

Bill No. XVI of 2016

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION (AMENDMENT) BILL, 2016

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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 Sixty-seventh 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, 2016.

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.

2. In the Right of Children to free and Compulsory Education Act, 2009, for Section 16, the following shall be substituted, namely:—

Substitution of new section for section 16 of Act 35 of 2009.

10 “16. (1) No child admitted in a school shall be expelled from school till the completion of elementary education.

Prohibition of expulsion and eligibility for promotion.

(2) A child undergoing elementary education in a school shall be promoted to the next class only on fulfilling the criteria pertaining to attendance in the class and the ability to read, write and understand in such manner as may be prescribed.”

STATEMENT OF OBJECTS AND REASONS

The Right of Children to Free and Compulsory Education Act, 2009 aims to facilitate the children of the country in acquiring elementary education. For achieving this objective, section 16 of the Act provides for two things, namely, the first that no child undergoing elementary education shall be expelled from the school and secondly that no such child shall be held back in any class.

The later condition that no child shall be held back in any class while undergoing elementary education is, however, not showing healthy results. It is seen that children are routinely being promoted from one class to the higher one without any linkage to the learning they have attained. There are instances where the children's attendance have been very less and consequently, they were not able to learn meaningfully. This defeats the purposes of the Act.

The Bill seeks to lay down some bench mark the fulfilment of which should be made mandatory before a child is elevated to the next higher class while acquiring elementary education.

Hence this Bill.

BHUPENDER YADAV

ANNEXURE

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

(35 OF 2009)

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16. No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.				Prohibition of holding back and expulsion.
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further to amend the Right of Children to Free and Compulsory Education Act, 2009

(Shri Bhupender Yadav, M.P.)