

AS INTRODUCED IN LOK SABHA

Bill No. 235 of 2019

**THE ESTABLISHMENT OF SCHOOLS UPTO SENIOR SECONDARY
LEVEL BILL, 2019**

By

SHRI SUNIL KUMAR SINGH, M.P.

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BILL

*to establish schools imparting education upto senior secondary level free of cost to all
children in the country.*

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

1. (1) This Act may be called the Establishment of Schools upto Senior Secondary Level Act, 2019.

Short title,
extent and
commencement.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) “appropriate Government” means in case of a State, the Government of that State and in all other cases, the Central Government; and

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(b) "child" means a boy or a girl who has not attained the age of eighteen years.

Establishment
of schools
upto senior
secondary
level.

3. (I) The appropriate Government shall establish adequate number of schools upto senior secondary level to impart education to children from classes first to twelfth standard.

(2) For the purpose of sub-section (1), the appropriate Government may, if it deems necessary, upgrade any of the existing primary, middle or secondary school to senior secondary level.

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(3) Notwithstanding anything in sub-section (1), there shall be atleast one senior secondary school per one thousand population in every area.

Facilities to
be provided
to the
students
enrolled in
schools.

4. The appropriate Government shall provide the following facilities to every child enrolled in a school established or upgraded under section 3:—

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(i) cost of admission and all other expenditure including tuition fee shall be borne by the appropriate Government;

(ii) books, notebooks and all other stationery items free of cost;

(iii) free hostel facilities, whenever necessary; and

(iv) scholarship in deserving cases.

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Duty of
parents to
send their
wards to
schools.

5. (I) It shall be compulsory for every parent to admit their wards in school for the purpose of education upto senior secondary level.

(2) No person shall employ any child in any job which prevents him from attending school.

Penalty.

6. Whoever prevents any child from getting education upto senior secondary level shall be punished with simple imprisonment for a term which may extend to six months.

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Grants by the
Central
Government.

7. (I) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the State Governments by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

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Act not in
derogation of
other laws.

8. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force in relation to any of the matters provided under this Act.

Power to
make rules.

9. (I) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

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(2) Every rule made under this Act by the Central Government 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.

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(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

STATEMENT OF OBJECTS AND REASONS

A large number of primary, middle and secondary schools have been established by the State Governments in the States. However, the students especially in big cities, have to face hardships in securing admission to senior secondary schools because, in most of the cases, the last attended school imparts education upto primary, middle or secondary level. Students are compelled to run to district education office, schools and other authorities to get recommendations or relevant certificates to fulfil the formalities for admission in senior secondary schools. In such a situation, it is quite natural that the children as well as parents have to suffer mental agony.

Therefore, it has become necessary in the public interest to provide for the establishment of schools imparting education from classes first to twelfth or upgrade the existing primary, middle or secondary level schools to senior secondary level.

Hence this Bill.

NEW DELHI;
November 5, 2019.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of adequate number of schools or upgrade the existing primary, middle or secondary level schools upto senior secondary level. Clause 4 provides that the appropriate Government shall bear the cost of admission and all other expenditure including providing of free of cost books, note books, stationery items, hostel facility and scholarship to the students enrolled in schools. Clause 7 provides that the Central Government shall provide funds to the State Governments for establishment of schools. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees seventy five crore per annum.

A non-recurring expenditure of about rupees ninety five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

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(*Shri Sunil Kumar Singh, M.P.*)