

Bill No. LVI of 2012

THE FREE AND COMPULSORY PRIMARY, SECONDARY, HIGHER
AND TECHNICAL EDUCATION BILL, 2012

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BILL

to provide for free and compulsory primary, secondary, higher and technical education to every child in order to eradicate their illiteracy and overall development and for deterrent punishment for those who prevent the children from going to school and pursuing their studies in any manner and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Free and Compulsory Primary, Secondary, Higher and Technical Education Act, 2012.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force with immediate effect.

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

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "child" means any human being who is between the age group of four to twenty-five years;

(c) "higher and technical education" means education beyond senior secondary level and include colleges, universities, academies, seminaries and professional schools in the field of law, theology, medicine, technology, business, music and art; 5

(d) "parent" in relation to a child include his father and mother, guardian and every person who has the actual custody of the child for the time being;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "primary and secondary education" means education in a school from primary to senior secondary level or class. 10

Compulsorily admission of children in school and prohibition on their employment.

3. (1) Notwithstanding any custom, usage or belief of any section of the society, every parent shall compulsorily admit his children in a school, on completion of four years of age in order to enable him to get primary education and shall not restrain him in any manner from attending the school.

(2) For the purposes of section 3, no parent or person shall engage a child in any household job or employ a child in a manner which may prevent the children from attending his school and deprive him from primary, secondary, higher and technical education. 15

(3) Whoever contravenes the provisions of sub-sections (1) and (2) of section 3, shall be guilty of an offence under this Act.

Appropriate Government to provide free and compulsory primary, secondary, higher and technical education to every child.

4. (1) **The appropriate Government shall provide free and compulsory primary, secondary, higher and technical education to every child who is ordinarily residing within its territorial jurisdiction.** 20

(2) **For the purposes of sub-section (1) of section 5, the appropriate Government shall establish such number of schools within its territorial jurisdiction as it may deem necessary and for the physically challenged child, special schools at such place or places as may deem necessary with such facilities, as may be prescribed.** 25

(3) **If any child intends to pursue higher studies beyond the primary and secondary education levels, the appropriate Government shall provide free higher and technical education to such child with such facilities, as may be prescribed.**

(4) **The appropriate Government shall also provide the following facilities from primary to higher and technical education in schools:—** 30

(i) free books, note books and stationery items;

(ii) free school uniforms;

(iii) free hostel facility and meals;

(iv) free vocational training wherever necessary; and 35

(v) scholarships in such cases, as may be prescribed.

5. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide necessary funds, from time to time, for the purposes of this Act.

Central Government to provide necessary funds.

6. (1) If any parent of a child, for any reason whatsoever, does not admit, prevents, restrains or in any manner obstructs the child from receiving primary, secondary, higher and technical education, the parent shall be liable to simple imprisonment for a term which may extend to six months and also with a fine which may extend to fifty thousand rupees.

Penalty.

(2) Whoever employs a child resulting in obstructing him from attending the school for primary, secondary, higher and technical education shall be liable to imprisonment for a term which shall not be less than two years but may extend to five years and also with fine which may extend to one lakh rupees.

2 of 1974.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 the offences under this Act shall be cognizable.

Offences to be cognizable.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law applicable to children.

Act to have overriding effect.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Article 21A of the Constitution provides that it is the responsibility of the State to provide free and compulsory education to all children of age of six to fourteen years. Although, Government has taken many steps in this regard but they are inadequate. We have not been able to provide education to all children even after sixty-five years of independence.

The ability to read and write is an essential element of human capability. Literacy is the first step towards acquiring tools of learning and opening the doors for knowledge and information. Education expands opportunity for human beings, empowers them to resist oppression and to claim their rights.

Our education system is very expensive and all citizens cannot afford it. Poor parents with meagre incomes are unable to send their children to school for primary, secondary, higher and technical education. Therefore, it is necessary to provide textbooks, scholarships, hostel facilities, etc. to the poor students so that their parents are encouraged to send them to school and to pursue higher studies thereafter. Therefore, it is necessary to provide for free and compulsory education at all levels including primary, secondary, higher and technical education with scholarships to meritorious students.

Hence this Bill.

AVINASH RAI KHANNA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for free and compulsory education to child by opening schools, special schools, etc. Clause 5 provides that Central Government shall provide necessary funds for the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty thousand crore may involve as recurring expenditure per year. A sum of rupees ten thousand crore may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the provisions of this Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

RAJYA SABHA

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BILL

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(Shri Avinash Rai Khanna, M.P.)