

Bill No. LVI of 2023

**THE RIGHT OF CHILDREN TO FREE, COMPULSORY AND QUALITY
EDUCATION (AMENDMENT) BILL, 2023**

A

BILL

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

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

1. (1) This Act may be called the Right of Children to Free, Compulsory and Quality Education (Amendment) Act, 2023. 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 the long title of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act),— Amendment of the long title.

10 (i) for the words, "Children to Free and Compulsory Education Act, 2009", the words "Children to Free, Compulsory and Quality Education Act, 2009" shall be substituted;

(ii) for the words, "age of six to fourteen years", the words "age of three to eighteen" shall be substituted.

Amendment
to Section 1.

3. In Section 1 of the principal Act, for sub-section (I), the following sub-section shall be substituted, namely:

"(I) This Act may be called the Right of Children to Free, Compulsory and Quality Education Act, 2009.".

Substitution of
references to
certain
expressions by
certain other
expressions.

4. Throughout the principal Act,—

(a) for the words "free and compulsory education", wherever they occur, the words "free, compulsory and quality education" shall be substituted, with the exception of Section 23 and Section 39 of the principal Act;

(b) for the words "age of six to fourteen years", wherever they occur, the words "age of three to eighteen" shall be substituted;

(c) for the words "fourteen years", wherever they occur, the words "eighteen" shall be substituted.

Amendment
of Section 2.

5. In Section 2 of the principal Act,—

(i) for clause (f), the following clause shall be substituted, namely—

"elementary education" means pre-school and school education;"

(ii) after clause (j), the following new clause shall be inserted, namely—

"(jj) NEP 2020/Education Policy means the National Education Policy of India;

(jk) NCF means National Curriculum Framework of India as may be prescribed;"

(iii) after clause (l), the following new clause shall be inserted, namely—

"(ll) "pre-school" means pre-primary education imparted to children in three to six years age group, and before class I;

(lk) "quality education" means education ensuring holistic development, inclusive access, and relevant learning opportunities for all children and is in accordance with the standards and parameters as prescribed by the competent framework/authority;"

(iv) "after clause (n), the following clause shall be inserted, namely—

"(na) "school education" means the education from first class to twelfth class."

Amendment
to Section 4.

6. In Section 4 of the principal Act, for the words 'six years', the words 'three years' shall be substituted.

Amendment
to Section 7.

7. In Section 7 of the principal Act, in sub-section (6),—

(i) in clause (a), the following sub-clause shall be substituted, namely,—

"(a) implement NCF aligned with the NEP 2020 with the help of the academic authorities specified under Section 29;"

(ii) in clause (b), the following sub-clause shall be substituted, namely,—

"extensively engage in capacity building of teachers around the new and innovative pedagogies in education, as envisaged by the National Education Policy, 2020;"

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| | (iii) in clause (c), the following sub-clause shall be substituted, namely,— | |
| | "provide necessary technical support to help teachers achieve skills in Foundational Literacy and Numeracy." | |
| | 8. In Section 8 of the principal Act, | Amendment to Section 8. |
| 5 | (i) In Explanation to sub-clause (i) of clause (a), for the word "six", the word "three" shall be substituted; | |
| | (ii) for clause (d), following clause shall be substituted, namely— | |
| | "(d) provide necessary learning infrastructure including teaching-learning materials, capacity building, professional development of teachers etc;" | |
| 10 | (iii) for clause (g), following clause shall be substituted, | |
| | "(g) ensure good quality of education, aimed at improving learning outcomes;" | |
| | (iv) in clause (i), after the word "teachers", the words "and ensure continuous teacher professional development as prescribed in NEP." shall be inserted; | |
| 15 | (v) after the existing clause (i), the following new clause shall be inserted, namely,— | |
| | "(j) provide universal acquisition of Foundational Literacy and Numeracy Skills amongst all children." | |
| | 9. In Section 9 of the principal Act,— | Amendment to Section 9. |
| 20 | (i) in clause (a), for the words "free and compulsory elementary", the words "free, compulsory and quality" shall be substituted; | |
| | (ii) after clause (f), the following clause shall be inserted, namely— | |
| | "(fa) provide the necessary learning infrastructure such as Teaching-Learning Materials, Capacity Building, Professional Development of teachers etc.;" | |
| 25 | (iii) in clause (h), for the words "quality elementary education conforming to the standard and norms specified in the schedule", the words "quality of education, aimed at improving learning outcomes" shall be substituted. | |
| | 10. For Section 10 of the principal Act, following Section shall be substituted, namely,— | Amendment to Section 10. |
| 30 | "10. Duty of parents and guardian.— | |
| | (i) It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education program suitable to their age in a neighborhood school; | |
| 35 | (ii) further, it shall be the duty of every parent or guardian to the best of their ability, to motivate his or her child to complete schooling till the age of 18 years; | |
| | (iii) the appropriate government shall take necessary measures to create awareness among parents or guardians about their duties under this section, and provide necessary guidance and support to facilitate their compliance with the provisions of this Act." | |
| 40 | | |
| | 11. In section 11 of the principal Act, for the words "elementary", the word "school" be substituted. | Amendment to Section 11. |
| | 12. In Section 24 of the principal Act, in sub-section (I) for clause (d) of sub-section (I), the following clause shall be substituted, namely,— | Amendment to Section 24. |

"(d) assess the learning ability of each child against the standard grade-level learning outcomes through formative and competency-based assessments."

Amendment
to Section 27.

13. For Section 27 of the principal Act, the following Section shall be substituted, namely,—

"27. Subject to the provisions herein, no teacher shall be engaged for any purposes 5
other than those related to education and the competent authorities shall undertake
sincere and diligent efforts to minimize the duration of administrative tasks and
deployment duties that do not contribute directly to educational objectives, and thereby
maximizing the time dedicated to teaching and enhancing teacher engagement in
classrooms. 10

Without prejudice to the foregoing provision, a teacher shall only be assigned
duties related to educational purpose, except for specific circumstances such as
participation in the decennial population census, disaster relief duties, or duties
associated with elections for the local authority, State Legislatures, or Parliament, as
the case may be, and shall not be engaged in any non-educational duties beyond the 15
aforementioned exceptions."

Amendment
of Schedule.

14. In the Schedule to the principal Act, under the heading "Numbers of teachers:", for
the Item (b), the following shall be substituted, namely—

"(b) For sixth class to twelfth class."

STATEMENT OF OBJECTS AND REASONS

The enshrinement of the Right to Education as a Fundamental Right through the 86th Constitutional Amendment in 2002 and the subsequent passage of the Right of Children to Free and Compulsory Education Act in 2009 (RTE Act, 2009) have been pivotal moments in the history of Independent India. The RTE Act, 2009 recognizes education as a fundamental right and emphasizes the government's obligation to provide free and compulsory education to all children. This amendment underscores India's commitment to creating a more inclusive and equitable society, empowering individuals to reach their full potential. Thanks to the RTE Act, 2009, and progressive initiatives such as Samagra Shiksha Abhiyan and the PM-POSHAN Scheme, the education system has witnessed significant transformation, resulting in an impressive near 100% enrollment rate at the elementary level. These efforts have played a crucial role in developing essential infrastructure, recruiting qualified teachers, and ensuring widespread access to education, marking a significant milestone in India's pursuit of quality education for all.

2. Nevertheless, despite such notable accomplishments, India is currently grappling with a Learning Crisis, where students are attending school without acquiring essential knowledge and skills. The primary root of this predicament lies in the inadequate quality of school education nationwide. Annual surveys like the National Assessment Surveys consistently reveal dismal learning outcomes among students across various grades. It is imperative, therefore, to prioritize the enhancement of the quality of school education in India in order to improve the learning levels of our students. This important step will bring us closer to realizing the vision of the RTE Act of creating an inclusive and equitable society.

3. The Right of Children to Free and Compulsory Education (Amendment) Bill, 2023 aims to bring significant changes to the existing Right of Children to Free and Compulsory Education Act, 2009, aligning it with the principles and objectives of the National Education Policy (NEP) 2020 and thereby improve learning infrastructure, and prioritizing foundational literacy and numeracy skills. This amendment bill seeks to address the prevailing challenges in the education system and further enhance the quality of education in India. The Bill aims to incorporate the following provisions:

(i) Inclusion of Early Childhood Education (ECE): The amendment proposes to expand the scope of the Right to Education Act by including Early Childhood Education within its purview. This expansion recognizes the critical importance of a strong educational foundation from an early age and ensures a seamless learning journey for students, promoting successful completion of schooling.

(ii) Extension of Right To Education to Higher Education: The amendment also seeks to extend the Right to Education Act to encompass higher education. This move aims to bridge the gap and provide equal opportunities for quality education to all students, regardless of their socio-economic background or geographical location.

(iii) Alignment with the National Education Policy 2020: The proposed amendment bill aligns the Right to Education Act, 2005 with the National Curriculum Framework introduced under the NEP 2020. This alignment ensures a unified and integrated approach to education, enhancing the effectiveness of curriculum implementation and fostering cooperation among states in the spirit of cooperative federalism.

(iv) Universal Provision of Learning Infrastructure: The amendment emphasizes the need to provide comprehensive learning infrastructure to benefit both teachers and students. This includes robust teacher development and training modules, high-quality teaching and learning materials, and frameworks for formative and summative

assessments. These provisions will enhance classroom instruction and practices, ensuring a conducive learning environment for students.

(v) Prioritization of Foundational Literacy and Numeracy (FLN) Skills: The amendment bill recognizes the criticality of foundational learning and underscores the importance of acquiring foundational literacy and numeracy skills. This emphasis aligns with the NEP 2020's vision and strengthens the implementation of the NIPUN Bharat Mission, which aims to ensure that all children acquire FLN skills by 2026/27.

Hence, the Bill.

IRANNA KADADI

ANNEXURE

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

(ACT NO. 35 OF 2009)

An Act to provide for free and compulsory education to all children of the age of six to fourteen years.

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

* * * * *

1. This Act may be called the Right of Children to Free and Compulsory Education Act, 2009. Short title,
extent and
commencement.

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

(a) "appropriate Government" means—

(i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;

(ii) in relation to a school, other than the school referred to in sub-clause (i), established within the territory of—

(A) a State, the State Government;

(B) a Union territory having legislature, the Government of that Union territory;

(b) "capitation fee" means any kind of donation or contribution or payment other than the fee notified by the school;

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

(d) "child belonging to disadvantaged group" means 3 [a child with disability or] a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification;

(e) "child belonging to weaker section" means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;

(ee) "child with disability" includes,—

(A) a child with "disability" as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

(B) a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999;

(C) a child with "severe disability" as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

(f) "elementary education" means the education from first class to eighth class;

(g) "guardian", in relation to a child, means a person having the care and custody of that child and includes a natural guardian or guardian appointed or declared by a court or a statute;

(h) "local authority" means a Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village;

(i) "National Commission for Protection of child Rights" means the National Commission for Protection of Child Right constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005;

4 of 2006.

(j) "notification" means a notification published in the Official Gazette;

(k) "parent" means either the natural or step or adoptive father or mother of a child;

(l) "prescribed means prescribed by rules made under this Act;

(m) "Schedule" means the Schedule annexed to this Act;

(n) "school" means any recognised school imparting elementary education and includes—

(i) a school established, owned or controlled by the appropriate Government or a local authority;

(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;

(iii) a school belonging to specified category; and

(iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;

(o) "screening procedure" means the method of selection for admission of a child, in preference over another, other than a random method;

(p) "specified category", in relation to a school means a school known as Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School or any other school having a distinct character which may be specified, by notification by the appropriate Government;

(q) "State Commission for Protection of Child Rights" means the State Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005.

4 of 2006.

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4. Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age:

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed:

Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.

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Special provisions for children not admitted to, or who have not completed, elementary education.

6. The Central Government shall—

Sharing of financial and other responsibilities.

(a) develop a framework of national curriculum with the help of academic authority specified under section 29;

(b) develop and enforce standards for training of teachers;

(c) provide technical support and resources to the State Government for promoting innovations, researches, planning and capacity building.

The appropriate Government shall—

Duties of appropriate Government.

(a) provide free and compulsory elementary education to every child:

Provided that where a Child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a Claim for reimbursement of expenditure incurred on elementary education of the child in such other school.

Explanation.—The term "compulsory education" means obligation of the appropriate Government to—

(i) provide free elementary education to every child of the age of six to fourteen years; and

(ii) ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years;

(b) ensure availability of a neighborhood school as specified in section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) provide infrastructure including school building, teaching staff and learning equipment;

(e) provide special training facility specified in section 4;

(f) ensure and monitor admission, attendance and completion of elementary education by every child;

(g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

(h) ensure timely prescribing of curriculum and courses of study for elementary education; and

(i) provide training facility for teachers.

* * * * *

9. Every local authority shall—

Duties of local authority.

(a) provide free and compulsory elementary education to every child:

Provided that where a child is admitted by his or her parents or guardian, as the case may be, in a school other than a school established owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority, such child or his or her parents or guardian, as the case may be, shall not be entitled to make a claim for reimbursement of expenditure incurred on elementary education of the child in such other school;

(b) ensure availability of a neighbourhood school as specified in section 6;

(c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds;

(d) maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed;

(e) ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction;

(f) provide infrastructure including school building, teaching staff and learning material;

(g) provide special training facility specified in section 4;

(h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;

(i) ensure timely prescribing of curriculum and courses of study for elementary education;

(j) provide training facility for teachers;

(k) ensure admission of children of migrant families;

(l) monitor functioning of schools within its jurisdiction; and

(m) decide the academic calendar.

Duty of parents and guardian.

10. It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or wards, as the case may be, to an elementary education in the neighbourhood school.

Appropriate Government to provide for pre-school education.

With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children.

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Duties of teachers and redressal of grievances.

24. * * * *

(d) assess the learning ability of each child and accordingly supplement additional instructions, if any, as required.

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Prohibition of deployment of teachers for non-educational purposes.

27. No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be

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RAJYA SABHA

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BILL

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

(Shri Iranna Kadadi, M.P.)