

Bill No. 270 of 2024

THE HIGHER EDUCATION SCHOOL, GRADUATE SCHOOL AND
UNIVERSITY (FREEDOM OF SPEECH), BILL 2024

By

ADV. GOWAAL K. PADAVI, M.P.

A

BILL

*to make provision in relation to freedom of speech and academic freedom in
Higher Education School, Graduate School, Universities, other
educational institutions and in students' unions and
for matters connected therewith.*

WHEREAS promoting amongst the citizens equality, fraternity and assuring
dignity of an individual is enshrined as one of the goals in the Preamble to the
Constitution of India;

AND WHEREAS, the free speech is one of the foundations of the Constitution;

AND WHEREAS, the freedom of speech is enshrined in the Fundamental
Rights enshrined in Part III of the Constitution:

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 Higher Education School, Graduate School
and University (Freedom of Speech) Act, 2024.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

(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 the case of a State the Government of that State and in all other cases, the Central Government;

(b) “education provider” means an organization or individual that offers education or related services, support, or assistance;

(c) “Governing Body” means a group of people who formulate the policy and direct the affairs of a higher education school, graduate school or a University in partnership especially on a voluntary or part-time basis as constituted under section 5;

(d) “graduate school” means a higher education school that offers advanced academic degrees and other qualifications, such as certificates and diplomas;

(e) “higher education school” means the level of education that follows secondary education and provides advanced academic and professional knowledge and skills;

(f) “prescribed” means prescribed by Rules made under this Act;

(g) “Student Union” means a student-led organization that represents students at a college or a university;

(h) “University” means an institution that provides the highest level of education, in which students study for degrees and in which academic research is done.

Duty to take steps to secure freedom of speech.

3.(1) The governing body of a registered higher education provider shall take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective for the,—

(a) academic workers, academic staff, security and other staff of the education provider;

(b) members of the education provider;

(c) students, interns and other pupils of the education provider;

(d) teaching faculty, professors and other educators etc. of the education provider; and

(e) visiting speakers, lecturers and others of the education provider.

4. The Freedom of speech referred to means,—

(a) in relation to an individual, their ideas, their research, their beliefs or views;

(b) in relation to a body, its policy or objectives or the ideas, beliefs or views of any of its members;

(c) freedom in respect of access to all information;

(d) freedom as to publication of articles;

(e) freedom as to circulation of information in all means;

(f) freedom in expression of speech, writing, art, culture and actions;

(g) to question and test received wisdom; and

(h) to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of being adversely affected in any of the ways.

Constitution of the governing body.

5. The governing body of a registered education provider shall consist of,—

(a) the Principal or the Dean of the education provider;

(b) one trustee of the education provider; and

(c) one member who shall be a woman.

Duty of Student Unions.

6. Every students’ union for students at a registered education provider that is eligible for financial support shall,—

(a) take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective.

- (b) uphold the values relating to freedom of speech and expression; and
- (c) forward complaints to the governing body in such manner as may be prescribed with regard to freedom of speech.

5 **7. (1)** No complaint against violation of freedom of speech shall be referred to the Governing Body under this Act,—

Complaints
when to be
registered.

(a) unless the complainant has exhausted any internal procedure for the review of complaints which is provided by the registered education provider, or students' union;

10 (b) if the subject-matter of the complaint is being, or has been, dealt with in another student complaint; and

(c) if proceedings relating to the subject-matter of the complaint, to which the complainant is or was a party, are being, or have been, dealt with by a court or tribunal.

15 (2) Every complaint regarding violation of freedom of speech shall be filed speech with-in a time limit specified in this behalf by the governing body.

8. (1) The Central Government may issue such guidelines to the appropriate Government or, as the case may be, the local authority, as it deems fit for carrying out the provisions of this Act.

Power to issue
directions.

20 (2) The appropriate Government may issue guidelines and give such directions, as it deems fit, to the local authority or the governing body regarding implementation of the provisions of this Act.

(3) The local authority may issue guidelines and give such directions, as it deems fit, to the governing body regarding implementation of the provisions of this Act.

25 **9. (1)** The appropriate Government may, 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:

(a) guidelines for the practices of the student union;

(b) internal grievance redressal system or complaint system;

30 (c) manner and limit for hearing the complaints;

(d) composition of the committee of the General body to hear the complaints; and

(e) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

35 (3) Every rule, notification and guidelines made or issued by the State Government under this Act shall, as soon as may be after it is made or issued, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

40 **10. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

45 (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

In pursuance of Article 19 of the Constitution, it is necessary to guarantee and protect the Freedom of Speech of students in an academic institution.

Freedom of speech is enshrined in the Constitution of India and forms an integral part of the Constitution. Freedom of speech lies at the foundation of all democratic organizations, for without free political discussion no public education, so essential for the proper functioning of the process of popular Government, is possible. The Constitution guarantees it's citizens the right to form associations or unions. Citizens have the freedom to form social, cultural, economic, or political associations or unions.

Providing for freedom of speech for students in academic institutions which include graduate school, high school, universities and other academic institutes of this country is very crucial to encourage participation of students and youth in nation building for the holistic development of academic institutes, fair and equitable discussion of intellectual dialogue among is the need of hour. Also to provide exchange of ideas whether written, oral, virtual, or visual representations, gestures and other means of expressions is a necessity. The proposed Bill seeks to instill mechanism in the education institutions which will ensure the freedom of speech and expression in these places and also provide for mechanism to address grievances related to violation of freedom of expression.

Hence this Bill.

NEW DELHI;
November 12, 2024.

GOWAAL K. PADAVI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only the delegation of legislative power is of a normal character.

LOK SABHA

A

BILL

to make provision in relation to freedom of speech and academic freedom in Higher
Education School, Graduate School, Universities and other educational
institutions and in students' unions and for matters
connected therewith.

.

(Adv. Gowaal K. Padavi, M.P.)