

Bill No. XXXIII of 2026

THE FREE EDUCATION (SECONDARY TO
UNDERGRADUATE LEVEL) BILL, 2026

A
BILL

*to provide for free education to all children from the ninth class up
to the completion of Undergraduate Degree, in order to
secure substantive equality, eliminate structural
barriers to higher learning; and fulfil the
constitutional mandate of social,
economic and educational
justice; and for matters
connected therewith
or incidental
thereto.*

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

CHAPTER I

PRELIMINARY

- 5 1. (1) This Act may be called the Free Education (Secondary to Undergraduate Level) Act, 2026.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

Short title and
commencement.

CHAPTER II

DEFINITIONS

Definitions.

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

(a) “appropriate Government” means—

(i) in relation to an educational institution established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government; 5

(ii) in relation to an educational institution, other than the institution referred to in sub-clause (i), established within the territory of — 10

(A) a State, the State Government;

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

(b) “capitation fee” means any kind of donation or contribution or payment other than the fee notified by the school; 15

(c) “educational institution” means a recognized school, college, university or other institution imparting secondary education or higher education, as the case may be;

(d) “eligible person” means any citizen of India, who has obtained the certificate of completion, in such form and in such manner, as may be prescribed, of — 20

(i) eighth class, for the purpose of admission to secondary education; and

(ii) twelfth class, for the purpose of admission to undergraduate education; 25

(e) “free education” means education for which no tuition fee, capitation fee or any other compulsory charge shall be levied;

(f) “Fund” means the National Fund for Universal Secondary and Higher Education established under section 8; 30

(g) “neighbourhood educational institution” means an educational institution imparting secondary education, and which is situated within such reasonable distance from the residence of an eligible person as may be prescribed; 35

(h) “prescribed” means prescribed by rules made under this Act;

(i) “secondary education” means education imparted from ninth class to twelfth class in a recognised educational institution; and 40

(j) “undergraduate education” means any first degree programme conducted by a recognised university or higher educational institution.

CHAPTER III

RIGHT TO FREE EDUCATION

Right to free secondary

3. (1) Every eligible person shall have the right to free secondary education in a neighbourhood educational institution. 45

education.

(2) No eligible person shall be denied admission to secondary education on grounds only of caste, religion, gender, disability, language, socio-economic background, migration status, or place of birth.

5 (3) Every person completing his secondary education shall be awarded a certificate, in such form and in such manner, as may be prescribed.

4. **The appropriate Government shall take such measures as may be necessary to give effect to free secondary education under this Act and, in particular, ensure—**

Duties of the appropriate Government for free secondary education.

10 (a) **availability of adequate neighbourhood educational institutions;**

(b) **appointment of duly qualified teachers and staff in such pupil-teacher ratio and possessing such minimum qualifications as may be prescribed;**

15 (c) **the provision of free textbooks, learning materials and access to appropriate digital resources for eligible persons;**

(d) **the provision of necessary facilities for persons with disabilities and appropriate support measures for persons belonging to disadvantaged categories; and**

20 (e) **such other measures as may be necessary to give effect to the right to free secondary education under this Act.**

5. (1) Every eligible person shall have the right to pursue one free undergraduate education in any recognised educational institution.

Right to free undergraduate education.

25 (2) No eligible person shall be denied admission to an undergraduate degree programme in an educational institution on grounds only of caste, religion, gender, disability, language, socio-economic background, migration status, or place of birth.

(3) Every person completing his undergraduate education shall be awarded a certificate, in such form and in such manner, as may be prescribed.

30 6. **The appropriate Government shall take such measures as may be necessary to give effect to free undergraduate education under this Act and, in particular, shall –**

Duties of the appropriate Government for free undergraduate education.

(a) **establish, maintain and adequately fund educational institutions imparting higher education;**

35 (b) **augment and maintain adequate capacity in educational institutions imparting higher education, so as to progressively ensure that no eligible person is denied admission to an undergraduate degree programme solely on account of lack of institutional capacity;**

40 (c) **provide, in such manner as may be prescribed, scholarships, hostels, transport facilities and appropriate academic support to eligible persons;**

(d) **ensure the maintenance of uniform standards of quality in educational institutions through appropriate regulatory mechanisms;**

45 (e) **endeavour to progressively increase public expenditure on education to realise the objectives of this Act; and**

(f) **take such other measures as may be necessary or expedient to give full effect to the right to free undergraduate education under this Act.**

Prohibition of
capitation fee
and
screening.

7. No educational institution shall collect capitation fee or levy any other charge, or subject any student to discriminatory screening procedures inconsistent with merit and constitutional principles.

CHAPTER IV

NATIONAL FUND FOR UNIVERSAL SECONDARY AND HIGHER EDUCATION 5

National
Fund for
Universal
Secondary
and Higher
Education.

8. **(1) The Central Government and the State Governments shall have concurrent responsibility for providing funds to meet the expenditure required for carrying out the provisions of this Act, in such manner as may be prescribed.**
- (2) The Central Government may, in consultation and concurrence with the States, establish, by notification in the Official Gazette, a National Fund for Universal Secondary and Higher Education for the purposes of this Act.** 10
- (3) The Fund shall be administered by the Central Government, in consultation with the State Governments, and there shall be credited thereto any sums of money provided by the Central and State Governments, in such ratio and in such manner as may be prescribed.** 15

CHAPTER V

MISCELLANEOUS

Power to
make rules.

9. **(1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.** 20
- (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 notification or both Houses agree that the rule or notification should not be made, the rule or notification 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 or notification.** 25
- (3) Every rule or notification made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.** 35

Act not in
derogation of
any other law.

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

Power to
remove
difficulties.

11. If any difficulty arises in giving effect to the provisions of this Act, the appropriate Government, may, by order, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty 40

STATEMENT OF OBJECTS AND REASONS

The Constitution of India envisions a social order in which justice - social, economic and political - informs all institutions of life. While Article 21A guarantees free and compulsory education to children between the ages of six and fourteen, the realities of contemporary India demonstrate that education up to Class VIII is insufficient to secure meaningful equality or economic mobility.

The transition from elementary to secondary and higher education remains the most decisive point of exclusion. Financial barriers, social discrimination and increasing commercialisation prevent lakhs of capable students from pursuing further studies. The lack of access to secondary and undergraduate education perpetuates intergenerational poverty, weakens democratic participation and undermines national development.

In a knowledge-driven global economy, secondary education has become the minimum threshold of literacy, and undergraduate education the gateway to dignified employment. Without universal access to these levels, constitutional guarantees of equality remain formal rather than substantive.

This Bill seeks to extend the principle underlying the Right of Children to Free and Compulsory Education Act, 2009, to secondary and undergraduate education, thereby transforming education from a limited entitlement into a comprehensive right consistent with constitutional principles.

The Bill seeks to achieve the above objectives.

JOHN BRITTAS.

FINANCIAL MEMORANDUM

Clauses 4 and 6 of the Bill provides for the measures to be taken by the appropriate Government for ensuring the right to free secondary and undergraduate education respectively. Clause 8 provides for establishment of National Fund for Universal Secondary and Higher Education which shall be funded by Central and State Governments, in such ratio and in such manner as may be prescribed.

Though the exact quantum of expenditure cannot be estimated at this stage, the expenditure shall constitute long-term capital investment in human development and national productivity.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India and that of States. However, at this stage, it is not possible to quantify the recurring or non-recurring expenditure involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the Act. Clause 11 empowers the appropriate Government to make such provision, by order, as may appear necessary for removing the difficulty in giving effect to the provisions of the Bill.

As the matters in respect of which rules and orders may be made under the aforesaid provisions are matters of procedural or administrative detail only, the delegation of legislative powers is, therefore, of a normal character.

RAJYA SABHA

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BILL

to provide for free education to all children from the ninth class up to the completion of Undergraduate Degree, in order to secure substantive equality, eliminate structural barriers to higher learning; and fulfil the constitutional mandate of social, economic and educational justice; and for matters connected therewith or incidental thereto.

(Dr. John Brittas, M.P.)