

Bill No. 179 of 2014

THE FREE AND COMPULSORY EDUCATION FOR CHILDREN OF PARENTS LIVING
BELOW POVERTY LINE BILL, 2014

By

SHRIMATI SUPRIYA SULE, M.P.

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BILL

*to provide for free and compulsory education from pre-primary to senior secondary level
and career guidance to the children of parents living below poverty line*

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

1. (1) This Act may be called the Free and Compulsory Education for Children of Parents Living Below Poverty Line Act, 2014.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

5 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

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 all other cases, the Central Government;

(b) "career counsellor" means a person who possesses essential qualifications and professional experience to give advice and information to students about their career;

(c) "career guidance" includes providing information to students on the various courses available on completion of school education, the basic requirements to join a course and the manner of applying for admission in such courses; 5

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

(e) "parent" includes the adoptive or step parent or guardian of a child;

(f) "parents living below poverty line" means such parents whose income from all sources does not exceed rupees one lakh per annum; and 10

(g) "school education" means education from pre-primary level to senior secondary or equivalent level and includes vocational courses.

Free and compulsory school education.

3. The appropriate Government shall provide free and compulsory school education to every child whose parents are living below poverty line. 15

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

(a) any fee including admission and tuition fee;

(b) provision of books, note books and stationery materials free of cost; and

(c) mid-day meal and free hostel facility, wherever necessary.

Establishment of schools.

4. (1) The appropriate Government shall establish adequate number of schools for imparting school education. 20

(2) For the purpose of sub-section (1), the appropriate Government may, if it deems necessary, upgrade any of the existing primary, middle or secondary school to senior secondary level.

Provision for Career Guidance.

5. The appropriate Government shall appoint at least one career counsellor in every school for career guidance to every student. 25

Duty of parents to admit their children in school.

6. (1) It shall be the duty of every parent living below poverty line to admit his children in a school.

(2) No parent shall withdraw his child from school till the child completes the education.

Prohibition on Employment of child.

7. No person shall employ a child in any job which prevents him from receiving school education. 30

Punishment.

8. Any person, including parents, who for any reason prevents, restrains or obstructs a child from attending school or receiving school education, shall be punished with simple imprisonment for a term which may extend upto one year and shall also be liable to fine.

Central Government to provide adequate funds to the State Governments.

9. The Central Government shall provide adequate funds to the State Governments for effective implementation of the provisions of this Act. 35

Power to make rules.

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

(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 40

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 house 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
5 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 plays an important role in shaping an individual's career. Education removes blanket of ignorance, empowers people and familiarizes them of their fundamental rights. The level of education helps people to earn recognition and respect in the society. Article 21A of the Constitution guarantees free and compulsory education to all the children between the age of six to fourteen years. However, there is no obligation on the part of the Government to ensure pre-primary and higher education. Although, Government has taken an important step by enacting the Right of Children to Free and Compulsory Education Act, 2009, yet, a lot more needs to be done to enable the children to secure gainful employment after completing their education.

Modern education system is so expensive that all citizens cannot afford it. Poor parents with meager income are unable to send their children to school beyond eighth standard and the child is left with no option but to dropout after eighth class. It reflects poorly on our educational system.

Education alone cannot be fruitful unless supplemented by career guidance in schools. It will prove to be a boon to the students in pursuing further studies and choosing their career.

The present Bill, therefore, seeks to put an obligation on the appropriate Government to ensure free and compulsory education and career guidance to the children of parents living below poverty line from pre-primary upto senior secondary or equivalent level.

Hence this Bill.

NEW DELHI;

SUPRIYA SULE

November 11, 2014.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free and compulsory education to every child whose parents are living below poverty line. Clause 4 provides for establishment of adequate number of schools for imparting school education. It further provides for upgradation of primary or middle schools upto senior secondary and also appointment of career counsellor in every school. Clause 9 provides for providing of adequate funds to the State Governments for effective implementation of the provisions of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifteen hundred crore would be involved as recurring expenditure per annum.

A non-recurring expenditure 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.

LOK SABHA

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