

Bill No. XCV of 2022

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION (AMENDMENT) BILL, 2022

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BILL

further to amend the Right of Children to Free and Compulsory Education Act, 2009.

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

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2022. 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.

35 of 2009. 2. In section 2 of the Right of Children to Free and Compulsory Education Act, 2009, (hereinafter referred to as the principal Act) after clause (g), the following clause shall be inserted, namely,— Amendment of section 2.

10 “(ga) “health care services and emergency medical aid” means diagnosis, prevention, treatment, cure, or relief of a physical, mental, or behavioural health condition illness, or disease, including mental health and substance use disorders;”.

- Amendment of section 8. **3.** In section 8 of the principal Act, after clause (d), the following clause shall be inserted, namely,—
- “(da) formulate a scheme within ninety days from the commencement of this Act to provide free health care services and emergency medical aid to every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, during the course of education; 5
- Explanation 1.*—The term “course of education means the time during which a child is present at an educational institution for education or education related activities;
- Explanation 2.*—Notwithstanding anything contained in any law for the time being in force this clause shall apply to school as defined under this Act.”. 10
- Insertion of new section 19A. **4.** After section 19 of the principal Act, the following new section shall be inserted, namely,—
- Duty of school. **“19A.** It shall be the duty of every school, as defined under this Act, to provide health care services and emergency medical aid to all children who have been enrolled as a student of their institution during the course of education, in a manner as may be prescribed.”. 15
- Insertion of new section 35A. **5.** After section 35 of the principal Act, the following new section shall be inserted, namely,—
- Penalty. **“35A.** Any school or person who fails to comply with the provisions of clause (da) of section 8 or section 19A, shall be punishable with a fine which may extend up to five lakh rupees.”. 20

STATEMENT OF OBJECTS AND REASONS

The right to health is an inalienable right enshrined under the Constitution of India, a corollary right which shall be protected by the State in its *parens patriae* role. The value of right to health can be explained at its best from a Kantian perspective, which says that, every human being has an intrinsic worth which makes them valuable above all price.

Right to education also became a Constitutional as well as a statutory right which got realised by the Right of Children to Free and Compulsory Education Act, 2009.

Albeit the fact that right to education are logical corollaries and complementary to each other, right of a child to health care services and emergency medical aid during education is silent in the present laws. As a universal principle, educational right can be enjoyed by a child with good health, which can only be realised by right to health care services and emergency medical aid during the course of education.

The Bill therefore proposes to insert, in Right of Children to Free and Compulsory Education Act, 2009 provisions for free health care services and emergency medical aid to every child of the age of six to fourteen years.

Hence, this Bill.

A.A. RAHIM.

RAJYA SABHA

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further to amend the Right of Children to Free and Compulsory Education Act, 2009.

(Shri A. A. Rahim, M.P.)