

Bill No. 259 of 2024

THE ENROLLMENT OF THE CHILDREN OF GOVERNMENT
EMPLOYEES IN GOVERNMENT SCHOOLS
(PROMOTION) BILL, 2024

By

Ms. IQRA CHOUDHARY, M.P.

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BILL

*to improve the quality of government schools by incentivising government employees to
enrol their students in such schools and or matters connected therewith
and incidental thereto.*

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Enrollment of Children of Government Employees in Government Schools (Promotion) Act, 2024.

Short title and
commencement

5 (2) 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—

(i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;

(ii) in relation to a school, other than the school referred to in sub-clause (i), established within the territory of—

(a) a State, the State Government; and

(b) a Union territory having legislature, the Government of that Union territory;

(b) “child with disability” includes— a child as defined under Section 2(ee) of the Right of Children to Free and Compulsory Education Act, 2009

(c) “government employee” means—

(i) all persons in the civil services of the Central Government or holding civil posts under that government and paid out of the Consolidated Fund of India;

(ii) and all government servants of States and the local authorities; and

(iii) Members of the Parliament and Members of Legislative Assemblies of States and the local authorities.

(d) “government school” means— a school as defined under sub-clause (1) of clause (n) of section 2 of the Right to Free and Compulsory Education Act, 2009;

(e) “local authority refers to means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village; and

(f) “prescribed” means prescribed by rules made under this Act.

Promotion of Government Schools for Government Employees’ Children.

3. The appropriate government shall promote, among their employee for enrolling their children in government schools:

Provided that nothing in this Act shall restrict the Government employees to enroll their children to schools other than government schools.

Incentives for the employees.

4. The appropriate government shall provide incentives to government employees who enroll their children to government schools for a continuous period of three years, including but not limited to,—

(a) increase in child education allowance, including for children with disabilities;

(b) increase in hostel subsidy, if applicable;

(c) relaxation in the transfer of the government employee in order to prevent disruption of the education of the child;

(d) additional leaves and preference during promotion and any other incentive as the appropriate Government deem fit for the promotion of government schools.

Benefits for children of government employees enrolled in Government Schools.

5. The appropriate government shall confer, benefits to the children of the government employee who are enrolled in Government schools, including but not limited to,—

(a) priority for admissions in government colleges if the child has completed his higher education from the Government schools;

(b) access to government courses for skill development and training at subsidised rates;

(c) financial support for extracurricular activities includes representing the

state or nation in competitions, both domestic and international; and

(d) such other benefits for the children as the appropriate Government may deem fit.

5 6. (1) For the purpose of this Act, the appropriate Government shall constitute a Committee to be known as the Government School Performance Evaluation Committee to evaluate the quality and performance of government schools under its jurisdiction.

Government
School
Performance
Evaluation
Committee.

(2) The Committee shall consist of –

(a) The Education minister of the State, ex-officio Chairperson;

10 (b) two senior government employees whose children are or have been enrolled in government schools, member

(c) two principals of government schools to be nominated by the State Government, member; and

(d) two Members of Civil Society working in the education sector, member to be nominated by the appropriate Government in such manner as may be prescribed.

15 (3) The Committee shall meet at least four times in a year.

(4) The appropriate Governments may also, if required, set up district or zonal committees in their states if it deems fit for carrying out the purposes of this Act.

20 **(5) The salaries and allowances payable to and other terms and conditions of service of the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.**

7. (1) The Committee shall,–

Powers, Duties
and Functions of
the Committee.

(a) conduct regular evaluations, prepare and submit reports on the functioning of Government school highlighting the actions required from the appropriate government, local authority and any other body overseeing government schools;

25 (2) regularly prepare Action Taken Reports to assess the suggested changes are being implemented in the Government schools;

(3) maintain a list of government employees whose children are enrolled in government schools; and

30 (4) coordinate with the appropriate government for the delivery of incentives and any other functions that the appropriate Government may deem fit.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the implementation of the provisions of the Act.

Central
Government to
provide funds.

35 9. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Act not in
derogation of
any other law.

10. (1) The appropriate Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

Power to make
Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:–

40 (a) The kinds of incentives to be provided to government employees under section 4;

(b) The benefits to be enjoyed by children of government employees under section 5;

(c) The fees and allowances that may be paid to the members of the Government School Performance Evaluation Committee for attending its meetings under sub-section (2) of section 6;

45 (d) The quorum for meetings for the Committee set up under section 6.

(3) 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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(4) 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

In 2015, Hon'ble Justice Sudhir Agarwal of the Allahabad High Court observed in the case of Shiv Kumar Pathak and others v State of Uttar Pradesh and others (WRIT-A No. -57476 of 2013) that to improve the poor conditions of the government primary schools, the public administration that oversees the functioning of these schools must have a real interest in these schools. The judgement observed that if government servants are compelled to send their own children for primary education in government institutions, they will look into the standards of such schools so that their children are provided with the best facilities. The judgement ordered the Chief Secretary of the Uttar Pradesh government to ensure that children of government employees and all persons who receive any perk, benefit or salary etc. from the State exchequer or public fund are sent to primary schools run by the Uttar Pradesh Board of Primary Education.

This Bill aims to incentivise government employees to send their children to government schools to encourage them to improve the quality of such schools. Government schools could foster social cohesion and offer diverse social exposure to students from various classes by integrating children from different socio-economic backgrounds in the same educational environment.

The Bill also empowers State Governments to set up a Government School Performance Evaluation Committee to assess the performance of government schools with a lens of how the administration can contribute to its better functioning.

Hence this Bill.

NEW DELHI;
November 12, 2024

IQRA CHOUDHARY

FINANCIAL MEMORANDUM

Clause 4 of the bill provides for incentives for government employees in order to motivate them to send their children to government schools to be provided by the appropriate government. Clause 5 of the bill also provides for benefits to the children of government employees to be provided by the appropriate government. Clause 8 stipulates that Central Government shall provide funds for implementation of this Act. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. At this stage it is not possible to estimate the expenditure.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the appropriate 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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(Ms. Iqra Choudhary, M.P.)