

AS INTRODUCED IN THE RAJYA SABHA
ON THE 10TH MARCH, 2017

Bill No. LXXIV of 2016

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

A

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 of 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.

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

Amendment of Section 2.

10 (a) in clause (c), for the words "six to fourteen years", the words "three to eighteen years" shall be substituted;

(b) in clause (n), after the word "imparting" the words "pre-school education and" shall be inserted.

Amendment of Section 3. **3.** In section 3 of the principal Act, for the words "six to fourteen years", the words "three to eighteen years" shall be substituted.

Amendment of Section 4. **4.** In section 4 of the principal Act, for the words "child above six years of age," the words "child above three years of age" shall be substituted. 5

Amendment of Section 8. **5.** In section 8 of the principal Act, in clause (a), for the Explanation the following shall be substituted namely:—

“*Explanation*— The term “compulsory education” means obligation of the appropriate Government to— 10

(i) provide free pre-school education and elementary school education to every child of the age of three to eighteen years; and

(ii) ensure compulsory admission, attendance and completion of pre-school education and elementary education by every child of the age of three to eighteen years.” 15

Amendment of Section 9. **6.** In section 9 of the principal Act, in clause (d) for the words “up to the age of fourteen years”, the words “up to the age of eighteen years” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

India being the signatory to the United Nations Convention on the Rights of the Child (UNCRC), had committed to Article 28 of the UNCRC, made it incumbent on the State to provide elementary education compulsory and free to all. The foundation of schooling is laid in the early years between the ages of three to six years. These early years are regarded as the foundation years and critical for mental and emotional development of a child. The age group is significant for brain development and sets the foundation for sound and basic learning in later years. Hence, it is proposed that minimum age of children is to be reduced from six to three years so that this important age group is covered under the Right to Education Act. Moreover, the existing school system in our country consists from elementary to plus two, accordingly, the maximum age of children for free and compulsory education be enhanced from fourteen to eighteen years.

Hence, this Bill.

DR. T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Section 7 of the principal Act makes it obligatory for the Central and State Governments to provide funds for carrying out provisions of the Act. The proposed amendments as given in clauses of the Bill lowers the entry level age from 6 to 3 years and increases the maximum age limit from 14 to 18 years of every child for free and compulsory education, thereby increasing the financial burden of the Central Government. The Bill, if enacted, would involve additional expenditure from the Consolidated Fund of India and it is very difficult to estimate the expenditure at this juncture as the same would depend upon the number of students added by the proposed amendment of the Act. No non-recurring expenditure is likely to be involved.

ANNEXURE

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

(Act No. 35 OF 2009)

*	*	*	*	*	*
2. In this Act, unless the context otherwise requires,—					Definitions.
*	*	*	*	*	*
(c) "child" means a male or female child of the age of six to fourteen years;					
*	*	*	*	*	*
(n) "School" means any recognized school imparting elementary education and includes—					
*	*	*	*	*	*
3. (1) Every Child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.					Right of child to free and compulsory education.
*	*	*	*	*	*
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:					Special provisions for children not admitted to, or who have not completed, elementary education.
*	*	*	*	*	*
8. The appropriate Government shall—					Duties of appropriate Government.
(a) provide free and compulsory elementary education to every child:					
*	*	*	*	*	*
<i>Explanation.</i> —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;					
*	*	*	*	*	*
9. Every local authority shall—					Duties of local authority.
*	*	*	*	*	*
(d) maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed;					
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RAJYA SABHA

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

(Dr. T. Subbarami Reddy, M.P.)