

Bill No. 75 of 2017

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

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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 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
commencement.

5 (2) It shall be deemed to have come into force on the 1st day of April, 2015.

35 of 2009.

2. In the Right of Children to Free and Compulsory Education Act, 2009, in section 23, in sub-section (2), after the proviso, the following proviso shall be inserted, namely:—

Amendment
of section 23.

10 "Provided further that every teacher appointed or in position as on the 31st March, 2015, who does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of four years from the date of commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2017."

STATEMENT OF OBJECTS AND REASONS

The crucial role of universal elementary education for strengthening the social fabric of democracy through provision of equal opportunities to all has been accepted since inception of our Republic. The Directive Principles of State Policy enumerated in our Constitution lays down that the State shall provide free and compulsory education to all children up to the age of fourteen years.

2. Pursuant to insertion of article 21A in the Constitution by the Constitution (Eighty-sixth Amendment) Act, 2002, the Right of Children to Free and Compulsory Education Act, 2009 was enacted to provide for free and compulsory education to all children of the age of six to fourteen years. The said Act came into force on the 1st April, 2010.

3. Proviso to sub-section (2) of section 23 of the said Act has stipulated a period of five years from the date of commencement of the said Act, till the 31st March, 2015, as the deadline for a teacher who does not possess minimum qualifications as laid down in sub-section (1) of the said section, to acquire such minimum qualifications.

4. In view of the above provisions, after completion of the said period, the State Governments have not been able to continue the training process for in-service untrained teachers. Hence, the State Governments have requested for extension of the period for training untrained teachers so as to enable them to initiate and complete the said training process.

5. Therefore, it is proposed to bring the Right of Children to Free and Compulsory Education (Amendment) Bill, 2017 to insert a new proviso to sub-section (2) of section 23 of the said Act, so as to provide that every teacher appointed or in position as on 31st March, 2015, who does not possess minimum qualifications as laid down under sub-section (1) of the said section, shall acquire such minimum qualifications within a period of four years on and from the date of commencement of the proposed legislation.

6. The Bill seeks to achieve the above objective.

NEW DELHI;
The 3rd April, 2017.

PRAKASH JAVADEKAR.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for insertion of a new proviso to sub-section (2) of section 23 of the Right of Children to Free and Compulsory Education Act, 2009 so as to provide that every teacher appointed or in position as on the 31st March, 2015, who does not possess minimum qualifications as laid down under sub-section (1) of the said section, shall acquire such minimum qualifications within a period of four years on and from the date of commencement of the proposed legislation. The expenditure relating to training of untrained teachers will be borne out of the approved allocation under Sarva Shiksha Abhiyan programme. The amount will be shared between the Central Government and the State Governments in the ratio of 60:40 for normal States, 90:10 for North Eastern States, Himachal Pradesh and Uttarakhand, and 100 per cent. for Union territories, as per the sharing pattern under Sarva Shiksha Abhiyan programme. It is estimated that a non-recurring expenditure of rupees 453.62 crore involved would be carried over to subsequent years to complete the training of untrained teachers by 31st March, 2019. This amount will be met out of the approved budget allocation for Sarva Shiksha Abhiyan.

2. The Bill does not involve any other recurring or non-recurring expenditure.

ANNEXURE

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

	*	*	*	*	*
Qualifications for appointment and terms and conditions of service of teachers.	23. (1) *	*	*	*	*
	(2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification:				
	Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.				
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BILL

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

(Shri Prakash Javadekar, Minister of Human Resource Development)