

Bill No. LIX of 2018

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION (AMENDMENT) BILL, 2018

A
BILL

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

BE it enacted by Parliament in the Sixty-ninth 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, 2018.

Short title,
extent and
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

5 (3) 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 (here in after referred to as the principal Act), in section 2,

Amendment
of section 2.

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

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

(ii) after clause (k), the following clause shall be inserted, namely:—

“(ka) “pre-primary education” means pre-kindergarten, junior kindergarten and senior kindergarten education for children aged three, four and five years respectively;”.

(iii) in clause (n), after the words “school imparting” the words “pre-primary and” shall be inserted.

Amendment
of section 3.

3. In the principal Act, in section 3,

5

(i) for sub-section (1) the following shall be substituted, namely:—

“(1) Every child of the age of three to fourteen years shall have a right to free and compulsory education in a neighbourhood school from pre-primary education until the completion of elementary education.”

(ii) in sub-section (2):

10

(a) after the words “pursuing and completing the” the words “pre-primary education and” shall be inserted.

(b) in the proviso, after the words “free and compulsory” the words “pre-primary education and” shall be inserted.

Amendment
of section 4.

4. In the Principal Act, in section 4,

15

(i) for the word “six”, the word “three” shall be substituted.

(ii) for the second proviso, the following shall be substituted, namely:—

“Provided further that a child so admitted to pre-primary or elementary education shall be entitled to free education till completion of elementary education even after fourteen years.”

20

Amendment
of section 5.

5. In the principal Act, in section 5,

(i) in sub-section (1), after the words “for completion of” and “for completing his” the words “pre-primary education and” and shall be inserted.

(ii) in sub-section (2), after the words “for completing his or her” the words “pre-primary education and” shall be inserted.

25

Amendment
of section 6.

6. In the principal Act, in section 6, after the words “commencement of this Act”, the following proviso shall be inserted, namely:—

“Provided that for the establishment of facilities for pre-primary education, the appropriate Government shall establish, within such an area of limits of neighbourhood, as may be prescribed, a school, and where it is not so established, within a period of three years from the commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2018.”

30

Amendment
of section 8.

7. In the principal Act, in section 8,

(i) in clause (a):

(a) after the words “provide free and compulsory” the words “pre-primary education and” shall be inserted;

35

(b) in the proviso, after the words “expenditure incurred on” the words “pre-primary education and shall be inserted;

(c) for sub-clause (i) of the Explanation clause, the following clause shall be substituted, namely—

40

“(i) provide free pre-primary and elementary education to every child of the age of three to fourteen years; and”;

(d) in sub-clause (ii) of the Explanation clause, for the words “elementary education by every child of the age of six to fourteen years”, the words “pre-primary

and elementary education of every child of the age of three to fourteen years” shall be substituted.

(ii) in clause (c), after the words “pursuing and completing” the words “pre-primary education and” shall be inserted.

5 (iii) in clause (f), after the words “and completion of” the words “pre-primary education and” shall be inserted.

(iv) in clause (g), after the words “ensure good quality” the words “pre-primary and” shall be inserted.

(v) after clause (h), the following clause shall be inserted, namely—

10 “(ha) ensure timely prescribing of child-friendly development activities for “pre-primary education.”

8. In the principal Act, in section 9,

Amendment
of section 9.

(i) in the clause (a):

15 (a) after the words “provide free and compulsory” the words “pre-primary education and” shall be inserted;

(b) in the proviso, after the words “expenditure incurred on” the words “pre-primary education and” shall be inserted.

(ii) in clause (c), after the words “pursuing and completing” the words “pre-primary education and” shall be inserted.

20 (iii) in clause (e), after the words “and completion of” the words “pre-primary education and” shall be inserted.

(iv) in clause (h), after the words “ensure good quality” the words “pre-primary education and” shall be inserted.

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

25 “(ia) ensure timely prescribing of child-friendly development activities for pre-primary education.”

9. In the principal Act, in section 10, after the words “may be, to” the words “a pre-primary education and an” shall be inserted.

Amendment
of section 10.

10. Section 11 of the principal Act shall be omitted.

Repeal of
section 11.

30 **11.** In the principal Act in section 12,

(i) in sub-section (1);

Amendment
of section 12.

(a) in clause (a), after the words “provide free and compulsory” the words pre-primary education and” shall be inserted.

35 (b) in clause (b), after the words “provide free and compulsory” the words “pre-primary education and” shall be inserted;

(c) in clause (c), after the words “provide free and compulsory” the words “pre-primary education and” shall be inserted; and

(d) the proviso shall be deleted.

40 (ii) in sub-section (2), after the words “free and compulsory” the words “pre-primary education and” shall be inserted.

- Amendment of section 14. **12.** In the principal Act, in section 14, sub-section (1), after the words “admission to” the words “pre-primary education and” shall be inserted.
- Amendment of section 29. **13.** In the principal Act, in section 29,
 (i) in sub-section (1), after the words “evaluation procedure for” the words “pre-primary education and” shall be inserted. 5
 (ii) in sub-section (2), after clause (h), the following proviso shall be inserted, namely:—
 “Provided that it shall not be compulsory for schools to conduct continuous and comprehensive evaluation for pre-primary education.”
- Amendment of section 30. **14.** In the principal Act, in section 30, in sub-section (1) after the words “completion of” the words “pre-primary education and” shall be inserted. 10
- Amendment of section 33. **15.** In the principal Act, in section 33, in sub-section (1), after the words “in the field of” the words “pre-primary education or” shall be inserted.
- Amendment of section 38. **16.** In the principal Act, in section 38, in sub-section (2), in clause (o), after the words “for completion of” the words “pre-primary education or” shall be inserted.
- Amendment of schedule. **17.** In the Schedule to the principal Act, in entry 1(a) in column (2), under the heading, ‘Item’, for the words “first class” the words “pre-kindergarten” shall be substituted. 15

STATEMENT OF OBJECTS AND REASONS

Good quality pre-primary education is essential for a child's social, emotional, and cognitive development. When a child is given the right support and guidance during her formative years, it builds a strong foundation for future education and lifelong learning. This strong base would allow the child to develop key creative and critical thinking skills and allow children of all socio-economic backgrounds to grow to their full potential. Early childhood care and education has a positive impact on attendance, retention and learning of children in elementary and higher education.

The importance of pre-primary education is emphasized in the Sustainable Development Goals, where target 4.2 directs that all girls and boys should have access to quality early childhood development, care and pre-primary education so that they are ready for primary education. The Directive Principles of State Policy as enumerated in Article 45 of the Constitution lays down that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

The Right of Children to Free and Compulsory Education Act, 2009 currently covers only children from Class I to VIII and does not have a provision for pre-primary education. However, it encourages States to provide free pre-primary education. The current Integrated Child Development Scheme which provides early childhood care and education covers less than 50 per cent of the children who are below the age of six years, through Anganwadi Centers. It is estimated that there are a significant number of private providers of preschool education, however, no reliable data exists regarding the quality and coverage of pre-primary education. There is an absence of standardization, norms and institutional capacity which means that all children do not start elementary education with the same base. Additionally, there is no formal environment which provides adequately trained teachers as anganwadi centers provide a wide variety of services.

Thus, there is a need to include pre-primary education within the Right of Children to Free and Compulsory Education Act, 2009. This would ensure that there is a standardization of norms, infrastructure care and optimal development of the children of India.

Hence this Bill.

SHRIMATI VANDANA CHAVAN

FINANCIAL MEMORANDUM

Section 7 of the Right of Children to Free and Compulsory Education Act, 2009 provides that the Central Government and the State Government shall make available the funds for carrying out its provisions. There would be additional funds required to carry out the amended provisions.

It is not possible to quantify the financial requirement at this stage as there is recurring and non-recurring expenditure required to implement this Act. However, the expenditure would be met from the Consolidated Fund of India through annual budgetary provision under the Department of School Education and Literacy, Ministry of Human Resource Development.

RAJYA SABHA

A

BILL

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

.

(Shrimati Vandana Chavan, M.P.)