

Bill No. 54 of 2025

**THE RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION (AMENDMENT) BILL, 2025**

By

SHRI KRISHNA PRASAD TENNETI, M.P.

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BILL

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

BE it enacted by Parliament in the Seventy-Sixth 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, 2025.

Short title and
commencement.

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

35 of 2009. 2. In section 2 of the Right of Children to Free and Compulsory Education
Act, 2009 (hereinafter referred to as the principal Act),—

Amendment
of section 2.

(a) after clause (i), the following clause shall be inserted, namely:—

10 “(ia) “National Right to Education Fund” means the National Right to
Education Fund established under section 34A.”.

(b) after clause (q), the following clause shall be inserted, namely:—

“(qa) “State Right to Education Fund” means the State Right to Education Fund established under section 34B.”.

(c) after clause (n), the following clause shall be inserted, namely:—

“(na) “non-compliant school” means school who fails to abide by the provisions of clause (c) of sub-section (I) of section 12.” 5

Amendment of
section 12.

3. In section 12 of the principal Act—

(a) in sub section (I), in clause (c), for the words, “at least twenty-five per cent.”, the words “minimum twenty-five per cent.”, shall be substituted.

(b) after sub-section (2), the following sub-section shall be inserted, namely: 10

“(2A) Every school shall prepare and submit an annual compliance report,—

(a) in case of each school under State Government with the District Collector within whose territorial jurisdiction it fall before the completion of an Academic Year, after which the said District Collector shall forward the said report to the respective Ministry of the State Government concerned who shall compile an annual report and then forward the same to the Union Ministry of Education on an annual basis; and 15

(b) in case of each school under the Central Government to the Union Ministry of Education before the completion of an Academic year who shall then submit a compilation of the same to the Union Ministry of Education which shall be laid along with a compilation of the reports as submitted by respective State Governments under clause (a) of sub-section (2A). 20 25

(2B) If any school fails to abide by provisions of clause (c) of sub-section (I) of section 12, the name of the school shall be mentioned to a public list of ‘non-compliant schools’ and then:

(a) in the first instance, the said school shall pay a penalty of ten times the admission fees for an academic year of the total number of prospective students who would have been given admission in order to fulfil the directives under clause (c) of sub-section (I) of section 12 and deposited as under: 30

(i) in case of the school being recognised by the State Education department to the respective State Right to Education Fund established under section 34B; and 35

(ii) in case of the school being under Central or any other authority, to the National Right to Education Fund established under section 34A;

(b) at the second instance, the said school shall pay a penalty of twenty times the admission fees for an academic year of the total number of prospective students who would have been given admission in order to fulfil the directives and deposited in a manner mentioned under sub-clauses (i) or (ii) of clause (a) of section 12B. 40

(c) in case of further non-compliance, such schools shall be reviewed by recognised authorities under the Act and shall be de-recognised for continued non-compliance provisions of Section of clause (c) of sub-section (I) of section 12.”.

- 5 4. After Chapter V of the principal Act, the following Chapter and sections thereunder shall be inserted, namely:

Insertion of
new Chapter
VA.

“Chapter VA

Establishment, Management and Utilisation of National and State Right to
Education Fund

- 10 **34A. (I) The Central Government shall, by notification in the official Gazette, constitute a Fund, hereinafter referred to as the National Right to Education Fund to whom shall be credited,—**

Establishment
of National
Right to
Education
Fund.

(a) amounts as collected from schools under sub-section (ii) of clause (a) and sub-section (ii) of sub-section (2B) of section 12;

- 15 (b) any income from investment from the amount credited in the National Right to Education Fund; and

(c) any other such amount, donations, transfers as mandated under the Act or otherwise credited to the National Right to Education Fund.

- 20 (2) The National Right to Education Fund shall be monitored by an authority, hereinafter referred to as the National Right to Education Fund Monitoring Authority consisting of the following, namely:

(a) Union Minister for Education, *ex officio* – Chairperson;

(b) Union Minister of State for Social Justice and Empowerment, *ex officio* - Deputy Chairperson;

- 25 (c) Union Minister of State for Tribal Affairs, *ex officio* - Deputy Chairperson;

(d) Secretary, Department of School Education and Literacy under Ministry of Education- *Ex-officio* Convenor;

- 30 (e) Chairperson, National Commission for Scheduled Tribes-*ex-officio* Member;

(f) Chairperson, National Commission for Scheduled Castes-*ex-officio* Member;

(g) Chairperson, National Commission for Protection of Child Rights-*ex-officio* Member;

- 35 (h) Economic Advisor, Department of Education and Literacy-*ex-officio* Member;

- 40 (i) five Members of Parliament of the House of the People belonging to the Scheduled Castes or the Scheduled Tribes community appointed for a period of two years to be nominated by the Speaker, House of the People, as per the procedure established;

(j) five experts in the field of education, child rights and literacy to be appointed by the Central Government for a term of five years-Members.

(3) The members of the National Right to Education Fund Monitoring Authority shall face disqualification on the following grounds,—

(a) has been convicted and sentenced to imprisonment by a competent court; or

(b) is of moral turpitude; or 5

(c) is an undischarged insolvent; or

(d) is of unsound mind so declared by the competent court;

(e) has, in the opinion of the Central Government, such financial or other interest in the National Authority or any State Authority as is likely to affect the duties discharged by him of his function as a member. 10

(4) The salary and allowance payable to and other terms and condition of service of members appointed under clause (j) of sub-section 2 shall be such as may be prescribed.

(5) The functions of the National Right to Education Fund Monitoring Authority shall be such as may be prescribed. 15

Establishment
of State Right
to Education
Fund.

34B. (1) Every State Government shall, by notification in the official Gazette, constitute a fund, to as the (Name of State) Right to Education Fund to which shall be credited to this Fund,—

(a) amounts as collected from schools under sub-clause (i) of clause (a) and sub-section (i) of clause (b) of sub-section (2B) of section 12; 20

(b) any income from investment from the amount credited in the State Right to Education Fund;

(c) any other such monies, amount, donations, transfers as mandated under the Act or otherwise credited to the Fund by recognised authorities under the Act. 25

(2) The State Right to Education Fund shall be monitored by an authority, hereinafter referred to as the State Right to Education Fund Monitoring Authority consisting of the following individuals, namely:

(a) State Minister for Education- *ex officio* – Chairperson;

(b) State Minister for Social Justice and Empowerment or its equivalent- *ex officio* - Co- Chairperson; 30

(c) State Minister for Tribal Affairs or equivalent- *ex officio* – Co Chairperson;

(d) Secretary, State Department of School Education and Literacy- *ex-officio* Convenor; 35

(e) Chairperson, State Commission for Scheduled Castes and Scheduled Tribes- *Ex-officio* Member;

(f) Chairperson, State Commission for Protection of Child Rights- *ex-officio* Member;

(g) Economic Advisor, State Department of Education and Literacy- *ex-officio* Member; 40

(h) five members of Legislative Assembly, three from the Scheduled Castes and two from Scheduled Tribes appointed for a period of two years, nominated by the concerned Speaker of the Assembly concerned-as per established procedure;

5 (i) five experts in the field of education, child rights and literacy appointed by the State Government for a term of five years as Members.

(3) The members of the above specified Committee shall face disqualification on the following grounds:

10 (a) has been convicted and sentenced to imprisonment by a competent court; or

(b) is of moral turpitude; or

(c) is an undischarged insolvent; or

(d) is of unsound mind and stands so declared by the competent court;

15 (e) has, in the opinion of the State Government, such financial or other interest in the concerned State Welfare and Education as is likely to affect the duties discharged by him of his function as a member.

(4) The salary and allowance payable to and other terms and condition of service of members appointed under clause (i) of sub-section 2 shall be such as may be prescribed.

20 (5) The functions of the State Right to Education Fund Monitoring Authority shall be such as may be prescribed.

25 **34C.** (1) All sums credited to the National Right to Education Fund and State Right to Education shall be utilised by the National Right to Education Fund Monitoring Authority and the State Right to Education Monitoring respectively for the following four purposes:

Disbursement
and Utilisation
of National
RTE Fund and
State RTE.

(a) school infrastructure including hygienic washrooms particularly for female students and staff, ramps and other such provisions for disabled students and potable water filters;

30 (b) teacher training to carry out and provide teacher training programs for the benefit of teachers across schools in India and provide for their continuous development for the benefit of teachers;

(c) development of scientific temperament amongst students to provide students of all age groups access to literature, equipment and laboratories to develop scientific temperament and thought; and

35 (d) scholarships, sports and training equipment to provide students with sports and training infrastructure along with educational/artistic and sports-oriented scholarships for supporting their all-round development.

40 **34D.** The Central Government and respective State Governments shall prepare and maintain proper accounts of all transportation and other relevant records in relation to the National RTE Fund and the State RTE Fund and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.”.

Accounting
and Audit of
the National
RTE Fund
and State RTE
Fund.

STATEMENT OF OBJECTS AND REASONS

The Right of Children to Free and Compulsory Education Act, 2009 represents a pivotal step towards guaranteeing the fundamental right of every child to free and compulsory education. This landmark legislation mandates, the provision of high-quality education to all children within the age bracket of six to fourteen years.

While the existing Act was introduced to give access to the schooling system to all children as a fundamental right, such access is largely available in government schools, even in rural areas, section 12 (1) (c) goes a step further to give access to quality education that is available in unaided school.

However, this provision in the Act was grossly and comprehensively not complied with. Therefore, there is an imperative need to address the same and hence this Bill has been proposed to bring the tenements of the original legislation to fruition.

The proposed Bill not only provides for stringent action against schools at fault for not implementing section 12 (1) (c) of the RTE Act, it also intends to introduce a fund at the national and State level to increase financial support towards India's education sector and the National and State Right to Education Fund are primarily concerned with the development of schools, teacher training programs, developing a scientific temperament and thought amongst the future generations and potential scholarships along with sports infrastructure for their all round development.

The Right to Education Act, while providing access to education to millions, is also empowering them to participate in nation building. To fully harness its potential, it is imperative to strengthen its implementation through rigorous enforcement, enhanced awareness, and active community participation. By adopting these measures, we can ensure that every child in India has the opportunity to receive a high-quality education.

Hence this Bill.

NEW DELHI;
January 20, 2025

KRISHNA PRASAD TENNETI

FINANCIAL MEMORANDUM

Clause 4 of the Bill *vide* proposed section 34A provides for constitution of National Right to Education Fund by the Central Government. It also provides for establishment of National Right to Education Fund Monitoring Authority by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crore will be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

LOK SABHA

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BILL

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

(Shri Krishna Prasad Tenneti, M.P.)