

Bill No. 302 of 2016

THE FREE AND COMPULSORY SECONDARY AND
SENIOR SECONDARY EDUCATION BILL, 2016

By

SHRIMATI SUPRIYA SULE, M.P.

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BILL

*to provide free and compulsory secondary and senior secondary education
to all children and for matters connected therewith.*

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

1. (1) This Act may be called the Free and Compulsory Secondary and Senior Secondary Education Act, 2016.

Short title,
extent and
commencement.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) 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 State Government in the case of a Union territory with Legislature, the Government of the Union territory and in all other cases, the Central Government;

(b) "local authority" means the Municipal Corporation or Municipal Council or Nagar Panchayat or Zila Parishad or any Urban Local Body or authority empowered by or under any law for the time being in force to function as a local authority in any city, town or village having administrative control over the school; 5

(c) "child" means male or female who has not attained the age of eighteen years;

(d) "secondary education" means education in ninth and tenth classes; 10

(e) "senior secondary education" means education in eleventh and twelfth classes;

(f) "parent" means biological or adoptive mother or father of a child;

(g) "guardian" means a person having custody of the child;

(h) "school" means any recognised institution imparting secondary or senior secondary education, and includes schools aided or unaided by the appropriate Government and minority schools; 15

(i) "prescribed" means as prescribed by the rules made under this Act; and

(j) "notification" means a notification published in the Official Gazette.

Appropriate Government to provide free and compulsory secondary and senior secondary education.

3. The appropriate Government shall provide free and compulsory secondary and senior secondary education to every child. 20

Explanation.—For the purpose of this section, "free education" includes:—

(a) school fees and admission charges, if any;

(b) textbooks and stationery materials free of cost;

(c) mid-day meal to secondary and senior secondary students; and 25

(d) free hostel facilities wherever necessary.

Appropriate Government to establish schools.

4. The appropriate Government shall establish adequate number of schools within its territorial jurisdiction for imparting free secondary and senior secondary education to every child.

Responsibility of the parent and guardian.

5. (1) Notwithstanding any custom, usage or belief of any section of the society, every parent or guardian shall compulsorily admit his child in a school. 30

(2) No person including a parent or guardian shall prevent a child from completing his secondary and senior secondary education:

Provided that in case a child either due to late admission in a school or slow learning capabilities does not complete senior secondary education by eighteen years of age, the appropriate Government shall provide free education to such child, even after he attains the age of eighteen years. 35

Central Government to provide requisite funds.

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

Penalty.

7. Any person including parent or guardian who violates the provisions of this Act, shall be punished with an imprisonment for a term which may extend upto one year and shall also be liable to fine.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or in any instrument having effect by virtue of any law other than this Act.

Overriding effect of the Act.

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

Act to be in addition to other laws.

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

Power to make rules.

(2) Every rule made under this Act 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 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.

STATEMENT OF OBJECTS AND REASONS

Education is instrumental for child's overall development. Social welfare of a child also depends on the early school level education one receives.

Besides educating the child, the education also promotes the economic welfare of a nation as it makes the future workforce of the nation more productive. Economic theory predicts that India is experiencing demographic dividend, a phenomenon where proportion of working population (aged between eighteen and sixty years) to total population is more than that of the dependent population (age groups of below eighteen and above sixty years). India can reap benefits from this relatively younger workforce, if it educates and skills them to be more productive.

Recognising the importance of education to children, Central Government enacted Right of Children to Free and Compulsory Education Act in 2009, which made elementary education (class I to class VIII) free and compulsory to all children below 14 years of age. Though this Act is laudable, it fails to address the issue of continuation of a child's education beyond the elementary level.

To improve the access to secondary and senior secondary education, the Central Government introduced various schemes. Rashtriya Madhyamika Siksha Abhiyan was introduced in 2009 with the objective of achieving full enrolment in secondary education by 2017 and full retention of the children thus enrolled, by 2020.

But there is no legal framework in India that guarantees secondary and senior secondary education. The Bill, therefore, aims to fill this policy gap and extend free and compulsory secondary and senior secondary education to all children below eighteen years of age.

Hence this Bill.

NEW DELHI;
November 4, 2016.

SUPRIYASULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free and compulsory secondary and senior secondary education to all children. Clause 4 provides for establishment of adequate number of schools for imparting secondary and senior secondary education. Clause 6 provides that Central Government shall provide adequate funds to the State Governments for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum from the Consolidated Fund of India.

Non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Shrimati Supriya Sule, M.P.)