

Bill No. XXXIII of 2022

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY
EDUCATION (AMENDMENT) BILL, 2022

A

BILL

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

BE it enacted by the Parliament in the Seventy-third 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, 2022.

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 long title of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act), for the words “age of six to fourteen years”, the words “age of six to seventeen years”, shall be substituted.

Amendment of the long title.

10 **3.** Throughout the principal Act, for the words “elementary education”, “age of six to fourteen years”, and “fourteen years”, wherever they occur, the words “school education”, “age of six to seventeen years” and “seventeen years” shall respectively, subject to section 7 of this Act and such changes as the rules of grammar require, be substituted.

Substitution of references to certain expressions by certain other expressions.

Amendment
of section 2.

4. In section 2 of the principal Act,—

(a) clause (f) shall be omitted; and

(b) after clause (n), the following clause shall be inserted, namely:—

"(na) "school education" means the education from first class to twelfth class;"

5

Amendment
of section 30.

5. For section 30 of the principal Act, the following section shall be substituted, namely:—

Examination
and
completion
certificate.

"30. (1) No child shall be required to pass any Board examination till completion of his education of class eighth.

(2) Every child completing his education in class eighth shall be awarded a certificate, in such form and in such manner, as may be prescribed."

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Amendment
of section 38.

6. In clause (o) of sub-section (2) of section 38 of the principal Act, for the words "elementary education", the words "education of class eighth" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Education has a very important role in the development of the nation. As a developing nation, it is important that all children in the country get free school education till class twelfth.

2. The Bill proposes amendments to the Right of Children to Free and Compulsory Education Act, 2009, to provide that every child be given the right to full time elementary, secondary and higher secondary education in a formal school. Accordingly, it is proposed to amend the definition of the "child" by enhancing their age to seventeen years for considering them as a child and also providing them free school education up to class twelfth by suitably proposing amendments to the Act.

3. Only free and compulsory education monitored and ensured by the system can ensure the achievement of the purpose.

4. The proposed legislation, hence, is required to ensure free and compulsory education up to the class twelfth to every male and female child of the age of six to seventeen years, and thereby resulting in the progress of the nation.

5. The Bill seeks to achieve the above objectives.

DR. V. SIVADASAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to extend the free and compulsory education from elementary education to higher secondary education. 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.

ANNEXURE

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

[35 OF 2009]

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30. (1) No child shall be required to pass any Board examination till completion of elementary education.

Examination and completion certificate.

(2) Every child completing his elementary education shall be awarded a certificate, in such form and in such manner, as may be prescribed.

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38. * * * * *

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:—

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

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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. V. Sivadasan, M.P.)