

AS INTRODUCED IN THE RAJYA SABHA
ON THE 18TH DECEMBER, 2015

Bill No. LVIII of 2015

THE CONSTITUTION (AMENDMENT) BILL, 2015

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BILL

further to amend the Constitution of India.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constituion (Amendment) Act, 2015.

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.

5 **2.** In article 324 of the Constitution, for clause (6), the following clause shall be substituted, namely:—

Amendment
of article 324.

10 "(6) The President, or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff, excluding school teachers, as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1) ".

STATEMENT OF OBJECTS AND REASONS

Although holding elections is a sovereign function of the State and is imperative to upholding the democratic values, the appointment of teachers as election officers has resulted in absence of teachers from school unfinished courses, poor results and high dropout rates. Thus, it has contributed to the lowering of the quality of education of government schools.

Article 21A of the Constitution of India provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. Hence, the right to education is now a fundamental right that is enforceable by law.

Further, section 27 of the Right of children to free and compulsory education Act, 2009 aims to ensure that the teachers are free from deployment for non-educational purposes, so as to enable them to spend time on equipping themselves for classroom related activities.

The Supreme Court, in the 2007 judgment of Election Commission of India v. St. Mary's School and others observed that teachers should not be assigned the duties of revision of electoral rolls or other works relating to election duties that would adversely affect the imparting of education by them. Accordingly, teachers were supposed to be assigned election duties only on Sundays and other holidays.

Moreover, the Ministry of Human Resource Development has taken note of the above mentioned judgement and called upon the appropriate government and local bodies to take note of the guidelines laid down by the Supreme Court while appointing teachers on election duty.

However, these laws and guidelines have failed to ensure that the Election Commission does not appoint teachers for election duty during school hours. This has resulted in students losing several days of class study.

Hence this Bill.

TIRUCHISIVA

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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324. (1)	*	*	*	*
(2)	*	*	*	*
(3)	*	*	*	*
(4)	*	*	*	*
(5)	*	*	*	*
				Superintendence, direction and control of elections to be vested in an Election Commission.

(6) The President, or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary, for the discharge of the functions conferred on the Election Commission by clause (1).

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(Shri Tiruchi Siva, M.P.)