

AS INTRODUCED IN THE RAJYA SABHA
ON 31ST JULY, 2009

Bill No. XII of 2009

THE COMPULSORY MEDICAL PREPAREDNESS IN SCHOOLS
BILL, 2009

A

BILL

to provide for compulsory medical preparedness in schools to deal with medical emergencies in the event of injury or sickness to a student in schools; compulsory appointment of doctors and nurses in schools; first aid training to teachers and staff and provision of life saving equipments and medicines in schools and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

- 2009 **1.** (1) This Act may be called the Compulsory Medical Preparedness in Schools Act,
(2) It extends to the whole of India.
5 (3) It shall come into force at once.

Short title
extent and
commence-
ment.

Definitions.	<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) “appropriate Government” means in case of a State, the Government of that State and in all other cases, the Central Government;</p> <p>(b) “doctor” means a medical practitioner registered with the Medical Council of India;</p> <p>(c) “prescribed” means prescribed by rules made under this Act;</p> <p>(d) “school” means any Government or private institution providing education upto the standard of five and above and includes any aided institution.</p>	5
Central Government to frame policy and issue guidelines.	<p>3. (1) The Central Government shall, within six months of the commencement of this Act frame a health policy for schools prescribing norms to be followed in case of medical emergency in schools.</p> <p>(2) The Central Government shall, in consultation with Medical Council of India, issue guidelines and directions with regard to medical preparedness in schools, which shall be binding on all schools.</p>	10
Schools to be prepared for medical emergency.	4. The appropriate Government shall ensure that every school within its jurisdiction is fully prepared to deal with any medical emergency in accordance with the norms prescribed in this behalf or directions or guidelines issued in this regard.	15
Schools to appoint doctor and nurse.	5. The appropriate Government shall ensure that every school shall appoint at least one qualified doctor and one nurse and shall also have a full-fledged first-aid centre with such life saving equipment and medicines as may be prescribed.	20
School to maintain data of sick students.	<p>6. (1) Every school shall maintain data of each student who is suffering from any life-threatening disease and it shall be a duty of the parent of the student to give such information to the school in such manner as may be prescribed.</p> <p>(2) In the event of a child suffering from any disease and under going medication/it shall be duty of every parent to keep a slip in the bag of their child mentioning the kind of medicine being taken by the child.</p>	25
School to transport the child to nearby hospital in medical emergency.	<p>7. (1) Every school shall in such manner as may be prescribed make arrangement with any nearby Government or private hospital for the purpose of treating a student in medical emergency in that hospital immediately.</p> <p>(2) For the purpose of sub clause (1) every school shall keep a dedicated vehicle for transportation of the student to the nearby hospital.</p>	30
Teacher and staff to undergo first-aid training.	8. The appropriate Government shall ensure that every teacher and staff of the school has undergone a basic level of first-aid training to help the student in case of medical emergency.	
Monitoring of medical preparedness.	9. The appropriate Government shall ensure monitoring and inspection of medical preparedness of schools within their jurisdiction and review it after every two years.	35
Schools not to increase fee for arranging medical preparedness.	10. The appropriate Government shall ensure that no school increases its fee or charges any extra amount for arranging medical preparedness or refuse admission to any child if he is having illness which does not affect other students.	
Central Government to provide funds.	11. The Central Government shall, after due appropriation made by Parliament, in this behalf provide requisite funds for the purpose of this Act.	40

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| <p>12. Whoever found guilty of violating the provisions of this Act shall be punished with imprisonment, which may extend to three years or with fine which may extend to rupees two lakh or with both.</p> | <p>Penalty.</p> |
| <p>13. If any difficulty arise in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:</p> | <p>Power to remove difficulties.</p> |
| <p>Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.</p> | |
| <p>14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force relating to medical preparedness in schools and save as provided, the provisions on this Act shall be in addition to, and not in derogation of any other law for the time being in force on the subject.</p> | <p>Overriding effect of savings.</p> |
| <p>15. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> | <p>Power to make rules.</p> |

STATEMENT OF OBJECTS AND REASONS

Incidents of medical emergency due to injury caused to the students or their sickness in schools are very common now a days. Of late, many incidents have come to light wherein students lost their lives for want of proper medical preparedness in schools. One such incident happened in a prestigious school of the capital wherein a young girl of sixteen years lost her life as she was not given any first-aid in school and reportedly there was delay in transporting her to the hospital. As of now, even the Department of Education does not have any health policy for schools resulting in every school following its own set of norms to deal with medical emergency. In fact, in majority of the schools there is no proper arrangement for medical emergency. As of now the Government has not issued any direction to schools in this regard. Accidents or medical emergencies are quite common in schools. There is an urgent need that proper attention should be paid towards medical preparedness of schools in dealing with such emergencies. The schools should have a qualified doctor and nurse with a full-fledged first-aid centre along with life saving equipment and medicines. The schools must make some arrangement with a nearby hospital to transport the student to the hospital in the eventuality of any accident and a dedicated vehicle should be there to transport the student immediately. The Government should also come out with a policy in this regard so that a uniform practice is followed in all the schools in the country.

The Bill seeks to achieve above objectives.

VIJAY JAWAHARLAL DARDA

FINANCIAL MEMORANDUM

Clause **11** of the Bill provides that the Central Government, shall after due appropriation, provide funds for the purposes of this Act. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore would be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause **15** of this Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of legislative powers is of normal character.

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(Shri Vijay Jawaharlal Darda, M.P.)