

Bill No. 154 of 2022.

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION (AMENDMENT) BILL, 2022

By

SHRIMATI APARUPA PODDAR, M.P.

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BILL

further to amend the Right of Children to Free and Compulsory Education Act, 2009.

BE it enacted in the Seventy-third year of the Republic of India as follows:—

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2022.

Short title and
commencement.

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

Substitution of references to certain expressions by certain other expression.

2. In the long title of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act) and in the principal Act for the words “fourteen years” wherever they occur, the words “eighteen years” shall be substituted.

35 of 2009.

Amendment of section 2.

3. In section 2 of the principal Act, for clause (c), the following clause shall be substituted, namely:–

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“(c) “Child” means any person below the age of eighteen years.”.

Amendment of section 3.

4. In section 3 of the principal Act, in sub-section (I), the following proviso shall be inserted, namely:–

“Provided that the appropriate Government shall set up special schools with proper educational infrastructure in each district for –

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(a) children belonging to disadvantaged groups including the Scheduled Caste, the Scheduled Tribe, minorities, refugees and children living with or affected with Human Immunodeficiency Virus;

(b) children belonging to backward classes under socially and educationally backward classes; and

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(c) children belonging to economically weaker section including child belonging to such parent or guardian whose annual income is lower than the minimum limit as prescribed by the appropriate Government.”.

STATEMENT OF OBJECTS AND REASONS

Indian school education system is one of the largest in the world with more than 15 lakh schools, nearly 97 lakh teachers, and nearly 26.5 crore students in pre-primary to higher secondary levels from varied socio-economic backgrounds.

Education is one of the essentials of life for every child across the country and the tool of education is one way to bring change. Education has become an essential path to achieving success and progress in life for all. It is a pathway in order to bring a change and the most important thing which matters is the quality of education that determines the standards of education.

School education plays a vital role in life. Every level of education has its importance and role in the development of an individual. We all want to see our children be successful in life which is only possible through quality and the right to education.

Education has become very important in today's modern technological world. The crucial role of universal elementary education in strengthening the social fabric of democracy through the provision of equal opportunities to all has been accepted since the inception of our Republic. Our Constitution lays down that the State shall provide free and compulsory education to all children up to the age of fourteen years as a Fundamental Right.

But, recent COVID-19 brought forth unprecedented changes across all sectors. One sector, particularly hit hard, is school education. Schools have been closed for nearly eight months. The World Bank and other agencies have predicted a reduction of nearly \$400 billion in the prospective earning capacity of India due to school closures.

Last year saw a lot of concern about school closures leading to 'learning loss' and higher dropout rates. A lot of digital content was generated and transmitted to help children continue to learn while at home. But it was reported that at the peak of the pandemic, around 24.7 crore school children were impacted owing to the closure of schools. The digital divide was the root cause that posed a problem for children who could not access remote learning when schools were shut down. Especially children from low-income homes suffered a major loss and faced challenges in accessing the remote learning.

Annual Status of Education Report (ASER) 2021 found out that the non-enrolment of children in the 6-14 age group went up from 2.5 per cent in 2018 to 4.6 per cent in 2021 in rural schools, the decline was however more for boys than girls and highest in the 7-10 age groups.

The reason was the academic disruption caused owing to the pandemic, which led to the shutting down of schools. According to the ASER 2020-2021 survey, possible reasons could be the shutdown of low-cost private schools, financial distress of parents, and families migrating back to villages. The number of children, particularly children from disadvantaged groups and weaker sections, who drop out of school before completing elementary education, remains very large. Moreover, the quality of learning achievement is not always entirely satisfactory even in the case of children who complete elementary education.

In today's time, so many issues are growing and have become challenging, especially for those who belong to disadvantaged groups with no solution. Today is the time when

education should be provided to each and every person, ensure that the students belonging to a lower-middle-income class are able to face the challenges in life and provide them with education because it's their right and to bring change. Making the education universalized for children belonging from the age of 6 to 18 years is that every child should be given the opportunity to study and should have access to education to spreading mass literacy, helping in the basic requirement for economic development and which is the indispensable first step towards the provision for the equality of opportunity to all citizens.

The present Bill seeks to substitute the definition of child and amend the age of child in the Right to Free and Compulsory Education Act, 2009. The purpose of including the definition of a child is to lay down that every child means a person who is below eighteen years of age, the bill tries to keep the definition gender-neutral in view of providing education to each and every child in the country. The purpose of amending the age from 6 to 18 is that excluding the children between 14 to 18 is not concrete.

The need is also to help in universalizing education in order to provide equal opportunities to all children irrespective of age, gender, sex, or caste. The right to education is a fundamental right why it should be only limited to a certain group of age, it should be provided to all in order to the modernization of social structure and the effective functioning of a democratic institution. It also represents an indispensable first step toward the provisions of equality of opportunity for all citizens which will make them vocal and advocate for bringing in better change in the future.

The present Bill also seeks to specifically lay down the guidelines that talks about setting up and establishing special schools with educational infrastructure to provide education to the children who belong to disadvantaged groups, backward classes, and weaker sections of society. The purpose of substituting this section in order to provide equal education to all despite any social constrains and economic barrier. They should be included in each and every aspect, and be given equal opportunity to bring change. It's their fundamental right to have free and compulsory education and also the right to education as prescribed in the Convention on the rights of the child, establishing special schools with educational infrastructure for those children who belong to disadvantaged groups and weaker sections of the society, in order to set up special schools in each district of the country by the Central Government to ensure free and compulsory school education to all children in the country.

The proposed legislation is anchored in the belief that the values of equality, social justice, and democracy and the creation of a just and humane society can be achieved only through the provision of inclusive elementary education to all. Provision of free and compulsory education of satisfactory quality to children from the disadvantaged and weaker sections irrespective of age, gender, sex, and caste.

Hence this Bill.

NEW DELHI;
5 July, 2022.

APARUPA PODDAR

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the appropriate Government to set up special schools with proper educational infrastructure in each district for children belonging to disadvantaged groups, other backward classes and weaker sections. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two hundred crore per annum would be involved from the Consolidated Fund of India is likely to be involved.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

ANNEXURE

EXTRACT FROM THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION
ACT, 2009

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Definitions.

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

(a) * * * *

(c) “child” means a male or female child of the age of six to fourteen years;

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Right of child
to free and
compulsory
education.

3. (1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.

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further to amend the Right of Children to Free and Compulsory Education Act, 2009.

(Shrimati Aparupa Poddar, M.P.)