

Bill No. XLIII of 2017

**THE RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION (AMENDMENT) BILL, 2017**

A

BILL

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

BE it enacted by the Parliament in the Sixty-eighth 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, 2017.

Short title
and
commence-
ment.

5 (2) It shall come into force with immediate effect.

35 of 2009. 2. In the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act), in the long title for the word “fourteen” the word “eighteen” shall be substituted.

Amendment
in long title.

35 of 2009. 3. 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.

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(i) in clause (c), for the word “fourteen” the word “eighteen” shall be substituted.

(ii) in clause (n), after the words “elementary education”, the words “and secondary education” shall be inserted.

(iii) after clause (o), the following clause shall be inserted, namely:—

“(p) secondary education means the education from ninth to twelfth class wherein classes ninth and tenth constitute the secondary stage and classes eleventh and twelfth constitute the higher secondary stage;”

Amendment
of section 3.

4. In section 3 of the principal Act, in clause (I),

(i) for the word “fourteen” the word “eighteen” shall be substituted; and

(ii) for the word “elementary” the words “elementary and secondary” shall be substituted.

Amendment
of section 4.

5. In section 4 of the principal Act,—

(i) for the word “elementary” the words “elementary and secondary” shall be substituted; and

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

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

Amendment
of section 5.

6. In section 5 of the principal Act, in clauses (I) and (2) for the word “elementary” the words “elementary and secondary” shall be substituted.

Amendment
of section 8.

7. In section 8 of the principal Act, for the words “elementary” and “fourteen” wherever they occurs the words “elementary and secondary” and “eighteen” shall respectively be substituted.

Amendment
of section 9.

8. In section 9 of the principal Act, for the words “elementary” and “fourteen” wherever they occurs the words “elementary and secondary” and “eighteen” shall respectively be substituted.

Amendment
of section 10.

9. In section 10 of the principal Act, for the words “an elementary education” the words “a pre-school and if not at least to an elementary education” shall respectively be substituted.

Amendment
of section 11.

10. In section 11 of the principal Act, for the word “may” the word “shall” shall be substituted.

Amendment
of section 12.

11. In section 12 of the principal Act, for the word “elementary” wherever it occurs the words “elementary and secondary” shall be substituted.

Amendment
of section 14.

12. In section 14 of the principal Act, in clause (I) for the word “elementary” the words “elementary and secondary” shall be substituted.

Amendment
of section 33.

13. In section 33 of the principal Act, in clause (I) for the word “elementary” the words “elementary and secondary” shall be substituted.

Amendment
of section 34.

14. In section 34 of the principal Act, in clause (I) for the word “elementary” the words “elementary and secondary” shall be substituted.

Amendment
of section 38.

15. In section 38 of the principal Act, in clause (2)—

(i) in sub-clause (c) for the word “fourteen” the word “eighteen” be substituted; and

(ii) in sub-clause (o), for the word “elementary” the words “elementary and secondary” shall be substituted.

16. In the Schedule to the principal Act,—

(i) in Sl. No. 1, after item (b), the following shall be inserted, namely,—

“(c) For ninth class to twelfth class

(i) at least one teacher for every thirty children;

5 (ii) subject wise Trained Graduate Teacher and Post Graduate Teacher;

(iii) specialized teachers for Physical Education, Art or Craft and Culture Education;

(iv) counselor for emotional and psychological support, as per school counseling programme;

10 (v) career counselor.”

(ii) in Sl. No. 2, in norms and standards, after (vii), the following shall be inserted, namely,—

15 “(viii) one integrated science laboratory — for Physics, Chemistry, Biology and Mathematics for classes ninth to twelfth (one room for science laboratory in a secondary school and at least three laboratories for science subjects in higher secondary schools;

(ix) computer room for classes ninth to twelfth;

(x) art or Craft Culture Laboratory;

(xi) provisions to make the building disabled friendly;

20 (xii) a rainwater harvesting system;

(xiii) classrooms with a classroom — pupil ratio of 1:40 for classes ninth to twelfth;”

(iii) in Sl. No. 3, in norms and standards, after (iv), the following shall be inserted, namely,—

25 “(v) a minimum of two hundred and twenty working days for classes ninth to twelfth;”

(vi) one thousand two hundred hours per academic year for the teaching and planning, out of which not more than two hundred hours may be required to be devoted for remedial teaching and attention to weak students for ninth classes and tenth class;

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(vii) one thousand two hundred hours per academic year for teaching and planning, out of which not more than two hundred hours may be required to be devoted for remedial teaching and attention to weak students for eleventh class and twelfth class.”

35 (iv) Sl. No. 5 shall be deleted.

(v) for Sl. No. 7, the following shall be substituted, namely,—

“7. Teaching learning equipment—

(i) shall be provided to each classes as required;

40 (ii) necessary equipment for Physics, Chemistry, Biology and Mathematics will be needed initially to facilitate academic activities in laboratories for classes ninth to twelfth;

(iii) sports, music, dance, painting, culture, teaching aids.”

STATEMENT OF OBJECTS AND REASONS

Secondary education is an important stage in the educational hierarchy. It is essential to ensure greater access to secondary education by making it free and compulsory. The vision of Rashtriya Madhyamik Shiksha Abhiyan (RMSA) was to make good quality education available, accessible and affordable to all young persons in the age group of 14-18 years. Among the other goals, it aims to achieve Universal retention by 2020, a Gross Enrollment Ratio of 100% by 2017 and access to education with special references to economically weaker sections of the society. The guiding principle of this policy includes Universal Access.

India adopted 17 Sustainable Development Goals by the United Nations in 2015. Goal 4 aims to ensure inclusive and quality education for all. It highlights that getting access to quality education can help set a strong foundation to improve lives. It also points out that while several countries have achieved gender equality in primary education, very few have managed to achieve the target at all levels of education.

India has shown tremendous progress in primary education with the implementation of the Right of Children to Free and Compulsory Education (RTE) Act, 2009. However, there have not been adequate parallel initiatives to ensure access to secondary education. As per the 2016 report by United Nations Educational, Scientific and Cultural Organisation (UNESCO) Institute for Statistics and Global Education Monitoring, 47 million youth drop out of school by the 10th standard in India. The literacy rates for the 15 and above age groups remains average at 59.3% for females and 78.8 for males in 2011. Similarly, the Gross Enrollment Ratio was at 78.5% for students in the Secondary level of school education in 2014-15. This means that 25.5% of the students in this age group do not enroll themselves in schools. In 2013-14, the annual dropout rate of students in the secondary level of school education stands high at 17.86%. For Scheduled Tribe students, it is staggering at 27.2% and 18.66% for Scheduled Caste students.

Therefore, it has been proposed that the coverage for RTE Act, 2009 be extended to 3 to 18 years. This will cover the secondary level of education and help India achieve the Sustainable Development Goal of Quality Education as well as the objectives set under RMSA. It will also encourage State Governments to strengthen their anganwadi system or create more pre-schools. As a result, India will truly be able to ensure universal access to education to all children in the age group of 3 to 18 years.

Hence this Bill.

HUSAIN DALWAI

FINANCIAL MEMORANDUM

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. The Government of India incurred an expenditure of Rs. 3562 crores in 2015-16 on Rashtriya Madhyamik Shiksha Abhiyan. The Budget for the scheme in 2016-17 was 3700 crores while in 2017-18, it was 3830 cores. It is increased by about 3.5% every year. This Bill will involve an expenditure that will be about 15% more than the expenditure on the scheme. Therefore, it is estimated that an annual recurring expenditure of about rupees 4,558 crore is likely to be involved.

ANNEXURE

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

(35 OF 2009)

	*	*	*	*	*	*
Definitions.	2.	In this Act, unless the context otherwise requires,—				
	*	*	*	*	*	*
		(c) “child” means a male or female child of the age of six to fourteen years;				
	*	*	*	*	*	*
		(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;				
	*	*	*	*	*	*
Right of child to free and compulsory education.	3.	(1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.				
	*	*	*	*	*	*
Special provisions for children not admitted to, or who have not completed, elementary 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:				
		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.				
Right of transfer to other school.	5.	(1) Where in a school, there is no provision for completion of elementary education, a child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.				

(2) Where a child is required to move from one school to another, either within a State or outside, for any reason whatsoever, such child shall have a right to seek transfer to any other school, excluding the school specified in sub-clauses (iii) and (iv) of clause (n) of section 2, for completing his or her elementary education.

* * * * *

8. 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 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) 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 ward, as the case may be, to an elementary education in the neighbourhood school.

Appropriate Government to provide for pre-school education.

11. 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.

Extents of school's responsibility for free and compulsory education.

12. (1) For the purposes of this Act, a school,—

(a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein;

(b) specified in sub-clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent.;

(c) specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent. of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion:

Provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.

(2) The school specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (1) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed:

Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (i) of clause (n) of section 2:

Provided further that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

(3) Every school shall provide such information as may be required by the appropriate Government or the local authority, as the case may be.

* * * * *

14. (1) For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 (6 of 1886) or on the basis of such other document, as may be prescribed.

Proof of age for admission.

* * * * *

33. (1) The Central Government shall constitute, by notification, a National Advisory Council, consisting of such number of Members, not exceeding fifteen, as the Central Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

Constitution of National Advisory Council.

* * * * *

34. (1) The State Government shall constitute, by notification, a State Advisory Council consisting of such number of Members, not exceeding fifteen, as the State Government may deem necessary, to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development.

Constitution of State Advisory Council.

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38. (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act.

Power of appropriate Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

* * * * *

(c) the manner of maintenance of records of children up to the age of fourteen years, under clause (d) of section 9;

* * * * *

(o) the form and manner of awarding certificate for completion of elementary education under sub-section (2) of section 30;

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THE SCHEDULE
(See sections 19 and 25)

NORMS AND STANDARDS FOR A SCHOOL

Sl. No.	Item	Norms and Standards	
1.	Numbers of teachers: (a) for first class to fifth class	Admitted children- Up to Sixty Between sixty-one to ninety Between Ninety-one to one hundred and twenty Between One hundred and twenty one to two hundred Above One hundred and fifty children Above Two hundred children	Number of teachers Two Three Four Five Five plus one Head-teacher Pupil-Teacher Ratio (excluding Head-teacher shall not exceed forty.
	(b) For sixth class to eighth class	<p>(1) At least one teacher per class so that there shall be at least one teacher each for—</p> <p>(i) Science and Mathematics;</p> <p>(ii) Social Studies;</p> <p>(iii) Languages.</p> <p>(2) At least one teacher for every thirty-five children.</p> <p>(3) Where admission of children is above one hundred—</p> <p>(i) a full time head-teacher;</p> <p>(ii) part time instructors for—</p> <p>(A) Art Education;</p> <p>(B) Health and Physical Education;</p> <p>(C) Work Education.</p>	
2.	Building	<p>All-weather building consisting of—</p> <p>(i) at least one class-room for every teacher and an office-cum-store-cum-Head teacher's room;</p> <p>(ii) barrier-free access;</p> <p>(iii) separate toilets for boys and girls;</p> <p>(iv) safe and adequate drinking water facility to all children;</p> <p>(v) a kitchen where mid-day meal is cooked in the school;</p> <p>(vi) Playground;</p>	

Sl. No.	Item	Norms and Standards
3.	Minimum number of working days/instructional hours in an academic year	(vii) arrangements for securing the school building by boundary wall or fencing. (i) two hundred working days for first class to fifth class; (ii) two hundred and twenty working days for sixth class to eighth class; (iii) eight hundred instructional hours per academic year for first class to fifth class; (iv) one thousand instructional hours per academic year for sixth class to eighth class.
4.	Minimum number of working hours per week for the teacher	Forty-five teaching including preparation hours.
5.	Teaching learning equipment	Shall be provided to each class as required.
6.	Library	There shall be a library in each school providing newspaper, magazines and books on all subjects, including story-books.
7.	Play material, games and sports equipment	Shall be provided to each class as required.

RAJYA SABHA

A
BILL

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

(Shri Husain Dalwai, M.P.)