

AS INTRODUCED IN LOK SABHA

**Bill No. 344 of 2019**

THE ESTABLISHMENT OF SPECIAL SCHOOLS FOR MENTALLY  
RETARDED CHILDREN BILL, 2019

By

SHRI MANOJ KOTAK, M.P.

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BILL

*to provide for establishment of special schools including residential schools for  
mentally retarded children by the Union and the State Governments and for  
matters connected therewith or 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 as the Establishment of Special Schools for Mentally Retarded Children Act, 2019.

Short title and  
commencement.

(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 in the case of a State, the Government of that State and in all other cases, the Central Government; 5

(b) "Child" means a boy or a girl who is below the age of twenty years;

(c) "Committee" means the Schools Management Committee constituted by the appropriate Government under section 4;

(d) "mentally retarded child" means a child with a condition of arrest or incomplete development of mind which is specially characterized by sub-normality of intelligence; 10

(e) "residential or non-residential school" means an institution or home which is run privately or with the Government aid for the education and protection of mentally retarded children; and

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

Setting up of schools and providing education and employment to mentally retarded children.

3. The appropriate Government shall,— 15

(i) establish, residential or non-residential schools for mentally retarded children in every district;

(ii) prescribe syllabus for mentally retarded children as per their capabilities;

(iii) provide food, adequate care, protection, lodging and boarding, books, stationery items and uniform free of cost; and 20

(iv) provide job oriented professional education and training for self employment to mentally retarded children after they complete their school education according to their capability.

Residential Schools Management Committee.

4. (1) The appropriate Government shall set up a local Committee in every district to be known as the Schools Management Committee to look into issues relating to admissions and management of residential or non-residential schools. 25

(2) The Committee shall consist of—

(a) the District Magistrate who shall be the Chairperson *ex-officio*; and

(b) not more than five members from amongst the persons living in that district and have knowledge in the field of child welfare, to be nominated by the Chairperson. 30

(3) The appropriate Government shall provide to the Committee such number of officers and staff as may be necessary for the efficient functioning of the Committee.

Facilities to be provided in residential schools.

5. (1) The appropriate Government shall appoint—

(i) well trained teachers who have experience of teaching mentally retarded children and addressing their special needs; and 35

(ii) such number of administrative personnel for better management of residential schools as it may be deem necessary.

(2) The salary and allowances payable to and other terms and conditions of service of the teachers and non-teaching staff of residential schools shall be such as may be prescribed.

Central Government to provide funds.

6. The Central Government shall, after due appropriation made by Parliament, by law, in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act. 40

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding  
effect of the  
Act.

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

Power to make  
rules.

5 (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  
10 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.

15 (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

According to the Ministry of Social Justice and Empowerment, one child out of one hundred and ten children is a victim of autism and one out of seventy children is affected by this disease. Such children are being treated with medicines, symptomatic relief, special education, occupational speech and behavioural therapy. In USA, one child out of sixty-eight children is having the problem of autism. About one million cases of autism are registered in the country every year.

Presently, about one crore children are affected by this disease in India, who are being treated with medicines, symptomatic relief, special education, occupational speech and behavioral therapy. Upbringing of children with autistic symptoms, is a challenge for parents, specially mothers, because it is a tiresome, time taking treatment involving process like solo ride of roller coaster.

Autism is a childhood disorder which reflects the difficulty in speaking, over activeness, aggressive behaviour and problems in social gathering. It is difficult to send an autistic child to school. It may be a challenge for teachers and also a compromise with other children, to make adjustments for an autistic child in a regular class. There is a requirement to establish special schools for these special children. Autism Spectrum Disorder (ASD) is a neurological disorder; which affects the general working of brain. It also affects social interaction and development in the areas of communication skill and it is difficult to send an autistic child to school. It may be a challenge for the teachers and to adjust such a child with other children, to properly make arrangement for an autistic child in a regular class. Establishment of a special school for these special children requires a lot of effort and responsibility.

Albert Einstein, Issac Newton, Maire Curie and Charls Robert Darwin are some of the scientists, who were afflicted with autism. Despite this, they proved their mettle to the world.

If, special schools for mentally retarded children are established in India such children shall not only groom in the mainstream but also take country to a new height. Children with autism required special attention and various factors must be considered for the atmosphere provided to such children. The teachers play an important role in the process of teaching the children with special education. It requires special training and specialisation to teach these children. They require the help of highly competent professionals in this regard, who can understand their needs and prepare the curriculum as per the requirement of the child.

To save the mentally retarded children from the difficulties, establishment of special schools for mentally retarded children in India with the initiative of the greatest temple of democracy i.e. the Parliament is the need of the hour.

Hence this Bill.

NEW DELHI;

*November 6, 2019.*

MANOJ KOTAK

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of residential or non-residential schools to impart education and training to mentally retarded children. Clause 4 provides for setting up of a School Management Committee in every district. Clause 5 provides for appointment of teachers and non-teaching staff alongwith all basic facilities in residential schools. Clause 6 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, is likely to 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 non-recurring expenditure of about rupees fifty crore is also likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 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.

LOK SABHA

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