

THE FREE AND COMPULSORY EDUCATION BILL, 2003

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BILL

to provide for free and compulsory education for all children from the age of six years to fourteen years and for matter connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:

Chapter I Preliminary

1. Short title, Extent and Commencement

- (1) This Act may be called The Free and Compulsory Education Act, 2003.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may by notification in the Official Gazette appoint and different dates may be appointed for different provisions of the Act, and for different parts of the country.

2. Definitions

- (1) In this Act, unless the context otherwise requires—
 - (a) ‘**academic year**’ means a period notified as such by the appropriate government
 - (b) “**appropriate government**” means the State Government in the case of States mentioned in Part I of the First Schedule to the Constitution, Union Territory Administration in case of Union Territories in Part II of the First Schedule to the Constitution which have their own legislature, and the Central Government in the case of Union Territories mentioned in Part II of the First Schedule to the Constitution which do not have their own legislature, and in respect of schools under the management of Central Government or a body controlled by the Central Government;
 - (c) “**approved school**” means
 - (i) a regular approved school, or
 - ii) an Education Guarantee Centre or alternative school run under a scheme framed or approved by the Central Government or an appropriate government under section 26;

- (d) **“child”** means a boy or girl who is not less than six years and not more than fourteen years of age;
- (e) **“child with special needs”** means a child who is a person with disability as defined in clause (u) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
- (f) **“Competent Academic Authority”** means an authority empowered by law or by the Central or an appropriate government, or recognised by such government, for prescribing curriculum for the elementary stage;
- (g) **“Competent Authority”** means an officer or authority empowered by law or by the Central or an appropriate government, or recognised by such government, for the purpose of giving recognition to schools;
- (h) **“District Institute of Education and Training”** and **“District Resource Centre”** mean institutions established by these generic names under the centrally-sponsored scheme of Teacher Education;
- (i) **“education”** means a guided process of all-round development, encompassing physical , intellectual, psycho-motor, creative , ethical, cultural and social development, and includes :
 - i) acquisition of knowledge and skills, and
 - ii) development of attitudes and values, as may be prescribed by a competent academic authority;
- (j) **“elementary education”** means education at the elementary stage;
- (k) **“elementary stage”** means the stage of school education corresponding to Classes I to VIII as per curriculum prescribed by a Competent Academic Authority ;
- (l) **“family below the poverty line”** means a family identified as such for purposes of the public distribution scheme of the appropriate government ;
- (m) **“free and compulsory education”** means imparting of elementary education to children in approved schools in such a manner that
 - (i) the child or his parent or guardian does not have to incur any expenditure by way of tuition or any other fees or charges payable to the school, and may include, subject to rules made in this behalf, freedom from incurring expenditure, wholly or partly, on text books, stationery, uniforms, public transport, and such other items as may be prescribed, and
 - (ii) the appropriate government has an obligation to take all steps to ensure that every child is enrolled in school, attends it at least with such minimum regularity as may be prescribed, and completes elementary education.
- (n) **“guardian”** means any person on whom the care, nurture or custody

of a child devolves by law or custom, or who has accepted or assumed the care, nurture or custody of such child in a lawful manner, either permanently or for the time-being;

- (o) **“habitation”** means:-
 - (i) in a municipal area, the ward, or such smaller unit as the appropriate government may, by Order published in the official gazette, specify, and
 - (ii) in rural areas, the village, or such smaller unit (e.g.a hamlet) as the appropriate government may, by Order published in the official gazette, specify;
- (p) **“local area”** means:-
 - (i) in case of urban areas, a municipal area, and
 - (ii) in case of rural areas:
 - A) in States having panchayats at the intermediate level, the territorial area of a Panchayat of such level , and
 - B) in other States, such territorial unit as the appropriate government may , by notification, specify as the ‘Local Area’, for purposes of this Act;
- (q) **‘local authority’** means a Panchayat or a Municipality and such other authorities as the appropriate government may, by notification, specify;
- (r) **‘National-level Resource Institutions’** means the institutions known at the commencement of this Act, as NCERT, NIEPA, NCTE, IGNOU and NIOS, and such other institutions as the Central Government may, by notification, designate as a national-level resource institution for the purposes of this Act;
- (s) **“non- educational purpose”** means any purpose not connected with elementary education, or with children’s participation in such education;
- (t) **“parent”** means the father or mother of a child and includes an adoptive father or mother;
- (u) **“prescribed”** means prescribed by rules made under this Act;
- (v) **“recognised school”** means a school recognised by the Central or an appropriate government, or by a competent authority;
- (w) **“regular approved school”** means a school which-
 - (i) is under the management of the Central Government or a State Government or a local authority or under the management of a body controlled by the Central Government, a State Government or a local authority, or
 - (ii) being under any other management, is recognized by the competent authority for the purposes of this Act and receives substantial aid from the Government or local authority;
- (x) **“school”** means an institution or part of institution which imparts

- instruction at the elementary stage, or any part of such stage;
- (y) **"secondary stage"** means the stage of school education corresponding to Classes IX to XII as per curriculum prescribed by a Competent Academic Authority;
 - (z) **"special school"** means a school specifically designed for imparting education to children with special needs;
 - (aa) **"substantially aided"** in relation to a school means a school which meets at least seventy five percent of its annual expenditure through funds received as loan or grant either individually from the Central Government or a State Government or a local authority, or collectively from all of them;
 - (bb) **'teacher'** means a person who teaches in a school;
 - (cc) **'truancy'** means omission of a child to attend the school in which he is enrolled with such minimum regularity as may be prescribed;
 - (dd) **'ward'**, in relation to a child, means a child who is under the guardianship of someone other than a parent;
- (2) Words and expressions not defined in this Act but defined in the Constitution shall have the meaning assigned to them in the Constitution.

CHAPTER II BASIC PROVISIONS REGARDING FREE & COMPULSORY EDUCATION

3. DUTY OF APPROPRIATE GOVERNMENT TO PROVIDE FREE AND COMPULSORY EDUCATION

(1) The appropriate Government shall, through the Authorities provided in Chapter III and otherwise, provide free and compulsory education to all children in the manner hereinafter provided.

(2) While taking measures in pursuance of sub-section (1), the appropriate government and all authorities mentioned in Chapter III of this Act shall pay special attention to the needs of children belonging to disadvantaged groups, like:

- a) girls,
- b) Scheduled Castes, Scheduled Tribes and Other Backward classes.
- c) children from families below the poverty line,
- d) first generation learners,
- e) children living in rural areas, especially remote rural areas,
- f) children affected by migration, calamities, etc.,
- g) children without parents or guardian, and
- h) children with special needs.

Expantion:- “Children belonging to disadvantaged groups” implies children suffering from any disadvantage – physical, locational, social, economic or otherwise – which adversely affects their participation in elementary education.

4. DUTY OF APPROPRIATE GOVERNMENT TO CREATE FACILITIES FOR ELEMENTARY EDUCATION

- (1) The appropriate government shall take steps to ensure that, within a period not exceeding three years from the commencement of this Act, an approved school becomes available within such distance from every habitation as may be prescribed;

Provided that different distances may be prescribed for approved Schools imparting education at different sub-stages of the elementary stage;

Provided further that for children living in sparsely populated areas, the appropriate government may, instead of establishing approved schools within the prescribed distance, make alternative arrangements for free and compulsory education, including establishment of residential schools.

- (2) Every approved school shall fulfil such norms as the appropriate government may notify in this behalf;

Provided that the norms so notified shall not be less than the minimum norms specified in the Schedule;

Provided further that, in respect of approved schools, which do not fulfil the said norms at the time of their notification, appropriate government shall take steps to ensure that they fulfil such norms within a period not exceeding three years from the date of such notification.

- (3) The appropriate government shall cause every approved school to be supervised at least thrice in an academic year in such manner as may be prescribed. A copy of the supervision report shall be sent to the concerned school and to the HEEA constituted under section 16, for suitable action.

5. EDUCATION IN APPROVED SCHOOLS TO BE FREE AND COMPULSORY

- (1) Subject to the provisions of this Act, education in approved schools shall be free and compulsory;

Provided that genuinely voluntary contribution from parents, guardians and the community for free and

compulsory education, in general, and improvement of approved schools, in particular, shall be encouraged.

(2) Nothing in this Act shall entitle a parent or guardian to claim reimbursement of any expenses incurred by him in respect of elementary education of a child in an institution other than an approved school.

6. ADMISSION IN APPROVED SCHOOLS

No child shall be denied admission in an approved school located in such vicinity of his place of residence as may be prescribed.

7. PROHIBITION OF CAUSING OBSTRUCTION TO ELEMENTARY EDUCATION OF A CHILD

(1) No person shall prevent a child from attending school.

(2) Notwithstanding anything contained in the Child Labour (Prohibition and Regulation) Act, 1986 (No.61 of 1986):

(i) no person shall employ or engage a child in a manner which prevents the child from attending an approved school referred to in Section 6, and

(ii) every occupier, in relation to an establishment, who is required to send a written notice to the Inspector under Section 9 of the said Act, about employing a child or permitting a child to work, shall, also send a copy of such notice to the approved school referred to in Section 6 and to the HEEA concerned, with the following additional particulars, namely:

(a) hours of the day, and days of the week when the child is employed or permitted to work in the establishment, and

(b) such other particulars as may be prescribed,

8. DUTY OF PARENTS & GUARDIANS

(1) It shall be the duty of every citizen who is a parent or guardian of a child, unless prevented by a valid reason specified in sub-section (2), to:

- (i) enrol his child, or, as the case may be, ward in a recognised school,
- (ii) cause the child to attend such school with at least such minimum regularity as may be prescribed; and
- (iii) to provide the child full opportunity to complete elementary education.

(2) The following shall be deemed to be valid reasons for purposes of sub-section (1):-

- (i) non-availability of an approved school within the distance prescribed under sub-section(1) of Section 4;
- (ii) the child suffering from a physical or mental disability which prevents him from attending school;
- (iii) such other reasons as may be prescribed.

9. DUTY OF TEACHERS

(1) It shall be the duty of all teachers, including the Head Teacher, by whatever name called, of every approved school to:

- (a) ensure, along with parents and guardians, regular attendance and all-round development of all children enrolled in the school,
- (b) to report every case of truancy to the parent or guardian concerned in the first instance, and to the HEEA constituted under section 16 in case it persists,
- (c) to regularly assess the learning level of each child and to provide supplementary instruction to children who are slow learners, and

(d) to regularly apprise every parent/guardian about the progress of learning and development of his child/ward studying in the school, and to also regularly report about such progress to the HEEA, in such manner as may be prescribed.

(2) Every approved school shall, in addition to being accountable to the superior departmental authority, be also accountable to the HEEA constituted under section 16, in such manner as may be prescribed.

10. PROHIBITION OF DEPLOYMENT OF TEACHERS & USE OF SCHOOL PREMISES FOR NON-EDUCATIONAL PURPOSES

(1) No teacher of an approved school shall be deployed for any non-educational purpose except under orders of the appropriate government.

(2) Premises of an approved school shall not be used for any non-educational purpose except under orders of the appropriate government.

11. RECRUITMENT OF TEACHERS TO BE DONE IN A FAIR AND OBJECTIVE MANNER

(1) Recruitment of teachers for approved schools shall be done in accordance with rules, and selection criteria and procedure, which shall be publicly notified in such manner as may be prescribed.

(2) Rules for recruitment, and criteria and procedure for selection of teachers for recruitment in approved schools shall be so framed as to make the selection process fair and objective, and minimise scope for arbitrariness.

12. TRANSFERS AND DEPLOYMENT OF TEACHERS TO BE IN ACCORDANCE WITH DECLARED POLICY & NORMS

(1) Every appropriate government and local authority shall declare, from time to time, a comprehensive and rational policy regarding transfers and postings of its employee teachers.

- (2) The policy referred to in sub-section (1) shall be a public document, and shall be so framed as to minimise scope for arbitrariness.
- (3) Transfers and postings of teachers who are employees of an appropriate government or a local authority shall be effected in accordance with the policy declared under sub-section (1).
- (4) Appropriate governments and local authorities running approved schools shall ensure that teachers and their sanctioned posts are deployed in schools in accordance with norms specified in the Schedule, and are not over-deployed in urban areas at the cost of rural areas.

13. PROCEDURE FOR COMPUTING AGE OF A CHILD

- (1) The age of a child for the purpose of this Act shall be computed in terms of years completed by the child on or before the first day of the academic year;

Provided that where the birthday of a child fall on a day not later than sixty days from the first day of the academic year, the birthday shall be deemed to fall on the first day of the academic year for the purpose of computing the age of the child.

- (2) Ordinarily the birth certificate and, in its absence, a declaration by the parent or guardian will be prima facie proof of age of a child unless the admitting authority has reason to disbelieve it. In case it is disbelieved, the authority shall make such enquiry as is deemed appropriate for determining the child's age.

14. ALL SCHOOLS TO SEEK RECOGNITION

- (1) Every school not recognised at the commencement of this Act shall apply to the competent authority in the prescribed manner for grant of recognition within a period of three months from the commencement of this Act, or, if rules for recognition do not exist in a State or Union Territory at such commencement, within three months from the date of notification of rules by the appropriate government.

- (2) Every application preferred under sub-section (1) shall be disposed of by the Competent Authority within three months, and if it is not so disposed of, recognition shall be deemed to have been granted to the applicant school.
- (3) New schools shall be established after commencement of this Act only after obtaining recognition from a competent authority.
- (4) All schools which were already recognised at the commencement of this Act shall fulfil such norms as may be prescribed, within such period as may be notified, by the appropriate government.
- (5) All new schools shall be granted recognition by the competent authority only on fulfilment of such norms as may be prescribed.
- (6) The norms referred to in sub-sections (4) and (5) shall not be less than the minimum norms specified in the Schedule.
- (7) A child receiving instruction in a school which is not recognised, shall be deemed to be not receiving elementary education for the purposes of this Act, and shall not have a right to be admitted to a recognised school in a class for studying in which he may be certified as fit by the un-recognised school.
- (8) All approved schools shall be deemed to be recognised schools for the purposes of this Act.

CHAPTER III : AUTHORITIES FOR ACHIEVING UEE

15. LIST OF HABITATIONS

- (1)** The appropriate government shall cause to be drawn up within three months from the commencement of this Act, a complete list of habitations in the State/Union Territory in such manner as it may think proper.
- (2)** The appropriate government shall cause the list prepared under sub-section (1) to be updated at least once a year at such time and in such manner as may be prescribed.
- (3)** Habitation shall be the basic unit for planning and implementation of all programmes connected with provision of free and compulsory education.

16. HABITATION-LEVEL ELEMENTARY EDUCATION AUTHORITY (HEEA)

- (1)** The appropriate government shall cause to be constituted for every habitation, a Habitation-level Elementary Education Authority (HEEA) with such name and composition, and in such manner as may be prescribed.
- (2)** The HEEA referred to in sub-section (1) shall be in the nature of a Parent-Teacher or Mother-Teacher Association, or a School Management Committee, or
 - (a)** in municipal areas, a Ward Education Committee, and
 - (b)** in other areas, a Village or Hamlet Education Committee, or such other body as may be prescribed.
- (3)** Notwithstanding anything contained in sub-sections (1) and (2), the appropriate government may for the purposes of this Act, designate as HEEA:
 - (a)** Village Panchayats or their Sub-Committees on Education, for rural habitations,
 - (b)** Ward Committees of Municipalities, for municipal areas,

- (c) grass-roots level education committees constituted under any other law for the time being in force, for areas to which such law applies.
- (4) In case the HEEA is not a body designated under sub-section (3), its composition shall be so prescribed that at least half of its members, other than ex officio members, are women.
- (5) The HEEA shall be responsible for ensuring proper implementation of this Act and for achieving free and compulsory education in the habitation, in the shortest possible time, and shall towards that end perform the following functions, in such manner as may be prescribed, namely:
- (i) Preparation of a list of all children residing in the habitation, three months before the commencement of the academic year, with children belonging to disadvantaged groups of the kind referred to in sub-section (2) of Section 3 being separately listed under appropriate categories,
 - (ii) Preparing an annual plan, with full participation of the community, for ensuring free and compulsory education of all children included in the list prepared under sub-clause (i) above, specially keeping in view the needs of children belonging to disadvantaged groups;
 - (iii) mobilising resources for the plan from the community to the maximum extent possible, submission of the plan to the Local Elementary Education Authority two months before the commencement of the academic year for obtaining funds to the extent they cannot be locally mobilised, and implementation of the plan with resources mobilised locally and those provided by the LEEA and the appropriate government,
 - (iv) Ensuring that all children included in the list prepared under sub-clause (i) above are enrolled at the beginning of the academic year in a recognised school,
 - (v) Continuous monitoring of attendance of every child enrolled in an approved school, and ensuring that every such child attends school with at least such minimum regularity as may be prescribed,
 - (vi) In every case of truancy, taking action to end it and ensuring regular attendance in future,

- (vii) Monitoring achievement levels of every child enrolled in an approved school, and taking timely steps to ensure that, as far as possible, every child attains at least such minimum levels of learning as may be prescribed for his class,
 - (viii) Exercising control over the approved school or schools within the habitation, with a view to ensuring that such School(s) functions regularly and properly, all teachers attend and teach regularly, and the school(s) is effective in providing free and compulsory education to children of the habitation,
 - (ix) Maintenance, upkeep and improvement of school building, premises and facilities,
 - (x) Submitting an annual report to such authority or authorities as may be prescribed on the status of implementation of free and compulsory education in the habitation during the preceding academic year, reasons for shortfall, if any, and steps proposed to be taken in the following year to make up for such shortfall. and
 - (xi) Such other functions as may be prescribed.
- (6)** The HEEA shall meet as often as necessary but at least once every month.
- (7)** Wherever the HEEA is a body other than one designated under sub-section (3), term of office of its members, other than ex officio members, their entitlement of allowances, if any, for participation in meetings, and procedure for transaction of business by the HEEA shall be such as may be prescribed.
- (8)** The HEEA shall constitute an Attendance Committee and such other Committees as may be prescribed and as it may deem fit.
- (9)** The Attendance Committee of the HEEA shall consist of the Chairman of the HEEA, all teachers of approved schools located in the habitation, and other members of the HEEA in such number and chosen in such manner as may be prescribed, so however that at least half of its members, other than the Chairman and the teachers, are women.

(10) The Attendance Committee shall meet as often as necessary but at least once every fortnight. In every such meeting, the Schools located in the habitation shall place before the Committee lists of children residing in the habitation and:

- (i) not enrolled in any recognised school, and
- i
- ii (ii) enrolled in an approved school but not attending it with prescribed regularity.

(11) The Attendance Committee shall, on the basis of information placed before it under sub-section (10) as also otherwise, monitor the status of:

- (a) enrolment of every child in the habitation in a recognised school, and
- (b) regular attendance of every child enrolled in an approved school,

and shall take such corrective action in **each** case of non-enrolment or truancy as may be prescribed.

17. Local Elementary Education Authority (LEEA)

(1) The appropriate Government shall cause to be constituted, for every local area, a Local Elementary Education Authority (LEEA) with such name and composition, and in such manner as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), the appropriate government may designate the municipality or its Committee for School Education to be the LEEA for a municipal area, and may likewise designate the Panchayat of the intermediate level or its Committee for School Education to be the LEEA for the area comprised within the jurisdiction of such Panchayat.

(3) In case the LEEA is not a body designated under sub-section (2), its composition shall be so prescribed that at least half of its members, other than ex officio members, are women.

(4) The LEEA shall be responsible for ensuring proper implementation of this Act and for provision of free and compulsory education in the area of its jurisdiction in the shortest possible time, and shall towards that end perform the following functions, namely:

- (i) support HEEAs in performing various functions assigned to them under section 16,

- (ii) raising of public awareness, and mobilisation of resources for achieving free and compulsory education within its jurisdiction,
- (iii) collation and scrutiny of habitation-level annual plans received from HEEAs under clause (ii) of sub-section (5) of section 16, sanctioning them as per its priorities, to the extent of its delegated powers, and submitting the remaining components, after scrutiny and with its recommendations, to the DEEA constituted under section 18, or, as the case may be, to the MEEA constituted under Section 19,
- (iv) promotion of, and support to innovations for achieving free and compulsory education in the local area,
- (v) guide, coordinate and monitor implementation of programmes directly and indirectly connected with free and compulsory education, in the area of its jurisdiction, and
- (vi) such other functions as may be prescribed

(5) The LEEA shall meet as often as necessary but at least once a quarter.

(6) Wherever the LEEA is a body other than one designated under sub-section (2), term of office of its nominated and co-opted members, their entitlement of allowances for participation in meetings, and procedure for transaction of business by the LEEA shall be such as may be prescribed.

(7) The LEEA shall prepare an annual report on the habitation-wise status of implementation of this Act and progress towards free and compulsory education within the local area of its jurisdiction, in such manner and at such time as may be prescribed, and shall submit it to the DEEA. In addition, where the LEEA is not itself a municipality or a Panchayat of intermediate level, such report shall also be presented to the municipality or, as the case may be, the Panchayat of intermediate level.

18. District Elementary Education Authority (DEEA)

(1) The appropriate Government shall constitute for such part of every district as is not included in a metropolitan area, a District Elementary Education Authority (DEEA) with such name and composition and in such manner as may be prescribed;

Provided that at least half of the nominated and co-opted members of the DEEA shall be women.

- (2)** The DEEA shall be responsible for ensuring proper implementation of this Act and for achieving free and compulsory education in the District in the shortest possible time, and shall towards that end perform the following functions, namely:
- (i) support LEEAs in performing various functions assigned to them under section 17,
 - (ii) raising of public awareness, and mobilisation of resources for achieving free and compulsory education in the District,
 - (iii) scrutiny and sanction, as per its priorities, of those components of habitation-level plans as may be submitted to it by the LEEA under sub-section (4) of section 17, and allocation of resources accordingly,
 - (iv) promotion of, and support to innovations for achieving free and compulsory education in the district,
 - (v) guide, coordinate and monitor implementation of programmes directly and indirectly connected with free and compulsory education in the district,
 - (vi) disposal of representations received under sub-section (2) of section 25 of this Act, and
 - (vii) such other functions as may be prescribed.
- (3)** The DEEA shall meet as often as necessary but at least twice a year.
- (4)** Term of office of nominated and co-opted members, their entitlement of allowances for participation in meetings, and procedure for transaction of business by the DEEA shall be such as may be prescribed.
- (5)** The DEEA may constitute such sub-committees as it may think fit for the more convenient transaction of its business.
- (6)** The DEEA shall present an annual report on the local area-wise status of implementation of this Act, and of progress towards free and compulsory education in the district to the SEEA constituted under section 20, and to

the District Planning Committee, in such manner and at such time as may be prescribed.

19. METROPOLITAN ELEMENTARY EDUCATION AUTHORITY (MEEA)

- (1) The appropriate Government shall constitute for every metropolitan area, a Metropolitan Elementary Education Authority (MEEA) with such name and composition and in such manner as may be prescribed;

Provided that at least half of the nominated and co-opted members of the MEEA shall be women.

- (2) The MEEA shall be responsible for ensuring proper implementation of this Act and for achieving free and compulsory education in the metropolitan area in the shortest possible time, and shall towards that end perform the following functions, namely:

- (i) support LEEAs working in the metropolitan area in performing various functions assigned to them under section 17,
- (ii) raising of public awareness, and mobilisation of resources for achieving free and compulsory education in the metropolitan area,
- (iii) scrutiny and sanction, as per its priorities, of those components of habitation-level plans as may be submitted to it by the LEEA under sub-section (4) of section 17, and allocation of resources accordingly,
- (iv) promotion of, and support to innovations for achieving free and compulsory education in the metropolitan area,
- (v) guide, coordinate and monitor implementation of programmes directly and indirectly connected with free and compulsory education in the metropolitan area,
- (vi) disposal of representations received under sub-section (2) of section 25 of this Act, and
- (vii) such other functions as may be prescribed

- (3) The MEEA shall meet as often as necessary but at least twice a year.

- (4) Term of office of nominated and co-opted members, their entitlement of allowances for participation in meetings, and procedure for transaction of business by the MEEA shall be such as may be prescribed.
- (5) The MEEA may constitute such sub-committees as it may think fit for the more convenient transaction of its business.
- (6) The MEEA shall present an annual report on the local area-wise status of implementation of this Act, and of progress towards free and compulsory education in the metropolitan area to the SEEA constituted under section 20, and to the Metropolitan Planning Committee, in such manner and at such time as may be prescribed.

20. STATE ELEMENTARY EDUCATION AUTHORITY (SEEA)

- (1) The Government of every State and of every Union Territory having a legislature shall constitute a State, or as the case may be, a Union Territory Elementary Education Authority (SEEA/UTEAA) with the following composition, namely:

- (i) The Chief Minister Chairman
- (ii) The Minister in charge of Elementary Education Vice-Chairman
- (iii) Ministers in charge of the following subjects, namely:

| | |
|-------------------------------|-------------------------------|
| (a) Finance, | (b) Women & Child Development |
| (c) Welfare of SCs | (d) Welfare of STs |
| (e) Welfare of the Disabled | (f) Sec. & Higher Education |
| (g) Sports & Youth Affairs | (h) Public Health |
| (i) Rural Poverty Alleviation | (j) Urban Poverty Alleviation |
| (k) Labour | (l) Planning |
| (m) Info. & Publicity | (n) Info. Technology |

Members
- (iv) Two members of the Legislative Assembly and, in the case of States having a Legislative Council, one member of the Legislative Council, to be nominated by the Speaker and the Chairman respectively Members
- (v) Presidents of District Panchayats and Mayors/Presidents of Municipalities to be nominated by the State/U.T. Government in such numbers and in such manner as may be prescribed Members

- (vi) Upto six members to be nominated by the State/UT Government from among Experts and Activists in the field of Elementary Education
Members
- (vii) Two members to be nominated by the State/UT Government from among experts in Management & Finance
Members
- (viii) Two members to be nominated by the State/UT Government to represent the teaching profession (incl. teacher educators)
Members
- (ix) Upto three members to be nominated by the Central Government
Members
- (x) Secretary to the State/UT Government in charge of Elementary Education & Literacy
Member – Secretary

(2) If an appropriate government has established an autonomous society for implementation of programmes connected with free and compulsory education throughout the State/UT with the Chief Minister as its Chairman, then, notwithstanding anything contained in sub-section (1) such appropriate government may designate such autonomous society as the SEEA for the purposes of this Act.

(3) Subject to the over-all responsibility of the appropriate government in this behalf, the SEEA shall be responsible for ensuring proper implementation of this Act and for achieving free and compulsory education in the State/Union Territory in the shortest possible time, and shall, towards that end, perform the following functions, namely:

- (i) Aid and advise the appropriate government in the discharge of its responsibility under sub-section (1) of section 3, and to exercise such powers and discharge such functions in this behalf as the appropriate government may delegate to the SEEA,
- (ii) support DEEAs and MEEAs in performing various functions assigned to them under sections 18 and 19, respectively,

- (iii) formulation of policy, laying down of priorities, raising of public awareness, and mobilisation and allocation of resources for free and compulsory education at the State level,
- (iv) promotion of, and support to innovations for achieving free and compulsory education in the State,
- (v) guide, coordinate and monitor implementation of programmes directly and indirectly connected with free and compulsory education in the State/UT,
- (vi) promotion of use of information technology and distance education in various programmes connected with free and compulsory education, and
- (vii) such other functions as may be prescribed.

(4)The SEEA shall meet as often as necessary but at least twice a year.

(5)The Chairperson of the SEEA may co-opt such number of members not exceeding five as he may think fit. A co-opted member shall have the right to participate in meetings of the SEEA and to speak therein, but shall not have the right to vote.

(6)As nearly half of all nominated and co-opted members as possible, except members nominated in the category of Presidents of District Panchayats and Mayors/Presidents of Municipalities, shall be women.

(7)Term of office of nominated and co-opted members, their entitlement of allowances for participation in meetings, and procedure for transaction of business by the SEEA shall be such as may be prescribed.

(8) The SEEA may constitute such sub-committees as it may think fit for the more convenient transaction of its business.

(9)The SEEA shall submit to the appropriate government, for each academic year, an annual report on the district-wise status of implementation of this Act and of progress towards free and compulsory education, in such manner and at such time as may be prescribed. The report shall be placed by the appropriate government, alongwith its comments, before the legislature concerned within six months of completion of the academic year.

21. RESPONSIBILITIES OF CENTRAL GOVERNMENT AND NATIONAL-LEVEL RESOURCE INSTITUTIONS

- (1)** Central Government may render financial and other assistance to State Governments and SEEs in the discharge of their functions under this Act.
- (2)** National-level resource institutions shall render technical assistance to appropriate governments and SEEs in the discharge of their functions under this Act, subject to general guidelines, if any, of the central government and requests of appropriate government.
- (3)** Central Government shall present an annual report to Parliament on the State/UT-wise of implementation of this Act and of progress towards free and compulsory education.

22. TECHNICAL ASSISTANCE TO DISTRICT, METROPOLITAN LOCAL AND HABITATION-LEVEL ELEMENTARY EDUCATION AUTHORITIES.

- (1)** The appropriate government and the SEEs shall take technical assistance in the discharge of their functions under this Act from SCERT, SIEMT and such other academic institutions as they deem appropriate.
- (2)** The District Institute of Education & Training or the District Resource Centre established for the district, shall render technical assistance to the DEEA and MEEA in the discharge of their functions under this Act.
- (3)** The appropriate government shall establish Resource Centres for rendering technical assistance to LEEAs and to groups of HEEAs in the performance of functions assigned to them under this Act, supporting and monitoring the work of approved schools located in their jurisdiction, and for performing such other functions as may be prescribed.
- (4)** Subject to such guidelines as the appropriate government may lay down, the DEEA and the LEEA shall designate, for each LEEA and HEEA respectively, a Resource Centre mentioned in sub-section (2) or some other appropriate institution for rendering technical assistance to such LEEA/HEEA in the discharge of its functions under this Act.

23. FUNDS, ACCOUNTS & AUDIT

- (1) All moneys received by every Authority constituted under section 16, 17, 18, 19 or 20, for the discharge of its functions under this Act, shall be kept in a separate account, and shall be administered in such manner as may be prescribed.
- (2) Financial powers of various authorities for different items of expenditure shall be such as the appropriate government may, by Order, determine from time to time.
- (3) Accounts of money, referred to in sub-section (1), shall be maintained by the authority concerned, and shall be audited, in such manner as may be prescribed.

24. PROMOTION OF VOLUNTARY SUPPORT TO APPROVED SCHOOLS

The Central Government, all appropriate governments and all authorities constituted under sections 16-20 of this Act shall implement policies and measures to encourage parents, citizens, students of secondary and higher stages, bodies, organisations, institutions and the community at large to render voluntary support for achieving free and compulsory education, in general, and improvement of approved schools, in particular, by way of money, material, voluntary service or in any other form.

25. GRIEVANCE REDRESSAL MECHANISM

- (1) Anyone who has a grievance that facilities for elementary education have not been provided in a habitation in accordance with section 4 and 5, may submit a written representation in that behalf to the LEEA which shall take appropriate action on it and inform the applicant within a period not exceeding two months from the date of receipt of the representation.
- (2) If an applicant is not satisfied with the action taken by the LEEA under sub-section (1), he may submit a representation in that behalf to the DEEA or, as the case may be, to the MEEA, which shall take appropriate action thereon and inform the applicant within a period not exceeding two months from the date of receipt of the representation.

Chapter IV Measures for Children belonging to certain categories

26. Children living in areas with poor access and out-of-school children

- (1) The Central Government or an appropriate Government may frame schemes for setting up Education Guarantee Centres or Alternative Schools as an interim arrangement for providing free and compulsory education to children living in habitations with poor access, and out-of-school children, till such time as they are provided such education in a regular approved school .
- (2) The appropriate Government may also approve a scheme framed by any person, body or institution for setting up Education Guarantee Centres or Alternative Schools for the purpose mentioned in sub-section (1) above.
- (3) Every child studying in an Education Guarantee Centre or Alternative School shall be enabled to switch over to a regular approved school as early as possible, but in any case within three years from his or her admission in such EGS Centre or Alternative School

27. Children without parents or guardians

In respect of children who have no parents or guardians, either permanently or for the time being, the village panchayat or the municipality within whose jurisdiction the child ordinarily resides shall be deemed to be the guardian for the purpose of the Act, and such panchayat or municipality shall perform in respect of such children, the duties of guardian under section 8 in such manner as may be prescribed

28. Children with special needs

- (1) The HEEA and LEEA shall endeavour to promote integration of children with special needs in normal schools.
- (2) Where there does not exist an approved school within the distance prescribed under sub-section (1) of section 3, the LEEA shall have the power to direct any nearest recognized school to admit a child with special needs if the disabilities are such that integration of the child in normal school is possible. On such direction the recognized school shall admit such a child and provide free education to the child.

- (3) If there is in existence a special school within the prescribed distance from the residence of a child with such special needs as prevent his or her integration in a normal school, the LEEA may, if it is satisfied that the child is not receiving any education in some other manner considered by it to be satisfactory, by order require the child to attend such special school; and it shall be the duty of the parent or guardian of such child to cause the child to attend such special school unless there be a valid reason for the non-attendance of the child within the meaning of section 8.
- (4) Appropriate Governments and local authorities shall promote setting up of special schools in such a manner that all children with such special needs as prevent them from being integrated in normal school, can receive special education.

Chapter V Trial and punishment for offences under the Act

29. Penalty for contravention of Section 7

- (1) If any person contravenes the provisions of Section 7 he shall be punishable with a fine which may extend to One Thousand Rupees and in case of continuing contravention, with an additional fine not exceeding Rs 50/- for each day during which such contravention continues after conviction for the first of such contraventions.
- (2) No court shall take cognizance of an offence under this Act except on the complaint of an HEEA or any person authorized in this behalf by an LEEA by general or special order.

30. Courts competent to try offences under the Act

- (1) Courts competent to try offences under Section 29 of this Act shall be the following-
 - (a) In case of rural areas The Panchayat Adalat – by whatever name called, in respect of offences committed within their jurisdiction;
 - (b) In case of urban areas and where there are no Panchayat Adalats, by whatever name called, an executive magistrate empowered by the District Magistrate for the purpose.
- (2) Any offence triable by the Panchayat Adalat shall be tried in the manner provided for the trial of criminal cases by the concerned Panchayat Raj Act, and any offence triable by a magistrate shall be tried in a summary way.

Chapter VI

Miscellaneous

31. Obligation of recognized schools

- (1) The DEEA shall have powers to direct recognised but not substantially aided schools located in the district to give admission, in such manner as may be prescribed, without liability to pay any fees or any other charges, to children from families below the poverty line living in the district;

Provided that any such direction shall apply uniformly to all similarly-placed recognised schools in the district;

Provided further that no such direction shall be given to a school which has not yet completed five academic years since the start of its functioning;

Provided also that no recognised school shall be required to admit children under this section in a number exceeding 20% of the total strength of the school in any class.

- (2) Children to be admitted in a school under sub-section (1) shall be chosen by the LEEA of the local area in which the school is situated, in the manner determined by the appropriate Government, from among children belonging to families below the poverty line living in the local area.
- (3) On receipt of directions under sub-section (1), the school concerned shall admit students selected under sub-section (2), and shall provide free education to them upto class VIII or such lower class upto which education is imparted in the school, subject to the students satisfying such conditions as may be prescribed.
- (4) If any school fails to carry out a direction given under sub-section (1), read with sub-section (3) above, then the appropriate government or the competent authority shall take such action, including withdrawal of recognition, against the school and in such manner as may be prescribed.

32. Power to give directions

(1) Central Government may give general directions to State Governments regarding implementation of this Act.

(2) An appropriate Government may give general directions to local authorities and to authorities constituted under sections 16, 17, 18, and 19 of this Act regarding implementation of this Act.

33. Certain persons to be public servants

Secretary, Member- Secretary or Chief Executive Officer, by whatever name called, of the Authorities constituted or designated under Section 16, 17, 18, 19 and 20 of this Act, and persons authorized to lodge complaints under Section 29 shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

34. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the Central government, an appropriate government, any officer or employee of such government, any person authorised by such government or by an authority constituted or designated under sections 16-20 of this Act, for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

35. Power to amend Schedule

Central Government may, at any time, amend the Schedule.

36. Delegation of Powers

(1) The appropriate Government may by notification in the official Gazette and subject to such conditions, if any, as may be specified in the notification, authorize any officer or authority subordinate to it to exercise any of the powers conferred on the appropriate Government by or under this Act.

(2) A local authority, if designated as an HEEA or LEEA, may by general or special order and subject to any general guidelines of the appropriate Government, authorize any officer or authority subordinate to it to exercise all or any of the powers conferred on such authority by or under this Act.

37. Power to make Rules

- (1) The appropriate Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(to be drafted)

- (3) Every rule notified by the appropriate government under this section shall be laid, as soon as may be after it is notified, before the appropriate Legislature

38. Power to exempt

- (1) Central Government may, by Order published in the Official Gazette, exempt any State, Union Territory, or area, from the application of this Act or any part thereof, for such period as may be specified in the Order, if it is satisfied that an alternative system exists in the State, Union Territory or area for provision of free and compulsory education, which is at least as efficacious as the provisions of this Act;

Provided that every order passed under this sub-section shall be laid, as soon after it is passed as possible, before each House of Parliament.

- (2) The appropriate government may, by Order published in the Official Gazette, exempt for good and sufficient reasons to be recorded in such Order, any category of schools, persons or children, or any individual school, person or child from the application of this Act or any part thereof, for such period as may be specified in the Order;

Provided that every order passed under this sub-section shall be laid, as soon after it is passed as possible, before the legislature concerned.

39. Power to remove difficulties

- (1) If any difficulty arises in giving effect to the provisions of this Act, Central Government may, by Order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty;

Provided that no Order shall be made under this section after the expiry of two years from the commencement of this Act.

- (2) Every Order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

40. Repeal & Savings

- (1) As from the date this Act come into effect in the National Capital Territory of Delhi, the Delhi Primary Education Act, 1960, shall stand repealed.
- (2) Any act done or purported to have been done under the Delhi Primary Education Act, 1960, prior to its repeal under subsection (1), shall be deemed to have been done under this Act.

SCHEDULE
(See sections 4 (2) and 14 (6))

Norms for an approved/ recognized school

A. Regular Approved Schools & Recognised Schools

| Sl. no | Item | Norms |
|---------------------|---|---|
| a. Minimum | | |
| 1 | Curriculum | As prescribed by the Competent Academic Authority |
| 2 | Number of Teachers | |
| | a) Primary School | i) At least two teachers ii) At least one teacher for every 40 children |
| | b)Upper Primary School | i) At least one teacher per class ii) At least one teacher for every 40 children |
| 3 | Qualifications of teachers | As approved by the National Council of Teacher Education (NCTE) |
| 4 | Building/ Class rooms | i) An all-weather building ii) At least one room for every teacher (To be achieved within a maximum of three years from the date of commencement of this Act) |
| 5. | Status | Should be a recognised school |
| 6. | Minimum number of working days in an academic year | 200 |
| 7. | Minimum number of teaching hours per working day (excluding recess) | |
| | a) Primary School | 4 |
| | b)Upper Primary School | 5 |
| 8 | Provision of text books | Every child in an approved school shall have or shall be provided, in the prescribed manner, text books, right at the commencement of the academic year |
| b. Desirable | | |
| 1. | Boundary wall or fencing | |
| 2. | Playground | |
| 3. | Toilets & Drinking Water | |
| 4. | Child-friendly elements | |
| 5. | Sports equipment like football, volleyball, etc. | |

B. EGS Centres/ Alternate Schools

| Sl. no. | Item | Norms |
|---------------------|--|--|
| a. Minimum | | |
| 1 | Curriculum | As prescribed for recognized schools |
| 2 | Number of Teachers | At least one teacher for every forty children |
| 3 | Qualifications of teachers | <u>Academic:</u> Should have passed Class X (Class VIII for women, if women with Class X qualification not available in the village or ward, as the case may be) <u>Training:</u> Should have been trained for at least 30 days either before or within 6 months of appointment |
| 4 | Class rooms | No norms |
| 5. | Status | Should be under a scheme framed or approved under Section 23 |
| 6. | Minimum number of working days in an academic year | As may be prescribed in the approved scheme |
| 7. | Minimum number of teaching hours of per working day | As may be prescribed in the approved scheme |
| 8 | Provision of text books | Every child in an EGS Centre shall be provided, in the prescribed manner, text books right at the commencement of the learning cycle |
| b. Desirable | | |
| 1. | An all-weather building with adequate number of classrooms | |
| 2. | Boundary wall or fencing | |
| 3. | Playground | |
| 4. | Sports equipment like football, volleyball, etc. | |

C. Open Schooling Centres

Should be run under the aegis of either the National Institute of Open Schooling or State Open Schools

