

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 18TH DECEMBER, 2009

**Bill No. XLII of 2009**

THE QUALITY AND ACCOUNTABILITY IN EDUCATION BILL, 2009

A

BILL

*to formalise the commitment to high quality education; adopt grade specific performance oriented education system; provide for grading of schools by independent agency on the basis of their academic performance; award schools for achieving high academic standard for; establish a system of accountability in education and matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Quality and Accountability in Education Act, 2009.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in case of a State, the Government of the State and in all other cases, the Central Government;

(b) "core academic area" means subjects of Mathematics, English, Social Studies, and Science;

(c) "Oversight Committee" means Education Oversight Committee constituted under section 4;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "standard based assessment" means a system of assessment where an individual's performance is compared to specific performance standard and not to the performance of other students; and

(f) "school" means any educational institution providing education up to the twelfth standard.

Appropriate Government to ensure quality education and establish accountability.

3. (1) The appropriate Government shall, within its jurisdiction, ensure high quality educational opportunities to every citizen in the country and establish a system of accountability in the educational system at every level.

(2) For the purpose of providing high quality education, the appropriate Government shall prescribe a system of standard based assessment in the core academic area for assessing the performance of each student and introduce grade specific performance oriented standards in schools.

Central Government to constitute Education oversight committee.

4. (1) The Central Government shall by notification in the Official Gazette, constitute a Committee to be known as the Education Oversight Committee to perform the functions assigned under this Act.

(2) The Committee shall consist of,—

(i) Union Minister of Human Resource Development—as Chairman;

(ii) Five Members of Parliament—three from Lok Sabha and two from Rajya Sabha to be nominated by the Speaker, Lok Sabha and Chairman, Rajya Sabha respectively;

(iii) Chairman, University Grants Commission;

(iv) Chairman, All India Council of Technical Education;

(v) Chairman, National Council for Teachers Education;

(vi) Chairman, Indian Council of Historical Research;

(vii) Chairman, Indian Council of Social Science Research;

(viii) Chief Secretary of seven States or Union Territories to be nominated by the Central Government on relation basis in such manner as may be prescribed;

(ix) Chairman, National Council of Education research and Training;

(x) Chairman, Central Board of Secondary Education;

(xi) Five eminent academicians to be nominated by the Central Government who shall have at least twenty years experience in the field of education;

(xii) Secretary, Department of School Education and Literacy, Ministry of Human Resource Development—as Member Secretary.

(3) The terms and conditions of service of the five eminent academicians shall be such as may be prescribed.

(4) The Department of School Education and Literacy, Ministry of Human Resource Development shall provide the secretarial assistance to the Oversight Committee.

(5) The headquarter of the Oversight Committee shall be in New Delhi and the Oversight Committee shall have its office in each State and Union Territory and at such places as may be decided by the Committee.

**5. (1)** The functions of the Committee shall be—

Functions of the Oversight Committee.

(a) to review the assessment system in States and Union Territories;

(b) to devise and review grade specific performance oriented education standards in core area;

(c) to develop and review the standard based assessment system at various levels in States and Union Territories;

(d) to develop a comprehensive system of quarterly and annual reporting for rating academic performance;

(e) to devise and review the tests conducted for evaluating the performance at various levels;

(f) to make recommendation on any matter relating to quality effectiveness of the education;

(g) to prepare an annual report and submit it to the Parliament; and

(h) to devise, review and monitor the implementation and evaluation of education accountability system.

(2) Without prejudice to the generality of the provisions contained in sub-section (1) of section 5, the Oversight Committee shall ensure that the standard based assessment reflects highest level of academic skill with rigor necessary to improve the curriculum and interaction so that the students are encouraged to learn at unprecedented level and shall be the reflection of highest level of academic skill at each grade level.

**6. (1)** The appropriate Government shall, within its jurisdiction constitute an independent panel, in such manner and with such composition as may be prescribed, for evaluating the performance of schools and awarding grades as per their performance for attaining high quality academic education.

Independent Panel to grade and award school.

(2) Without prejudice to the generality of the provisions in clause (1) of section 6, the composition of the independent panel shall be such so as to have eminent academicians and representatives of Non-Government Organisations working in the field of education in majority.

(3) The independent panel shall always have a representative of the Oversight Committee in its composition.

(4) The appropriate Government shall establish an award giving system in such manner as may be prescribed in each district, to recognise and reward schools for attaining high quality academic achievements on the basis of the recommendation of the independent panel.

**7. (1)** If any school receives a grade of below average or unsatisfactory the appropriate Government in consultation with the Office of the Oversight Committee shall frame a revival plan and compulsory packages and provide the research based technical assistance on each and every aspect of the schooling.

Revival of school, receiving below average grade.

(2) The appropriate Government shall, in consultation with the Office of the Oversight Committee also review the accountability system and take such action as may be required for reviving the school at the appropriate grade level.

**8. (1)** The Oversight Committee shall within six months of the coming into force of this Act establish a task force to prepare a roadmap for involving parents with their children's education.

Task Force for involving Parents with their children's education.

(2) The task force shall look for ways to encourage and induce parents to oversee students academic performance and behaviour that contribute to the academic improvement.

Accountability  
in  
administration  
and school.

**9.** (1) The Oversight Committee shall, through its offices in States and Union Territories, in consultation with State Government establish in each district a performance based accountability system in the district and school administration for providing quality education at the district level.

(2) The appropriate Government shall, ensure the participation of parents, teachers and principals in the development, annual review and revisions of the accountability system established in the district.

(3) Without prejudice to the generality of the provisions contained in sub-section (1) and (2) of section 9, while framing the accountability system, persons shall be identified at district and school level who shall be responsible for various aspects and activities of the school education.

Oversight  
Committee to  
issue guideline.

**10.** (1) The Oversight Committee may prescribe norms and issue guidelines in respect of following matters pertaining to school education:—

- (a) clean learning environment and basic infrastructure in schools;
- (b) well lit classrooms with suitable chair, desks and other equipment;
- (c) fully qualified and adequately trained teachers and counselors;
- (d) adequate text books, other learning material and writing material;
- (e) fair and authentic assessment system based on grading;
- (f) teacher-student ratio in each standard;
- (g) time to be devoted by teacher in class room;
- (h) meeting of counselors with students;
- (i) hygienic toilets and drinking water facilities;
- (j) protection from harassment;
- (k) preparedness for disaster mitigation;
- (l) access to co-curricular activities and sports;
- (m) nursing facilities;
- (n) fair and non-discriminatory discipline system;
- (o) well equipped laboratories; and
- (p) parents participation in school activities.

(2) It shall be the duty of the appropriate government to ensure compliance of the norms prescribed and guidelines issued by Oversight Committee through district administration in the district.

(3) The office of the Oversight Committee in States or Union Territories shall monitor the compliance and send a report in this regard to the headquarter annually.

Central  
Government  
to provide  
funds.

**11. The Central Government shall, by due appropriation made by Parliament in this regard, provide funds for the purposes of this Act.**

Power to  
remove  
difficulty.

**12.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

**13.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

Overriding effect of this Act.

**14.** (1) The Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every order and every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament. While it is in Session, for a total period of thirty days, which may be comprised in one Session or in two or more successive Sessions, and if, before the expiry of the Session immediately following the Session or the successive Sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be. So, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Literacy is the key to development, health care, employment and last but not the least, to population control. The literacy rate of the country at the time of independence was only fourteen per cent. With the concerted efforts of the successive Governments, the literacy rate has increased and reached to a level of 65.38 per cent. There are many Government schemes which have been launched to increase the number of literates in the country such as, the Serva Shiksha Abhiyan, Education Guarantee Scheme, Alternative and Innovative Education Scheme, District Primary Education Programme, Total Literacy Campaign, Continuing Education Scheme and Mid-Day Meal Programme. Though the literacy level in the country has increased but going by the generally accepted definition of "literacy" and the poor quality of education being imparted in the country, it is not going to have desired impact on the development of the country. As things stand today, not much attention is being paid towards the quality of education in the existing education system and in various schemes or programmes. With the participation of private sector in education, it has become a business as everyone with commerce motive wants to make money by running an educational institution. On the Government side, there is no accountability in various Government run or aided educational institutes if they fails to deliver on quality parameters. As a result the quality of education suffers in such institutes. Education is one of the most powerful instruments for reducing poverty and inequality in the society. It is equally a key to enhance India's competitiveness in the global economy. Therefore, only making the people literate is not going to help. It has to be ensured that access to quality education should be given to all, in particular, to the poor and rural population for economic and social development of the country. In a recent study by ASSOCHAM called 'Comparative Study of Emerging Economies on Quality of Education' in respect of educational quality our country ranks sixth among the seven emerging economies of the world. The study reveals that in terms of quality of secondary education, our country stands at the last position. Therefore, it is necessary that serious attention is paid towards quality of education so that the country may not lose its competitive advantages against other countries in long term. For obtaining quality in education, it is all the most necessary that the system of accountability should be introduced in the administration as well as in educational institutions. The Bill seeks to achieve the above objectives of quality and accountability in educational system in the country.

Hence this Bill.

MABEL REBELLO

## FINANCIAL MEMORANDUM

Clause **4** of the Bill provides that the Central Government shall constitute an Education Oversight Committee which shall have its offices in States and Union Territories as well. Clause **8** of the Bill provides that the Oversight Committee shall constitute a task force to prepare a roadmap for involving parents with children's education. Clause **11** of the Bill provides that the Central Government shall provide funds for the purposes of the Bill. Therefore, the Bill, if enacted, will involve expenditure from the consolidated fund of India. It is estimated that an expenditure of rupees one hundred crore per annum will be involved.

A non-recurring expenditure of rupees fifty crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause **14** of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.



## RAJYA SABHA

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*(Ms. Mabel Rebello,, M.P.)*