

Bill No. LXVII of 2019

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION (AMENDMENT) BILL, 2019

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BILL

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

BE it enacted by the Parliament in the Seventieth 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, 2019.

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, after clause (g), the following shall be inserted, namely,

Amendment of
Section 2.

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"(ga) "level of learning" means the appropriate class for a child, as may be assessed by the school to which the child above the age of six years is admitted through a standardised diagnostic test conducted by the school;"

Amendment
of Section 4.

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

3. In the principal Act, for section 4, the following shall be substituted, namely,—

"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 level of learning:

Provided that regardless of the class to which a child is admitted, he or she shall have a right to receive special training, in such manner, and within such time-limits, as may be prescribed: 5

Provided further that a child so admitted to elementary education shall be entitled to free education till the completion of elementary education even after fourteen years of age: 10

Provided also that the appropriate Government may prescribe the rules relating to the conduct of standardised diagnostic tests by the school to determine the level of learning of the child."

STATEMENT OF OBJECTS AND REASONS

It has been observed that children who fall behind in school do not benefit from being taught at a grade or class far above what their education levels allow them to understand and comprehend. Learning outcomes are therefore negatively impacted when such a child is unable to process teaching in his or her class, yet is promoted to a higher class. Such a child is left without recourse and is at risk of dropping out of school without completing elementary education.

2. The Right of Children to Free and Compulsory Education Act, 2009, presently obligates the school to admit to the age appropriate class for a child admitted above the age of six.

3. In order to teach children at the right level, importance must be placed on identifying the appropriate level at which they should enter school and begin the learning process. This cannot be determined purely on the basis of the age of the child. This Bill proposes to make the requisite amendments to the Act to achieve this goal and improve learning outcomes in elementary education which are presently unsatisfactory.

4. The Bill seeks to achieve the above objectives.

DR. AMAR PATNAIK

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill proposes to amend section 4 of the Act so as to enable the appropriate Government to prescribe rules for the conduct of a standardized diagnostic test to determine the level of learning which a child has achieved so that the appropriate class for admission of the child may be determine.

2. The matters in respect of which rules may be made under the proposed legislation are matters of procedure of administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

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

(35 OF 2019)

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

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 as prescribed.

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

(Dr. Amar Patnaik, M.P.)