and technical education to such child with all such facilities, as may be prescribed.	30
	(4) The appropriate Government shall provide the following facilities to every student enrolled in primary to secondary schools and in higher and technical educational institutions:—	
	(i) free books, note books and stationery items;	35
	(ii) free school uniforms;	
	(iii) free hostel facilities and meals;	
	(iv) free vocational training wherever necessary;	
	(v) scholarships in such cases, as may be prescribed; and	
	(vi) free transportation service between institute and hostel.	40
Central Government to provide adequate funds.	5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide necessary funds to the State Governments, from time to time, for carrying out the purposes of this Act.	
Penalty.	6. (1) If any person including a parent for any reason whatsoever, prevents or restrains or in any manner obstructs the child from receiving primary, secondary, higher or technical education, such person shall be liable to simple imprisonment for a term which may extend upto six months and also with a fine which may extend upto fifty thousand rupees.	45

(2) Whoever employs a child resulting in obstructing him from attending the school for primary and secondary education shall be liable to imprisonment for a term which shall not be less than two years but may extend upto five years and also with fine which may extend upto one lakh rupees.

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7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offences under this Act shall be cognizable.

Offences to be cognizable.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

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9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

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(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Article 21A of the Constitution provides that it is the responsibility of the State to provide free and compulsory education to all children of age six to fourteen years. Although, Government has taken many steps in this regard but they are inadequate. We have not been able to provide education to all children even after seventy-one years of independence.

The ability to read and write is an essential element of human capability. Literacy is the first step towards acquiring tools of learning and opening the doors for knowledge and information. Education expands opportunities for human beings, empowers them to resist oppression and to claim their rights.

Our education system is very expensive and all citizens cannot afford it. The poor parents with meagre incomes are unable to send their children to school for primary, secondary, higher and technical education. Therefore, it is necessary to provide textbooks, scholarships, hostel facilities, etc. to the poor students so that parents are encouraged to send their children to school to pursue higher studies thereafter. Therefore, it is necessary to provide for free and compulsory education at all levels including primary, secondary, higher and technical education with scholarships to meritorious students.

Hence this Bill.

NEW DELHI;
June 26, 2019.

H. VASANTHA KUMAR

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for free and compulsory education to children by opening adequate number of schools including special schools for physically challenged children. Clause 5 provides that Central Government shall provide necessary funds to the State Governments for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A sum of rupees fifty crore will also be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

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(Shri H. Vasantha Kumar, M.P.)