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EXTRAORDINARY

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प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on 26th November, 2001.

BILL NO. 105 OF 2001

*A Bill further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Ninety-second Amendment) Act, 2001.

Short title and commencement.

(2) It shall be deemed to have come into force on the 17th day of June, 1995.

2. In article 16 of the Constitution, in clause (4A), for the words "in matters of promotion to any class", the words "in matters of promotion, with consequential seniority, to any class" shall be substituted.

Amendment of section 16.

**BILL NO. 106 OF 2001**

*A Bill further to amend the Constitution of India.*

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

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| <p>1. (1) This Act may be called the Constitution (Ninety-third Amendment) Act, 2001.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>   | <p>Short title and commencement.</p>  |
| <p>2. After article 21 of the Constitution, the following article shall be inserted, namely:—</p> <p align="center"><b>"21A. 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."</b></p>     | <p>Insertion of new article 21A. Right to education.</p>  |
| <p>3. For article 45 of the Constitution, the following article shall be substituted, namely:—</p> <p align="center"><b>"45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years."</b></p>                                | <p>Substitution of new article for article 45. Provision for early childhood care and education to children below the age of six years.</p> |
| <p>4. In article 51A of the Constitution, after clause (j) the following clause shall be added, namely:—</p> <p align="center"><b>"(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years."</b></p> | <p>Amendment of article 51A.</p>  |

## STATEMENT OF OBJECTS AND REASONS

The Constitution of India in a Directive Principle contained in article 45, has made a provision for free and compulsory education for all children up to the age of fourteen years within ten years of promulgation of the Constitution. We could not achieve this goal even after 50 years of adoption of this provision. The task of providing education to all children in this age group gained momentum after the National Policy of Education (NPE) was announced in 1986. The Government of India, in partnership with the State Governments, has made strenuous efforts to fulfil this mandate and, though significant improvements were seen in various educational indicators, the ultimate goal of providing universal and quality education still remains unfulfilled. In order to fulfil this goal, it is felt that an explicit provision should be made in the Part relating to Fundamental Rights of the Constitution.

2. With a view to making right to free and compulsory education a fundamental right, the Constitution (Eighty-third Amendment) Bill, 1997 was introduced in Parliament to insert a new article, namely, article 21A conferring on all children in the age group of 6 to 14 years the right to free and compulsory education. The said Bill was scrutinised by the Parliamentary Standing Committee on Human Resource Development and the subject was also dealt with in its 165th Report by the Law Commission of India.

3. After taking into consideration the report of the Law Commission of India and the recommendations of the Standing Committee of Parliament, the proposed amendments in Part III, Part IV and Part IVA of the Constitution are being made which are as follows:—

(a) to provide for free and compulsory education to children in the age group of 6 to 14 years and for this purpose, a legislation would be introduced in Parliament after the Constitution (Ninety-third Amendment) Bill, 2001 is enacted;

(b) to provide in article 45 of the Constitution that the State shall endeavour to provide early childhood care and education to children below the age of six years; and

(c) to amend article 51A of the Constitution with a view to providing that it shall be the obligation of the parents to provide opportunities for education to their children.

4. The Bill seeks to achieve the above objects.

NEW DELHI;

MURLI MANOHAR JOSHI.

The 16th November, 2001.

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**FINANCIAL MEMORANDUM**

Clause 2 of the Bill seeks to insert a new article 21A in the Constitution, which makes the State responsible for providing free and compulsory education to all children in the age group 6 years to 14 years. Thus, it would become the duty of the State to provide easily accessible facilities for quality elementary education to all children in this age group.

2. The total overall financial burden due to implementation of obligations under the proposed provision would be about Rs. 9,800 crores per annum to be shared between Central and State Governments. In a ten year period, this is estimated at Rs. 98,000 crores.

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G. C. MALHOTRA  
*Secretary-General.*

