

AS INTRODUCED IN THE RAJYA SABHA
ON 8TH DECEMBER, 2023

Bill No. LXI of 2023

THE RIGHT OF CHILDREN TO FREE AND
COMPULSORY EDUCATION (AMENDMENT) BILL, 2023

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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 Seventy-fourth 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, 2023.
- 5 (2) It shall come into force on such date, as the Central Government may,
by notification in the Official Gazette, appoint.
2. In section 27 of the Right of Children to Free and Compulsory Education
Act, 2009, the words, “the decennial population census,” shall be omitted.

Short title and
commencement.

Amendment of
section 27.

STATEMENT OF OBJECTS AND REASONS

In India, there is an acute shortage of trained and experienced teaching staff in educational institutions. The deployment of school teachers for non-teaching roles, such as collecting data for decennial population census reports and as booth-duty officers in elections, has been a point of contention.

The Annual Status of Education Report (ASER) 2022 shows the lowering quality of education in schools. According to the report, only 20.5 per cent. of class third students in government and private schools could read at class second level in 2022, dropping from 27.3 per cent. in 2018. Only 42.8 per cent. of students in class five could read at least class 2 level text, falling from 50.5 per cent. in 2018. While 69.6 per cent. of children enrolled in class eight in government or private schools could read basic text, compared to 73 per cent. in 2018. A nationwide decline in children's basic arithmetic levels in comparison to 2018 levels for most grades has also been witnessed.

Amidst this education crisis, the deployment of teachers for conducting the census places an enormous burden on schools and jeopardizes the quality of education provided to students. The detrimental consequences of this practice on student learning and overworking teachers call for urgent reform.

The Supreme Court of India tried to come to teachers' aid in 2007, in *Election Commission of India v. St. Mary's School and others*, ruling that government school teachers cannot be forced into non-academic activities like census work, election duties, or polio drop campaigns. Unfinished courses, poor results, high dropout rates, improper class conduction, and disrupted teaching plans are witnessed in schools due to census duty, which requires teachers to visit hundreds of households and collect extensive data. This practice is concerning in light of the prevalence of single-teacher schools and that census duty is mainly allotted to primary school teachers.

Though the Right of Children to Free and Compulsory Primary Education Act, 2009 is rightly focusing on students, the Act must also protect the rights and well-being of teachers. The deployment of school teachers for non-teaching roles such as conducting census compromises the education system's integrity and negatively impacts students. It is our collective responsibility to advocate for a more balanced and responsible approach to utilizing the invaluable human resources of our education system. Teachers should not be subjected to unreasonable workloads and non-teaching tasks, allowing them to focus on their primary role – educating the future of our nation.

Hence this Bill.

TIRUCHI SIVA

ANNEXURE

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

27. No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be.

Prohibition of deployment of teachers for non-educational purposes.

RAJYA SABHA

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(Shri Tiruchi Siva, M.P.)