

CABE Committee
on
“Free and Compulsory Education
Bill and Other Issues Related to
Elementary Education”

First Meeting, 22nd Nov. 2004, New Delhi

Background Paper
on
Free and Compulsory Education Bill

Government of India
Ministry of Human Resource Development
Department of Elementary Education and Literacy

CABE Committee on “Free and Compulsory Education Bill and Other Issues Related to Elementary Education”

First Meeting, 22nd Nov. 2004, New Delhi

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A Background Paper on Free and Compulsory Education Bill

1. Free & Compulsory Education as Directive Principle of State Policy

Articles 41 and 45 in Part IV (“Directive Principles of State Policy”) of the Constitution of India read as follows:

“41. Right to work, to education and to public assistance in certain cases
The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness, and in other cases of undeserved want.

“45. Provision for free and compulsory education for Children
The state shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.’

2. State Legislations

- 2.1 Nineteen states and U.T.s have so far passed legislation to make education free and compulsory. (See *Annexure 1* for list of states having compulsory education acts.) These acts have been notified and are counted among the ‘acts in force’ in the state. The Delhi Primary Education Act 1960, served as a model for the compulsory education acts of six other States, viz. Assam, Gujarat, Haryana, Punjab, Rajasthan, and Sikkim.
- 2.2 Many of these State laws were passed solely for the purpose of making education compulsory, while others included clauses for compulsion in larger education acts. The Acts modeled on the Delhi Act are aimed solely at making education compulsory, as are the Acts of Himachal, Tamil Nadu, U.P. and Goa. The Acts of Andhra, Bihar, Jammu and Kashmir, Karnataka, Kerala, Maharashtra, and West Bengal are either included in a larger compilation or include other objectives such as better management and organization of schools. The Madhya Pradesh Act does not actually state that it makes education compulsory.
- 2.3 Most of these acts only ‘enable’ education to be made compulsory. All the acts modelled on the Delhi Act are ‘enabling’ legislation, and do not, on their own, make education compulsory. Other acts of this nature are those of Andhra, Bihar, Karnataka, Maharashtra, U.P. and West Bengal. A number of formalities are required to be completed before education can be considered ‘compulsory’ in an area of the state. These acts require the

local area (each local authority has to apply separately) to prepare and obtain sanction for a scheme of compulsion for that area.

2.4 Many of the later acts of the 1990s, i.e. of Goa, Himachal, J&K, Kerala and Tamil Nadu are not 'enabling' legislation, and are sufficient on their own to make education compulsory. They do not require any scheme to be prepared for the purpose.

2.5 **The M.P. Act (2002)** does not actually state that education is compulsory. However, a school must not deny admission (section 3.1), nor must any person prevent a child from attending, (4.1). The Parent Teacher Association of every school shall ensure a certain percent enrolment in their area (12.a). The Act makes it the duty of every parent to ensure enrolment and regular attendance of their children (22.1). Though it does not require a scheme to be prepared, an 'annual plan' for education is required to be made.

2.6 Penalty to parents --

The Acts modeled on the Delhi Act provide for parents to be penalized for not complying with an attendance order. Penalty for parents is also provided for in the Acts of Bihar, Goa, Himachal, J&K, Kerala, M.P., (the Gram Sabha / local body may impose fine up to rupees ten.) Maharashtra, Tamil Nadu, (Section 7: Fine may extend to one hundred rupees), U.P. and West Bengal. The Andhra and Karnataka Acts deal with penalties in a separate section. Andhra specifies Rs.100 as penalty for any violation under the act. (See Annexure II for brief analysis of these Acts)

3. National Policies on Education, 1968, and 1986/1992

Neither of the two National Policies on Education (NPE) envisaged legislation for universalisation of elementary education.

NPE, 1968, contained the following statement:

“Free and Compulsory Education: Strenuous efforts should be made for the early fulfillment of the Directive Principle under Article 45 of the Constitution seeking to provide free and compulsory education for all children up to the age of 14. **Suitable programmes should be developed** to reduce the prevailing wastage and stagnation in schools and to ensure that every child who is enrolled in school successfully completes the prescribed course.” [Para 4(1)]

NPE, 1986/92, contained the following Resolve:

“A Resolve

5.12 The New Education Policy will give the highest priority to solving the problem of children dropping out of school and will adopt an array of meticulously formulated strategies based on micro-planning and applied at the grass-roots level all over the country, to ensure children's retention at school. This effort will be fully coordinated with the network of non-formal education. It shall be ensured that free and compulsory education of satisfactory quality is provided to all children up to 14 years of age before we enter the twenty-first century. A national mission will be launched for the achievement of this goal”

Measures to be taken to implement this Resolve were spelt out in various parts of NPE, 1986/92, especially in Parts IV ('Education for Equality'), V ('Reorganisation of Education at Different Stages'), VII ("Making the system Work"), IX ("The Teacher"), X ("Management of Education"), and XI (Resources and Review”).

Copy of the NPE, 1986/92, is appended as **Annexure III**.

4. UN Convention on the Rights of the Child

The UN General Assembly adopted the **Convention on the Rights of the Child** on 20.11.89, which India acceded to on 11.12.92. Article 28 of the Convention pertains to the Right to Education, and reads as follows:

“State parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall in particular:

(a) Make primary education compulsory and available free to all;

(b).....

(c).....

(d).....,and

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.”

5. Supreme Court Judgment of 1993

In 1993, the Supreme Court Judgment in the case of *Unnikrishnan J.P. vs. State of Andhra Pradesh and others (SC. 2178, 1993)* gave education the status of fundamental right in the following terms:

“The citizens of this country have a fundamental right to education. The said right flows from Article 21. This right however is not an absolute right. Its contents and parameters have to be determined in the light of Articles 45

and 41. In other words, every child/citizen of this country has a right to free education until he completes the age of fourteen years. Thereafter his right to education is subject to limits of economic capacity and development of the state.”

5. A Committee of State Education Ministers, (chaired by Shri Muhi Ram Saikia, Union Minister of State for HRID (Education)) was constituted in August 1996, to examine the implications of the proposal to make elementary education a fundamental right. The Report of the Saikia Committee in January 1997, recommended amendment of the Constitution to make education into a fundamental right:

“The Constitution of India should be amended to make the right to free elementary education up to the 14 years of age, a fundamental right. Simultaneously an explicit provision should be made in the Constitution to make it a fundamental duty of every citizen who is a parent to provide opportunities for elementary education to all children up to 14 years of age”.

- 1 Para I,

The Committee also recommended amendment of existing state legislation on compulsory education:

- (i) *There is no need to enact a Central legislation making elementary education compulsory.*
- (ii) *States should either amend their existing legislation or enact fresh legislations to give effect to the proposed Constitutional amendments.*
- (iii) *The Central Government should issue guidelines providing a broad framework; for enactment of fresh legislations on compulsory elementary education by States within a specified period, which may be prescribed on the lines of 73rd and 74th Constitutional amendments. These guidelines should be formulated in consultation with States /U.T.s*

6. Accordingly, the Constitutional 83rd Amendment Bill was introduced in Parliament, in July 1997. However The Department-related Parliamentary Standing Committee on Human Resource Development, to which the Bill was sent for examination and report, returned it, with their report in November 1997, for redrafting and for accommodating some of its recommendations. Some of the recommendations have a bearing on the follow up legislation:

“As regards follow up legislation, there are divergent views. Some members of the Committee felt that there should be separate central legislation providing for the basic structure and the details could be made out by the respective states. Whereas others did not feel the need of a central legislation. The Secretary, Education, stated that the central legislation may not be able to take care of the requirements and specific needs of the states. After a thorough discussion in the matter, the Committee feels that the Centre should not leave everything to the States. The Centre could make one simple legislation with some skeletal framework which may also indicate the Central share in the financial burden. The details can be formulated by the respective States according to their requirements. The Central Government may, therefore, consider working out the necessary legislation”.

-(Para 15.6; Sixty-third Report on the Constitution (Eighty-third) Amendment Bill, 1997)

7. In 1998, it was resolved in the Conference of Education Ministers of States to pursue a holistic and convergent approach for achieving UEE through a national programme in a mission mode as resolved in NPE, 1986/92. Accordingly a Committee of Education Ministers was set up to work out the modalities of pursuing the goal of UEE in a mission mode. In the light of the recommendations of this committee, states' demand for central support to the programme of universalisation of elementary education was addressed through circulation of the new centrally sponsored scheme of Sarva Shiksha Abhiyan in May 2001.

A copy of Chapter 1 of the SSA Framework document is enclosed as Annexure IV.

8. The Constitution (86th Amendment) Act, 2002

The Bill for amendment of the Constitution for making education into a fundamental right was redrafted and introduced in Parliament, vide the Constitution (Ninety-third Amendment) Bill, 2001. Both houses of Parliament passed this Bill as the 'The Constitution (Eighty Sixth Amendment) Act, 2002'. The Act (*Annexure V*) was notified, after Presidential assent, on 13.12.2002. The amendments it makes to the Constitution are:

- *After Article 21 of the Constitution, the following Article shall be inserted namely:*

“21-A. Right to Education

The state shall provide free and compulsory education to all children of the age of 6-14 years in such manner as the State may, by law, determine.”

- *For Article 45 of the Constitution, the following shall be substituted, namely:*

“45. Provision for early childhood care and education to children below the age of six years

The State shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years.”

- *In Article 51-A (“Fundamental Duties”), after clause (j), the following clause shall be added, namely:*

“(k) Who is a parent or guardian to provide opportunities for education to his child or as the case may be, ward, between the age of 6 and 14 years.”

The manner of provision of free and compulsory education was thus made contingent on a follow up legislation. For this reason, the Notification u/s 1(2) of the Amendment Act, bringing the above constitutional amendment into force, has not yet been issued, as it would be meaningful only when the necessary follow-up legislation has also been enacted.

9. Drafts of Follow-up Legislation

A first draft of the follow up legislation for free and compulsory education (“The Free and Compulsory Education for Children Bill, 2003”) was sent to States in April 2003, and was published on the MHRD website in October 2003, for public reaction. (*Annexure VI*)

A second draft (The Free and Compulsory Education Bill, 2004”) was subsequently circulated to State Governments for comment in January 2004, and also published on the MHRD website (*Annexure VII*) A number of states responded with their comments.

The 2004 Bill was also sent to various Ministries for their advice. The Finance Ministry, in their response, said that instead of enacting a central legislation, Government of India should circulate a model bill to States, and ask them to enact their own legislation in the light of the model Bill and their specific circumstances.

10. The Education Cess imposed through the Finance (No.2) Act, 2004

The Union Budget presented in July 2004, has imposed an Education Cess on Income Tax, Customs Duty, Central Excise, and Service Tax, @2%, "so as to fulfill the commitment of the Government to provide and finance universalized quality basic education". The Cess is expected to yield about Rs 5000 Crore per annum. Finance Ministry has decided that a dedicated, non-lapsable fund for elementary education is to be created into which proceeds of the Education Cess would be credited, and that this money is to be utilized for programmes of elementary education, incl. the Mid-Day Meal scheme.

11. Certain other Acts having a bearing on the proposed Free & Compulsory Education Bill

The following provisions contained in various existing legislations, among others, have a bearing on the subject matter of the proposed Bill for free and compulsory education:

- i) The Constitution – Articles 243-243B, 243G, & the XI Schedule (pertaining to Panchayats)
Articles 243P, 243Q, 243S, 243W, and
The XII Schedule (pertaining to Municipalities)
- ii) The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996,
- iii) The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 – Scns1, 2 ("Definitions"), and Chapter V ("Education")
- iv) The Juvenile Justice (Care and Protection of Children) Act, 2000 – Sections 1, 2 ("Definitions"), 9("Special Homes"), & 34 ("Children's Homes")
- v) The Child Labour (Prohibition and Regulation) Act, 1986 – Sections 1-14

Extracts of above provisions are enclosed as
Annexure VIII – XII

12. Gross Enrolment Ratios, Drop-out Rates, etc., as on 30.9.02

The following State-wise data on elementary education, extracted from the Abstract of Selected Educational Statistics, 2002-03, (as on 30.09.02), brought out by the Ministry of HRD, is enclosed at **Annexure XIII**:

- Gross Enrolment Ratios
- Drop-out Rates
- Pupil-Teacher Ratios and some other Teacher Data
- Projected Child Population`

13. The CAGE Committee

Based on deliberations in the meeting of the Central Advisory Board of Education (CAGE) held on 10th & 11th August, 2004, a CAGE Committee, under the chairmanship of Shri Kapil Sibal, Minister of State, Science and Technology, has been constituted on “Free and Compulsory Education Bill and other issues related to Elementary Education”, with the following terms of reference:

- “(a) To suggest : a draft of legislation envisaged in Article 21A of the Constitution, and
- (b) To examine other issues related to elementary education for achieving the objective of free and compulsory basic education.”

A copy of Ministry’s Order dated 8.9.04, constituting the CAGE Committee, is enclosed as Annexure XIV.

Against the above background, the Committee may wish to suitably deal with the subjects included in its terms of reference. As regards the Bill, it may also wish to deal with the preliminary point of the choice between:

- (i) a central legislation, and
- (ii) a model Bill to be circulated by the Centre for being individually enacted by each State after necessary adaptation.

In either case, the Committee may also wish to consider the option of constituting a Sub-Committee to draft the Bill/model Bill for consideration of the full Committee.

Annexure

1. List of existing compulsory education acts of States
2. Brief analysis of the above compulsory education acts
3. National Policy on Education, 1986/92
4. Chapter 1 of the SSA Framework of Implementation
5. The Constitution (Eighty Sixth Amendment) Act, 2002
6. Draft Free and Compulsory Education for Children Bill, 2003
7. Draft Free and Compulsory Education Bill, 2004.
- 8-12. Extracts of certain existing legal provisions mentioned in Para 11 of the Note
13. Extract pertaining to Elementary Education from the “Abstract of Selected Educational Statistics, 2002-03, (as on 30.9.02)”, brought out by the Ministry of HRD,
14. Order dated 8.9.04 of the Ministry of HRD constituting the CAGE Committee

Annexures

Annexure I

LIST OF STATES WITH COMPULSORY EDUCATION ACTS

**Compulsory Education Acts Presently in Force in
States and U.T.s of India¹**

S. No.	States and U.T.s	Name of Act
1.	Andhra Pradesh	The Andhra Pradesh Education Act 1982 (Act No.1 of 1982) (Sections 7 to 16) published in The Andhra Pradesh Gazette Part IV B Extraordinary No. 9 March 20, 1982
2.	Assam	The Assam Elementary Education (Provincialisation) Act, 1974 (Assam Act No. 6 of 1975) Notified on 14 th June 1975
3.	Bihar	Bihar Primary Education (Amendment) Act 1959 (Bihar and Orissa Education Act (1 of 1919) as amended by Bihar Act IV of 1959)
4.	Delhi	The Delhi Primary Education Act 1960, Act No.39 of 1960
5.	Goa	The Goa Compulsory Elementary Education Act, 1995 (Goa Act No. 4 of 1996)
6.	Gujarat	Gujarat Compulsory primary Education Act, 1961 (Gujarat Act No. XLI of 1961)
7.	Haryana	Punjab Primary Education Act 1960
8.	Himachal Pradesh	The Himachal Pradesh Compulsory Primary Education Act 1997. (Act No.2 of 1998)
9.	Jammu & Kashmir	The Jammu And Kashmir School Education Act 2002 (Act No.21 of 2002.) (21 st April 2002)
10.	Karnataka	The Karnataka Education Act 1983 (Karnataka Act No. 1 of 1995) (First published in the Karnataka Gazette Extraordinary on the 20 th day of January, 1995)
11.	Kerala	The Kerala Education Act 1958 (Act No.6 of 1959) (As amended by Acts 35 of 1960, 31 of 1969 and 9 of 1985).
12.	Madhya Pradesh	The Madhya Pradesh Jan Shiksha Adhiniyam, 2002 (Act No. 15 Of 2002)
13.	Maharashtra	The Bombay Primary Education Act 1947 Bombay Act No. LXI of 1947) (As modified up to 30 th January 1997)

S. No.	States and U.T.s	Name of Act
14.	Punjab	Punjab Primary Education Act 1960 No. 39
15.	Rajasthan	The Rajasthan Primary Education Act 1964 (Act No.31 of 1964)
16.	Sikkim	The Sikkim Primary Education Act, 2000 (Act No. 14 of 2000)
17.	Tamil Nadu	The Tamil Nadu Compulsory Elementary Education Act 1994 (Act No.33 of 1995)
18.	Uttar Pradesh	United Provinces Primary Education Act 1919* (U.P. Act No. 7 of 1919) United Provinces (Dist. Boards) Primary Education Act 1926* (U.P. Act No. 1 of 1926) *Adapted and modified by the Adaptation of Laws Order 1950.
19.	West Bengal	West Bengal Primary Education Act 1973 (West Bengal No.43 of 1973)

Note: The Compulsory Education Acts of the State of Assam, Gujarat, Haryana, Punjab, Rajasthan, and Sikkim are based upon the Model of The Delhi Primary Education Act 1960.

The table above lists the states whose legislatures have adopted compulsory education acts. All of these acts have been notified and are counted among the 'acts in force' in the state. The Delhi Primary Education Act 1960, served as a model for the compulsory education acts of Assam, Gujarat, Haryana, Punjab, Rajasthan, and Sikkim.

Objective

The acts modeled on the Delhi Act are aimed solely at making education compulsory, as are the acts of Himachal, Tamil Nadu, U.P. and Goa. The Acts of Andhra, Bihar, Jammu and Kashmir, Karnataka, Kerala, Maharashtra, and West Bengal are either included in a larger compilation or include other objectives such as the better management and organization of schools. The Madhya Pradesh act does not say that it makes education compulsory.

Most acts only 'enable' education to be made compulsory

All the acts modeled on the Delhi Act are 'enabling' legislation, and do not, on their own, make education compulsory. Other acts of this nature are those of Andhra, Bihar, Karnataka, Maharashtra, U.P. and West Bengal. A number of formalities are required to be completed before education can be considered 'compulsory' in an area of the state. These acts require the local area (each local has to apply separately) to prepare and obtain sanction for a scheme of compulsion for that area.

Many of the later acts of the 1990s, i.e. of Goa, Himachal, J&K, Kerala and Tamil Nadu make education compulsory on their own, and do not require any scheme to be prepared for the purpose.

The M.P. Act does not actually say that education is compulsory, however, a school must not deny admission (section 3.1), nor must any person prevent a child from attending, (4.1). The Parent Teacher association of every school shall ensure cent percent enrolment in their area (12.a) and the M.P. act, makes it is the duty of every parent to ensure enrolment and regular attendance of their children (22.1). Though the act does not require a scheme to be prepared, an 'annual plan' for education is required to be made.

Penalty to parents

The acts modeled on the Delhi Act provide for parents to be penalized for not complying with an attendance order. Penalty for parents is also provided for in the Acts of Bihar, Goa, Himachal, J&K, Kerala, (section 28 clause 3) M.P., (the Gram Sabha / local body may impose fine up to rupees ten.) Maharashtra, Tamil Nadu, (Section 7: Fine may extend to one hundred rupees.), U.P. and West Bengal. The Andhra and Karnataka Act, deal with penalties in a separate section. Andhra specifies Rs.100 as penalty for any violation under the act.

^{i i} *Quoted from:* Juneja, Nalini (2004). Review of State legislation for Compulsory Education in India –and a path analysis of the model act of Delhi. National Institute of Educational Planning and Administration, February 2004 (mimeo)

Annexure II

BRIEF ANALYSIS OF THE STATE COMPULSORY EDUCATION ACTS

Overview of Provisions of Compulsory Education Acts¹
Part A- Acts modeled on the Delhi Act
Part B- Individual Briefs of other acts

A: Acts modeled on the Delhi Act

Name of Act and details	The Delhi Primary Education Act 1960, Act No.39 of 1960
Objectives / Is it for compulsory education alone?	Yes, It is called 'An act to provide for free and compulsory primary education in the Union territory of Delhi'.
Is it only an enabling legislation?	Yes, section 3 requires the local authority to submit to the state government, schemes for compulsory education, which as per clause (d) of the same, the state government <i>may</i> sanction
Does it require a 'scheme' to be prepared	Yes, as above.
Does it specify appointment of attendance authorities?	Yes, section 7 provides for appointment of attendance officers.
Is there a provision for penalty (fine) to parents?	Yes, section 18 specifies penalty on parent for contravention of attendance order.

Note: The Compulsory Education Acts of the States of Assam, Gujarat, Haryana, Punjab, Rajasthan, and Sikkim are based upon the Model of The Delhi Primary Education Act 1960.

¹ *Quoted from:* Juneja, Nalini (2004). Review of State legislation for Compulsory Education in India –and a path analysis of the model act of Delhi. National Institute of Educational Planning and Administration, February 2004 (mimeo)

PART B - OTHER ACTS

Name of Act and details	The Andhra Pradesh Education Act 1982 (Act No.1 of 1982) (Sections 7 to 16) published in The Andhra Pradesh Gazette Part IV B Extraordinary No. 9 March 20, 1982
Objectives / Is it for compulsory education alone?	No.
Is it only an enabling legislation?	Yes. Section 9 says that "any local authority if called upon ..."
Does it require a 'scheme' to be prepared	Yes
Does it specify appointment of attendance authorities	Yes, Section 10 mentions that the local authority may appoint as many persons as it thinks fit to be attendance authorities for the purpose of this act.
Is there a provision for penalty to parents?	Not clear Section 87 specifies Rs. 1000 as penalty for any violation under this act.
Name of Act and details	Bihar Primary Education (Amendment) Act 1959 (Bihar and Orissa Education Act (1 of 1919) as amended by Bihar Act IV of 1959)
Objectives / Is it for compulsory education alone?	Yes. Contained as 'Section IV: Compulsory Education' of Bihar Education Code. An act to provide for: extension of primary education in the State of Bihar. Section 3
Is it only an enabling legislation?	Yes 'Section 3: the local authority may by notification declare.... shall be compulsory'
Does it require a 'scheme' to be prepared	No, but Section 3.2.b requires the local authority to satisfy the State government that "it is in a position to make and intends to make adequate provision in schools maintained or aided by it for primary education of all children for whom shall education will become compulsory upon the issue of such notification". The statutory rules made under this act specify what will "generally be considered to be adequate provision for primary education for the purposes of clause of subsection 2 of section 3 of the Act"
Does it specify appointment of attendance authorities	A school committee is to be appointed under Section 4.1, and this committee shall according to 4.3 "also enforce the provisions of this act respecting the attendance at school and the employment of children"
Is there a provision for penalty to parents?	Yes, (8.1)

Name of Act and details	The Goa Compulsory Elementary Education Act, 1995 (Goa Act No. 4 of 1996) Passed by Legislative Assembly of Goa on 14.12.1995, and assented to by the Governor of Goa on 13.3.1996; Published in Official Gazette dated 28 th March 1996.
Objectives / Is it for compulsory education alone?	Yes its objective is: 'to make provisions for compulsory elementary education'
Is it only an enabling legislation?	No. Section 3.1 states " Subject to the provisions of this Act, elementary education shall be compulsory for every child of school age."
Does it require a 'scheme' to be prepared	No. Section 3.2 makes it mandatory for the government to provide the facilities: " For giving effect to the provisions of subsection (1), the government shall provide such number of elementary schools and trained teachers as may be considered necessary.
Does it specify appointment of attendance authorities	No.
Is there a provision for penalty to parents?	Yes fine extendable to Rupees one hundred
Name of Act and details	The Himachal Pradesh Compulsory Primary Education Act 1997. (Act No.2 of 1998) Authoritative English text. Passed by Legislative Assembly
Objectives / Is it for compulsory education alone?	Yes
Is it only an enabling legislation?	No. Section 3 states "From the appointed day the primary education of children shall be compulsory in the State"
Does it require a 'scheme' to be prepared	No
Does it specify appointment of attendance authorities	Yes. Section 4: "The prescribed authority shall appoint one or more committees for the purpose of exercising the powers and performing the duties of the school committee under this act".
Is there a provision for penalty to parents?	Yes Section 7: Fine not exceeding two hundred rupees.

Name of Act and details	The Jammu And Kashmir School Education Act 2002 (Act No.21 of 2002.) (21st April 2002) Published in Jammu and Kashmir Government Gazette, Vol.1151, 23rd April, 2002, 3rd Volume, 1924 (No.3-18)
Objectives / Is it for compulsory education alone?	No. Also for better organisation and management of school education in the state
Is it only an enabling legislation?	No. Section 4: "The Government shall provide for free and compulsory education for children up to the level of class eighth throughout the state within a period of ten years from the commencement of this act and for this purpose it shall take steps to provide the necessary facilities"
Does it require a 'scheme' to be prepared	No
Does it specify appointment of attendance authorities	Yes. Section 7: a committee known as the 'local area establishment committee' for implementation of this act regarding compulsory education up to the level of class eighth.
Is there a provision for penalty to parents?	Yes, up to rupees two hundred for the first offence and rupees five hundred for every subsequent offence.
Name of Act and details	The Karnataka Education Act 1983 (Karnataka Act No. 1 of 1995) (First published in the Karnataka Gazette Extraordinary on the 20th day of January, 1995) Received the assent of the <i>President (why President?)</i> on the 27th October, 1993
Objectives / Is it for compulsory education alone?	No. It provides for better organisation, development discipline and control of the educational institutions in the State.
Is it only an enabling legislation?	Yes. Chapter III, section 11(1): "The State government <u>may</u> by order direct that with effect from the commencement of such academic year and for children with such age group <u>as may be specified in the order, primary education shall be compulsory in any area</u> "
Does it require a 'scheme' to be prepared	Yes. Section 12.1: Local authority can be called upon by the State government to submit to them a scheme...
Does it specify appointment of attendance authorities	Yes Section 13
Is there a provision for penalty to parents?	Probably (that part of the act missing from my records)

Name of Act and details	The Kerala Education Act 1958 (Act No.6 of 1959) (As amended by Acts 35 of 1960, 31 of 1969 and 9 of 1985).
Objectives / Is it for compulsory education alone?	No. It is a composite act for "the better organisation and development of educational organisations in the State". Part II is titled 'Compulsory Education'.
Is it only an enabling legislation?	No. Section 23 states "The Government shall provide for free and compulsory education of children throughout the State within a period of ten years from the commencement of this Act"
Does it require a 'scheme' to be prepared	No
Does it specify appointment of attendance authorities	Yes. Section 24.1: "The Government shall appoint for each area of compulsion or for any portion of the area of compulsion, a Local Education Committee"
Is there a provision for penalty to parents?	Yes. Section 28.3: fine up to rupees 5 for the first offence and twenty-five for every subsequent offence.
Name of Act and details	The Madhya Pradesh Jan Shiksha Adhiniyam, 2002 (Act No. 15 Of 2002)
Objectives / Is it for compulsory education alone?	No. It also provides for redefining roles in accordance to decentralised and participatory planning and management of elementary education, and for quality education
Is it only an enabling legislation?	It does not say that education is compulsory. However, a school must not deny admission (section 3.1), Nor must any person prevent a child from attending, (4.1), The Parent Teacher association of every school shall ensure cent percent enrolment in their area (12.a) and It is the duty of every parent to ensure enrolment and regular attendance of their children (22.1)
Does it require a 'scheme' to be prepared	Yes, called 'Annual Plan' (23.1)
Does it specify appointment of attendance authorities	No. The PTA has to ensure enrolment and attendance in area.
Is there a provision for penalty to parents?	Yes. Gram Sabha/ local body may impose fine up to rupees ten.

Name of Act and details	The Bombay Primary Education Act 1947 Bombay Act No. LXI of 1947) (As modified up to 30th January 1997)
Objectives / Is it for compulsory education alone?	No. It also to make better provision for the management and control of primary education in the province of Bombay
Is it only an enabling legislation?	Yes. Sections 25-27 deal with preparation of schemes which section 28 specifies may be sanctioned by the State government.
Does it require a 'scheme' to be prepared	Yes
Does it specify appointment of attendance authorities	Yes section 27.d
Is there a provision for penalty to parents?	Yes. Fine not to exceed two rupees, and eight annas for every day on which the failure continues or is repeated.
Name of Act and details	The Tamil Nadu Compulsory Elementary Education Act 1994 (Act No.33 of 1995)
Objectives / Is it for compulsory education alone?	Yes
Is it only an enabling legislation?	No. Section 3: "Subject to the provisions of this Act, elementary education shall be compulsory for every child of school age.
Does it require a 'scheme' to be prepared	No
Does it specify appointment of attendance authorities	Section 6 empowers the Government to empower any officer to be competent authority and to appoint different competent authorities for different areas.
Is there a provision for penalty to parents?	Section 7: Fine may extend to one hundred rupees.

Name of Act and details	United Provinces (Dist. Boards) Primary Education Act 1926* (U.P. Act No. 1 of 1926) *Adapted and modified by the Adaptation of Laws Order 1950.
Objectives / Is it for compulsory education alone?	Yes
Is it only an enabling legislation?	Yes
Does it require a 'scheme' to be prepared	Yes. Section 3
Does it specify appointment of attendance authorities	Yes Section 6 School committees to be appointed.
Is there a provision for penalty to parents?	Yes. Fine not to exceed rupees five.
Name of Act and details	West Bengal Primary Education Act 1973 (West Bengal No.43 of 1973) (Assent of the president was first published in the Calcutta Gazette, Extraordinary of the 20th September 1974)
Objectives / Is it for compulsory education alone?	No. It is a composite act for better provision for the development expansion management and control of primary education with a view to making it universal free and compulsory. Part V: Chapter XI deals with free and compulsory education.
Is it only an enabling legislation?	Yes. Section 81 says that the State government <u>may</u> sanction the prepared scheme.
Does it require a 'scheme' to be prepared	Yes. Section 79-80
Does it specify appointment of attendance authorities	A welfare committee will do this work
Is there a provision for penalty to parents?	Yes Section 89: Fine not exceeding twenty rupees and rupees one per day for each day of offence.

Annexure III

- **NATIONAL POLICY ON
EDUCATION, 1986/92**
- **NATIONAL POLICY ON
EDUCATION, 1968**

NATIONAL POLICY ON EDUCATION
(WITH MODIFICATIONS UNDERTAKEN IN 1992)

PART - I

INTRODUCTORY

1.1 Education has continued to evolve, diversify and extend its reach and coverage since the dawn of human history. Every country develops its system of education to express and promote its unique socio-cultural identity and also to meet the challenges of the times. There are moments in history when a new direction has to be given to an age-old process. That moment is today.

1.2 The country has reached a stage in its economic and technical development when a major effort must be made to derive the maximum benefit from the assets already created and to ensure that the fruits of change reach all sections. Education is the highway to that goal.

1.3 With this aim in view, the Government of India announced in January 1985 that a new Education Policy would be formulated for the country. A comprehensive appraisal of the existing educational scene was made, followed by a countrywide debate. The views and suggestions received from different quarters were carefully studied.

THE 1968 EDUCATION POLICY AND AFTER

1.4 The National Policy of 1968 marked a significant step in the history of education in post-Independence India. It aimed

to promote national progress, a sense of common citizenship and culture, and to strengthen national integration. It laid stress on the need for a radical reconstruction of the education system, to improve its quality at all stages, and gave much greater attention to science and technology, the cultivation of moral values and a closer relation between education and the life of the people.

1.5 Since the adoption of the 1968 Policy, there has been considerable expansion in educational facilities all over the country at all levels. More than 90 per cent of the country's rural habitations now have schooling facilities within a radius of one kilometre. There has been sizeable augmentation of facilities at other stages also.

1.6 Perhaps the most notable development has been the acceptance of a common structure of education throughout the country and the introduction of the 10+2+3 system by most States. In the school curricula, in addition to laying down a common scheme of studies for boys and girls, science and mathematics were incorporated as compulsory subjects and work experience assigned a place of importance.

1.7 A beginning was also made in restructuring of courses at the undergraduate level. Centres of Advanced Studies were set up for post-graduate education and research. And we have been able to meet our requirements of educated manpower.

1.8 While these achievements are impressive by themselves, the general formulations incorporated in the 1968 Policy did not,

however, get translated into a detailed strategy of implementation, accompanied by the assignment of specific responsibilities and financial and organisational support. As a result, problems of access, quality, quantity, utility and financial outlay, accumulated over the years, have now assumed such massive proportions that they must be tackled with the utmost urgency.

1.9 Education in India stands at the cross roads today. Neither normal linear expansion nor the existing pace and nature of improvement can meet the needs of the situation.

1.10 In the Indian way of thinking, a human being is a positive asset and a precious national resource which needs to be cherished, nurtured and developed with tenderness and care, coupled with dynamism. Each individual's growth presents a different range of problems and requirements, at every stage from the womb to the tomb. The catalytic action of Education in this complex and dynamic growth process needs to be planned meticulously and executed with great sensitivity.

1.11 India's political and social life is passing through a phase which poses the danger of erosion to long-accepted values. The goals of secularism, socialism, democracy and professional ethics are coming under increasing strain.

1.12 The rural areas, with poor infrastructure and social services, will not get the benefit of trained and educated youth, unless rural-urban disparities are reduced and determined

measures are taken to promote diversification and dispersal of employment opportunities.

1.13 The growth of our population needs to be brought down significantly over the coming decades. The largest single factor that could help achieve this is the spread of literacy and education among women.

1.14 Life in the coming decades is likely to bring new tensions together with unprecedented opportunities. To enable the people to benefit in the new environment will require new designs of human resource development. The coming generations should have the ability to internalise new ideas constantly and creatively. They have to be imbued with a strong commitment to humane values and to social justice. All this implies better education.

1.15 Besides, a variety of new challenges and social needs make it imperative for the Government to formulate and implement a new Education Policy for the country. Nothing short of this will meet the situation.

PART II

THE ESSENCE AND ROLE OF EDUCATION

2.1 In our national perception education is essentially for all. This is fundamental to our all-round development, material and spiritual.

2.2 Education has an acculturating role. It refines

sensitivities and perceptions, that contribute to national cohesion, a scientific temper and independence of mind and spirit -- thus furthering the goals of socialism, secularism and democracy enshrined in our Constitution.

2.3 Education develops manpower for different levels of the economy. It is also the substrate on which research and development flourish, being the ultimate guarantee of national self-reliance.

2.4 In sum, Education is a unique investment in the present and the future. This cardinal principle is the key to the National Policy on Education.

PART III

NATIONAL SYSTEM OF EDUCATION

3.1 The Constitution embodies the principles on which the National System of Education is conceived of.

3.2 The concept of a National System of Education implies that, up to a given level, all students, irrespective of caste, creed, location or sex, have access to education of a comparable quality. To achieve this, the Government will initiate appropriately funded programmes. Effective measures will be taken in the direction of the Common School System recommended in the 1968 Policy.

3.3 The National System of Education envisages a common educational structure. The 10+2+3 structure has now been

accepted in all parts of the country. Regarding the further break-up of the first 10 years efforts will be made to move towards an elementary system comprising 5 years of primary education and 3 years of upper primary, followed by 2 years of High School. Efforts will also be made to have the +2 stage accepted as a part of school education throughout the country.

3.4 The National System of Education will be based on a national curricular framework which contains a common core along with other components that are flexible. The common core will include the history of India's freedom movement, the constitutional obligations and other content essential to nurture national identity. These elements will cut across subject areas and will be designed to promote values such as India's common cultural heritage, egalitarianism, democracy and secularism, equality of the sexes, protection of the environment, removal of social barriers, observance of the small family norm and inculcation of the scientific temper. All educational programmes will be carried on in strict conformity with secular values.

3.5 India has always worked for peace and understanding between nations, treating the whole world as one family. True to this hoary tradition, Education has to strengthen this world view and motivate the younger generations for international cooperation and peaceful co-existence. This aspect cannot be neglected.

3.6 To promote equality, it will be necessary to provide for equal opportunity to all not only in access, but also in the

conditions for success. Besides, awareness of the inherent equality of all will be created through the core curriculum. The purpose is to remove prejudices and complexes transmitted through the social environment and the accident of birth.

3.7 Minimum levels of learning will be laid down for each stage of education. Steps will also be taken to foster among students an understanding of the diverse cultural and social systems of the people living in different parts of the country. Besides the promotion of the link language, programmes will also be launched to increase substantially the translation of books from one language to another and to publish multi-lingual dictionaries and glossaries. The young will be encouraged to undertake the rediscovery of India, each in his own image and perception.

3.8 In higher education in general, and technical education in particular, steps will be taken to facilitate inter-regional mobility by providing equal access to every Indian of requisite merit, regardless of his origins. The universal character of universities and other institutions of higher education is to be underscored.

3.9 In the areas of research and development, and education in science and technology, special measures will be taken to establish network arrangements between different institutions in the country to pool their resources and participate in projects of national importance.

3.10 The Nation as a whole will assume the responsibility of providing resource support for implementing programmes of educational transformation, reducing disparities, universalisation of elementary education, adult literacy, scientific and technological research, etc.

3.11 Life-long education is a cherished goal of the educational process. This presupposes universal literacy. Opportunities will be provided to the youth, housewives, agricultural and industrial workers and professionals to continue the education of their choice, at the pace suited to them. The future thrust will be in the direction of open and distance learning.

3.12 The institutions which will be strengthened to play an important role in giving shape to the National System of Education are the University Grants Commission, the All India Council of Technical Education, the Indian Council of Agricultural Research and the Indian Medical Council. Integrated planning will be instituted among all these bodies so as to establish functional linkages and reinforce programmes of research and post graduate education. These, together with the National Council of Education Research and Training, the National Institute of Educational Planning and Administration, the National Council of Teacher Education and the National Institute of Adult Education will be involved in implementing the Education Policy.

A MEANINGFUL PARTNERSHIP

3.13. The Constitutional Amendment of 1976, which includes Education in the Concurrent List, was a far-reaching step whose implications--substantive, financial and administrative--require a new sharing of responsibility between the Union Government and the States in respect of this vital area of national life. While the role and responsibility of the States in regard to education will remain essentially unchanged, the Union Government would accept a larger responsibility to reinforce the national and integrative character of education, to maintain quality and standards (including those of the teaching profession at all levels), to study and monitor the educational requirements of the country as a whole in regard to manpower for development, to cater to the needs of research and advanced study, to look after the international aspects of education, culture and Human Resource Development and, in general, to promote excellence at all levels of the educational pyramid throughout the country. Concurrence signifies a partnership which is at once meaningful and challenging; the National Policy will be oriented towards giving effect to it in letter and spirit.

PART IV

EDUCATION FOR EQUALITY

DISPARITIES

4.1 The new Policy will lay special emphasis on the removal of disparities and to equalise educational opportunity by attending to the specific needs of those who have been denied equality so far.

EDUCATION FOR WOMEN'S EQUALITY

4.2 Education will be used as an agent of basic change in the status of woman. In order to neutralise the accumulated distortions of the past, there will be a well-conceived edge in favour of women. The National Education System will play a positive, interventionist role in the empowerment of women. It will foster the development of new values through redesigned curricula, textbooks, the training and orientation of teachers, decision-makers and administrators, and the active involvement of educational institutions. This will be an act of faith and social engineering. Women's studies will be promoted as a part of various courses and educational institutions encouraged to take up active programmes to further women's development.

4.3 The removal of women's illiteracy and obstacles inhibiting their access to, and retention in, elementary education will receive overriding priority, through provision of special support services, setting of time targets, and effective monitoring. Major emphasis will be laid on women's participation in vocational, technical and professional education at different levels. The policy of non-discrimination will be pursued vigorously to eliminate sex stereo-typing in vocational and professional courses and to promote women's participation in non-traditional occupations, as well as in existing and emergent technologies.

THE EDUCATION OF SCHEDULED CASTES

4.4 The central focus in the SCs' educational development is their equalisation with the non-SC population at all stages and levels of education, in all areas and in all the four dimensions - rural male, rural female, urban male and urban female.

4.5 The measures contemplated for this purpose include :

- i) Incentives to indigent families to send their children to school regularly till they reach the age of 14;
- ii) Pre-matric Scholarship scheme for children of families engaged in occupations such as scavenging, flaying and tanning to be made applicable from Class I onwards. All children of such families, regardless of incomes, will be covered by this scheme and time-bound programmes targetted on them will be undertaken;
- iii) Constant micro-planning and verification to ensure that the enrolment, retention and successful completion of courses by SC students do not fall at any stage, and provision of remedial courses to improve their prospects for further education and employment.
- iv) Recruitment of teachers from Scheduled Castes;
- v) Provision of facilities for SC students in students' hostels at district headquarters, according to a phased programme;
- vi) Location of school buildings, Balwadis and Adult Education Centres in such a way as to facilitate full participation of the Scheduled Castes;

- vii) The utilisation of Jawahar Rozgar Yojana resources so as to make substantial educational facilities available to the Scheduled Castes; and
- viii) Constant innovation in finding new methods to increase the participation of the Scheduled Castes in the educational process.

THE EDUCATION OF SCHEDULED TRIBES

4.6 The following measures will be taken urgently to bring the Scheduled Tribes on par with others :-

- i) Priority will be accorded to opening primary schools in tribal areas. The construction of school buildings will be undertaken in these areas on a priority basis under the normal funds for education, as well as under the Jawahar Rozgar Yojana, Tribal Welfare schemes, etc.
- ii) The socio-cultural milieu of the STs has its distinctive characteristics including, in many cases, their own spoken languages. This underlines the need to develop the curricula and devise instructional materials in tribal languages at the initial stages, with arrangements for switching over to the regional language.
- iii) Educated and promising Scheduled Tribe youths will be encouraged and trained to take up teaching in tribal areas.
- iv) Residential schools, including Ashram Schools, will be established on a large scale.
- v) Incentive schemes will be formulated for the Scheduled

Tribes, keeping in view their special needs and life styles. Scholarships for higher education will emphasise technical, professional and para-professional courses. Special remedial courses and other programmes to remove psycho-social impediments will be provided to improve their performance in various courses.

- vi) Anganwadis, Non-formal and Adult Education Centres will be opened on a priority basis in areas predominantly inhabited by the Scheduled Tribes.
- vii) The curriculum at all stages of education will be designed to create an awareness of the rich cultural identity of the tribal people as also of their enormous creative talent.

OTHER EDUCATIONALLY BACKWARD SECTIONS AND AREAS

4.7 Suitable incentives will be provided to all educationally backward sections of society, particularly in the rural areas. Hill and desert districts, remote and inaccessible areas and islands will be provided adequate institutional infrastructure.

MINORITIES

4.8 Some minority groups are educationally deprived or backward. Greater attention will be paid to the education of these groups in the interests of equality and social justice. This will naturally include the Constitutional guarantees given to them to establish and administer their own educational institutions, and protection to their languages and culture.

Simultaneously, objectivity will be reflected in the preparation of textbooks and in all school activities, and all possible measures will be taken to promote an integration based on appreciation of common national goals and ideals, in conformity with the core curriculum.

HANDICAPPED

4.9 The objective should be to integrate the physically and mentally handicapped with the general community as equal partners, to prepare them for normal growth and to enable them to face life with courage and confidence. The following measures will be taken in this regard:

- i) Wherever it is feasible, the education of children with motor handicaps and other mild handicaps will be common with that of others.
- ii) Special schools with hostels will be provided, as far as possible at district headquarters, for the severely handicapped children.
- iii) Adequate arrangements will be made to give vocational training to the disabled.
- iv) Teachers' training programmes will be reoriented, in particular for teachers of primary classes, to deal with the special difficulties of the handicapped children; and
- v) Voluntary effort for the education of the disabled, will be encouraged in every possible manner.

ADULT EDUCATION

4.10 Our ancient scriptures define education as that which liberates -- i.e., provides the instruments for liberation from ignorance and oppression. In the modern world, it would naturally include the ability to read and write, since that is the main instrument of learning. Hence the crucial importance of adult education, including adult literacy.

4.11 The whole nation has pledged itself, through the National Literacy Mission, to the eradication of illiteracy, particularly in the 15-35 age group through various means, with special emphasis on total literacy campaigns. The Central and State Governments, political parties and their mass organisations, the mass media and educational institutions, teachers, students, youth, voluntary agencies, social activist groups, and employers, must reinforce their commitment to mass literacy campaigns, which include literacy and functional knowledge and skills, and awareness among learners about the socio-economic reality and the possibility to change it.

4.12 Since involvement of the participants of the literacy campaigns in the development programmes is of crucial importance, the National Literacy Mission will be geared to the national goals such as alleviation of poverty, national integration, environmental conservation, observance of the small family norm, promotion of women's equality, universalisation of primary education, basic health-care, etc. It will also facilitate energisation of the cultural creativity of the people and their active participation in development processes.

4.13 Comprehensive programmes of post-literacy and continuing education will be provided for neo-literates and youth who have received primary education with a view to enabling them to retain and upgrade their literacy skills, and to harness it for the improvement of their living and working condition. These programmes would include:

- (a) establishment of continuing education centres of diverse kind to enable adults to continue their education of their choice;
- (b) workers' education through the employers, trade unions and government;
- (c) wider promotion of books, libraries and reading rooms;
- (d) use of radio, TV and films -- as mass as well as group learning media;
- (e) creation of learners' groups and organisations; and
- (f) programmes of distance learning.

4.14 A critical development issue today is the continuous upgradation of skills so as to produce manpower resources of the kind and the number required by the society. Special emphasis will, therefore, be laid on organisation of employment/self-employment oriented, and need and interest based vocational and skill training programmes.

PART V

REORGANISATION OF EDUCATION AT DIFFERENT STAGES

EARLY CHILDHOOD CARE & EDUCATION

5.1 The National Policy on Children specially emphasises investment in the development of young child, particularly children from sections of the population in which first generation learners predominate.

5.2 Recognising the holistic nature of child development, viz., nutrition, health and social, mental, physical, moral and emotional development, Early Childhood Care and Education (ECCE) will receive high priority and be suitably integrated with the Integrated Child Development Services programme, wherever possible. Day-care centres will be provided as a support service for universalisation of primary education, to enable girls engaged in taking care of siblings to attend school and as a support service for working women belonging to poorer sections.

5.3 Programmes of ECCE will be child-oriented, focused around play and the individuality of the child. Formal methods and introduction of the 3 R's will be discouraged at this stage. The local community will be fully involved in these programmes.

5.4 A full integration of child care and pre-primary education will be brought about, both as a feeder and a strengthening factor for primary education and for human resource development in general. In continuation of this stage, the School Health Programme will be strengthened.

ELEMENTARY EDUCATION

5.5 The new thrust in elementary education will emphasise three aspects : (i) universal access and enrolment, (ii) universal retention of children upto 14 years of age; and (iii) a substantial improvement in the quality of education to enable all children to achieve essential levels of learning.

CHILD-CENTRED APPROACH

5.6 A warm, welcoming and encouraging approach, in which all concerned share a solicitude for the needs of the child, is the best motivation for the child to attend school and learn. A child-centred and activity-based process of learning should be adopted at the primary stage. First generation learners should be allowed to set their own pace and be given supplementary remedial instruction. As the child grows, the component of cognitive learning will be increased and skills organised through practice. The policy of non-detention at the primary stage will be retained, making evaluation as disaggregated as feasible. Corporal punishment will be firmly excluded from the educational system and school timings as well as vacations adjusted to the convenience of children.

SCHOOL FACILITIES

5.7 Provision will be made of essential facilities in primary schools. The scope of Operation Blackboard will be enlarged to provide three reasonably large rooms that are usable in all weather, and black boards, maps, charts, toys, other necessary learning aids and school library. At least three teachers should

work in every school, the number increasing, as early as possible, to one teacher per class. At least 50 per cent of teachers recruited in future should be women. The Operation Blackboard will be extended to upper primary stage also. Construction of school buildings will be a priority charge on JRY funds.

NON-FORMAL EDUCATION

5.8 The Non-formal Education Programme, meant for school dropouts, for children from habitations without schools, working children and girls who cannot attend whole-day schools, will be strengthened and enlarged.

5.9 Modern technological aids will be used to improve the learning environment of NFE Centres. Talented and dedicated young men and women from the local community will be chosen to serve as instructors, and particular attention paid to their training. All necessary measures will be taken to ensure that the quality of non-formal education is comparable with the formal education. Steps will be taken to facilitate lateral entry into the formal system of children passing out of the non-formal system.

5.10 Effective steps will be taken to provide a framework for the curriculum on the lines of the national core curriculum, but based on the needs of the learners and related to the local environment. Learning material of high quality will be developed and provided free of charge to all pupils. NFE programmes will

provide participatory learning environment, and activities such as games and sports, cultural programmes, excursions, etc.

5.11 The Government will take over-all responsibility for this vital sector. Voluntary agencies and Panchayati Raj institutions will take much of the responsibility of running NFE programmes. The provision of funds to these agencies will be adequate and timely.

A RESOLVE

5.12 The New Education Policy will give the highest priority to solving the problem of children dropping out of school and will adopt an array of meticulously formulated strategies based on micro-planning, and applied at the grass roots level all over the country, to ensure children's retention at school. This effort will be fully coordinated with the network of non-formal education. It shall be ensured that free and compulsory education of satisfactory quality is provided to all children upto 14 years of age before we enter the twenty-first century. A national mission will be launched for the achievement of this goal.

SECONDARY EDUCATION

5.13 Secondary education begins to expose students to the differentiated roles of science, the humanities and social sciences. This is also an appropriate stage to provide children with a sense of history and national perspective and give them opportunities to understand their constitutional duties and rights as citizens. Access to secondary education will be

widened with emphasis on enrolment of girls, SCs and STs, particularly in science, commerce and vocational streams. Boards of Secondary Education will be reorganised and vested with autonomy so that their ability to improve the quality of secondary education is enhanced. Effort will be made to provide computer literacy in as many secondary level institutions as possible so that the children are equipped with necessary computer skills to be effective in the emerging technological world. A proper understanding of the work ethos and of the values of a humane and composite culture will be brought about through appropriately formulated curricula. Vocationalisation through specialised institutions or through the refashioning of secondary education will, at this stage, provide valuable manpower for economic growth.

5.14 It is universally accepted that children with special talent or aptitude should be provided opportunities to proceed at a faster pace, by making good quality education available to them, irrespective of their capacity to pay for it.

5.15 Pace-setting residential schools, Navodaya Vidyalayas, intended to serve this purpose have been established in most parts of the country on a given pattern, but with full scope for innovation and experimentation. Their broad aim will continue to be to serve the objective of excellence coupled with equity and social justice (with reservation for the rural areas, SCs and STs), to promote national integration by providing opportunities to talented children from different parts of the country, to live

and learn together, to develop their full potential, and, most importantly, to become catalysts of a nationwide programme of school improvement.

VOCATIONALISATION

5.16 The introduction of systematic, well planned and rigorously implemented programmes of vocational education is crucial in the proposed educational reorganisation. These elements are meant to develop a healthy attitude amongst students towards work and life, to enhance individual employability, to reduce the mis-match between the demand and supply of skilled manpower, and to provide an alternative for those intending to pursue higher education without particular interest or purpose. Efforts will be made to provide children at the higher secondary level with generic vocational courses which cut across several occupational fields and which are not occupation specific.

5.17 Vocational Education will also be a distinct stream, intended to prepare students for identified occupations spanning several areas of activity. These courses will ordinarily be provided after the secondary stage, but keeping the scheme flexible, they may also be made available after class VIII.

5.18 Health planning and health service management should optimally interlock with the education and training of appropriate categories of health manpower through health-related vocational courses. Health education at the primary and middle levels will ensure the commitment of the individual to family and community health, and lead to health-related vocational courses

at the +2 stage of higher secondary education. Efforts will be made to devise similar vocational courses based on Agriculture, Marketing, Social Services, etc. An emphasis in vocational education will also be on development of attitudes, knowledge, and skills for entrepreneurship and self-employment.

5.19 The establishment of vocational courses or institutions will be the responsibility of the Government as well as employers in the public and private sectors; the Government will, however, take special steps to cater to the needs of women, rural and tribal students and the deprived sections of society. Appropriate programmes will also be started for the handicapped.

5.20 Graduates of vocational courses will be given opportunities, under predetermined conditions, for professional growth, career improvement and lateral entry into courses of general, technical and professional education through appropriate bridge courses.

5.21 Non-formal, flexible and need-based vocational programmes will also be made available to neoliterates, youth who have completed primary education, school drop-outs, persons engaged in work and unemployed or partially employed persons. Special attention in this regard will be given to women.

5.22 Tertiary level courses will be organised for the young who graduate from the higher secondary courses of the academic stream and may also require vocational courses.

5.23 It is proposed that vocational courses cover 10 per cent

of higher secondary students by 1995 and 25 per cent by 2000. Steps will be taken to see that a substantial majority of the products of vocational courses are employed or become self-employed. Review of the courses offered would be regularly undertaken. Government will also review its recruitment policy to encourage diversification at the secondary level.

HIGHER EDUCATION

5.24 Higher education provides people with an opportunity to reflect on the critical social, economic, cultural, moral and spiritual issues facing humanity. It contributes to national development through dissemination of specialised knowledge and skills. It is therefore a crucial factor for survival. Being at the apex of the educational pyramid, it has also a key role in producing teachers for the education system.

5.25 In the context of the unprecedented explosion of knowledge, higher education has to become dynamic as never before, constantly entering uncharted areas.

5.26 There are around 150 universities and about 5,000 colleges in India today. In view of the need to effect an all round improvement in the institutions, it is proposed that, in the near future, the main emphasis will be on the consolidation of, and expansion of facilities in, the existing institutions.

5.27 Urgent steps will be taken to protect the system from degradation.

5.28 In view of mixed experiences with the system of affiliation, autonomous colleges will be helped to develop in large numbers until the affiliating system is replaced by a freer and more creative association of universities with colleges. Similarly, the creation of autonomous departments within universities on a selective basis will be encouraged. Autonomy and freedom will be accompanied by accountability.

5.29 Courses and programmes will be redesigned to meet the demands of specialisation better. Special emphasis will be laid on linguistic competence. There will be increasing flexibility in the combination of courses.

5.30 State level planning and coordination of higher education will be done through Councils of Higher Education. The UGC and these Councils will develop coordinative methods to keep a watch on standards.

5.31 Provision will be made for minimum facilities and admission will be regulated according to capacity. A major effort will be directed towards the transformation of teaching methods. Audio-visual aids and electronic equipment will be introduced; development of science and technology curricula and material, research, and teacher orientation will receive attention. This will require preparation of teachers at the beginning of the service as well as continuing education thereafter. Teachers' performance will be systematically assessed. All posts will be filled on the basis of merit.

5.32 Research in the universities will be provided enhanced

support and steps will be taken to ensure its high quality. Suitable mechanisms will be set up by the UGC for coordinating research in the universities, particularly in thrust areas of science and technology, with research undertaken by other agencies. An effort will be made to encourage the setting up of national research facilities within the university system, with proper forms of autonomous management.

5.33 Research in Indology, the humanities and social sciences will receive adequate support. To fulfil the need for the synthesis of knowledge, inter-disciplinary research will be encouraged. Efforts will be made to delve into India's ancient fund of knowledge and to relate it to contemporary reality. This effort will imply the development of facilities for the intensive study of Sanskrit and other Classical languages. An autonomous Commission will be established to foster and improve teaching, study and research in Sanskrit and other Classical languages.

5.34 In the interest of greater coordination and consistency in policy, sharing of facilities and developing inter-disciplinary research, a national body covering higher education in general, agricultural, medical, technical, legal and other professional fields will be set up.

OPEN UNIVERSITY AND DISTANCE LEARNING

5.35 The open learning system has been initiated in order to augment opportunities for higher education, as an instrument of democratising education and to make it a lifelong process. The flexibility and innovativeness of the open learning system are

particularly suited to the diverse requirements of the citizens of our country, including those who had joined the vocational stream.

5.36 The Indira Gandhi National Open University, established in 1985 in fulfilment of these objectives, will be strengthened. It would also provide support to establishment of open universities in the States.

5.37 The National Open School will be strengthened and open learning facilities extended in a phased manner at the secondary level in all parts of the country.

DELINKING DEGREES FROM JOBS

5.38 A beginning will be made in de-linking degrees from jobs in selected areas.

5.39 The proposal cannot be applied to occupation-specific courses like Engineering, Medicine, Law, Teaching, etc. Similarly, the services of specialists with academic qualifications in the humanities, social sciences, sciences, etc. will continue to be required in various job positions.

5.40 De-linking will be applied in services for which a university degree need not be a necessary qualification. Its implementation will lead to a re-fashioning of job-specific courses and afford greater justice to those candidates who, despite being equipped for a given job, are unable to get it because of an unnecessary preference for graduate candidates.

5.41 Concomitant with de-linking, an appropriate machinery, such as National Evaluation Organisation, will be established to conduct tests on a voluntary basis to determine the suitability of candidates for specific jobs, to pave the way for the emergence of norms of comparable competencies across the nation, and to bring about an over-all improvement in testing and measurement.

RURAL UNIVERSITY

5.42 The new pattern of the Rural University will be consolidated and developed on the lines of Mahatma Gandhi's revolutionary ideas on education so as to take up the challenges of micro-planning at grassroots levels for the transformation of rural areas. Institutions and programmes of Gandhian basic education will be supported.

PART VI

TECHNICAL AND MANAGEMENT EDUCATION

6.1 Although the two streams of technical and management education are functioning separately, it is essential to look at them together, in view of their close relationship and complementary concerns. The reorganisation of Technical and Management Education should take into account the anticipated scenario by the turn of the century, with specific reference to the likely changes in the economy, social environment, production and management processes, the rapid expansion of knowledge and the great advances in science and technology.

6.2 The infrastructure and services sectors as well as the unorganised rural sector also need a greater induction of improved technologies and a supply of technical and managerial manpower. This will be attended to by the Government.

6.3 In order to improve the situation regarding manpower information, the recently set up Technical Manpower Information System will be further developed and strengthened.

6.4 Continuing education, covering established as well as emerging technologies, will be promoted.

6.5 As computers have become important and ubiquitous tools, a minimal exposure to computers and a training in their use will form part of professional education. Programmes of computer literacy will be organised on wide scale from the school stage.

6.6 In view of the present rigid entry requirements to formal courses restricting the access of a large segment of people to technical and managerial education, programmes through a distance-learning process, including use of the mass media, will be offered. Technical and management education programmes, including education in polytechnics, will also be on a flexible modular pattern based on credits, with provision for multi-point entry. A strong guidance and counselling service will be provided.

6.7 In order to increase the relevance of management education, particularly in the non-corporate and under-managed sectors, the management education system will study and document

the Indian experience and create a body of knowledge and specific educational programmes suited to these sectors.

6.8 Appropriate formal and non-formal programmes of technical education will be devised for the benefit of women, the economically and socially weaker sections, and the physically handicapped.

6.9 The emphasis of vocational education and its expansion will need a large number of teachers and professionals in vocational education, educational technology, curriculum development, etc. Programmes will be started to meet this demand.

6.10 To encourage students to consider "self-employment" as a career option, training in entrepreneurship will be provided through modular or optional courses, in degree or diploma programmes.

6.11 In order to meet the continuing needs of updating curriculum, renewal should systematically phase out obsolescence and introduce new technologies of disciplines.

INSTITUTIONAL THRUSTS

6.12 Some polytechnics in the rural areas have started training weaker groups in those areas for productive occupations through a system of community polytechnics. The community polytechnic system will be appropriately strengthened to increase its quality and coverage.

INNOVATION, RESEARCH AND DEVELOPMENT

6.13 Research as a means of renovation and renewal of educational processes will be undertaken by all higher technical institutions. It will primarily aim at producing quality manpower capable of taking up R&D functions. Research for development will focus on improving present technologies, developing new indigenous ones and enhancing production and productivity. A suitable system for watching and forecasting technology will be set up.

6.14 The scope for cooperation, collaboration and networking relationships between institutions at various levels and with the user systems will be utilised. Proper maintenance, and an attitude of innovation and improvement will be promoted systematically.

PROMOTING EFFICIENCY AND EFFECTIVENESS AT ALL LEVELS

6.15 As technical and management education is expensive, the following major steps will be taken for cost-effectiveness and to promote excellence:

- i) High priority will be given to modernisation and removal of obsolescence. However, modernisation will be undertaken to enhance functional efficiency and not for its own sake or as a status symbol.
- ii) Institutions will be encouraged to generate resources using their capacities to provide services to the community and industry. They will be equipped with up-to-date learning resources, library and computer facilities.

- iii) Adequate hostel accommodation will be provided, specially for girls. Facilities for sports, creative work and cultural activities will be expanded.
- iv) More effective procedures will be adopted in the recruitment of staff. Career opportunities, service conditions, consultancy norms and other perquisites will be improved.
- v) Teachers will have multiple roles to perform: teaching, research, development of learning resource material, extension and managing the institution. Initial and in-service training will be made mandatory for faculty members and adequate training reserves will be provided. Staff Development Programmes will be integrated at the State, and coordinated at Regional and National levels.
- vi) The curricula of technical and management programmes will be targetted on current as well as the projected needs of industry or user systems. Active interaction between technical or management institutions and industry will be promoted in programme planning and implementation, exchange of personnel, training facilities and resources, research and consultancy and other areas of mutual interest.
- vii) Excellence in performance of institutions and individuals will be recognised and rewarded. The emergence of substandard and mediocre institutions will be checked. A climate conducive to excellence and

innovation will be promoted with full involvement of the faculty.

viii) Select institutions will be awarded academic, administrative and financial autonomy of varying degrees, building in safeguards with respect to accountability.

ix) Networking systems will have to be established between technical education and industry, R&D organisations, programmes of rural and community development, and with other sectors of education with complementary characteristics.

MANAGEMENT FUNCTIONS AND CHANGE

6.16 In view of the likely emergence of changes in management systems and the need to equip students with the ability to cope with them, effective mechanisms will be devised to understand the nature and direction of change per se and to develop the important skill of managing change.

6.17 In view of the integrated nature of the task, the Ministry of Human Resource Development will coordinate the balanced development of engineering, vocational and management education as well as the education of technicians and craftsmen.

6.18 Professional societies will be encouraged and enabled to perform their due role in the advancement of technical and management education.

6.19 The All India Council for Technical Education will be vested with statutory authority for planning, formulation and the

maintenance of norms and standards, accreditation, funding of priority areas, monitoring and evaluation, maintaining parity of certification and awards and ensuring the coordinated and integrated development of technical and management education. Mandatory periodic evaluation will be carried out by a duly constituted Accreditation Board.

6.20 In the interests of maintaining standards and for several other valid reasons, the commercialisation of technical and professional education will be curbed. An alternative system will be devised to involve private and voluntary effort in this sector of education, in conformity with accepted norms and goals.

PART VII

MAKING THE SYSTEM WORK

7.1 It is obvious that these and many other new tasks of education cannot be performed in a state of disorder. Education needs to be managed in an atmosphere of utmost intellectual rigour, seriousness of purpose and, at the same time, of freedom essential for innovation and creativity. While far-reaching changes will have to be incorporated in the quality and range of education, the process of introducing discipline into the system will have to be started, here and now, in what exists.

7.2 The country has placed boundless trust in the educational system. The people have a right to expect concrete results. The first task is to make it work. All teachers should teach and all students study.

7.3 The strategy in this behalf will consist of -

- (a) a better deal to teachers with greater accountability;
- (b) provision of improved students' services and insistence on observance of acceptable norms of behaviour;
- (c) provision of better facilities to institutions; and
- (d) creation of a system of performance appraisals of institutions according to standards and norms set at the National or State levels.

PART VIII

REORIENTING THE CONTENT AND PROCESS OF EDUCATION

THE CULTURAL PERSPECTIVE

8.1 The existing schism between the formal system of education and the country's rich and varied cultural traditions need to be bridged. The preoccupation with modern technologies cannot be allowed to sever our new generations from the roots in India's history and culture. De-culturisation, de-humanisation and alienation must be avoided at all costs. Education can and must bring about the fine synthesis between change-oriented technologies and the country's continuity of cultural tradition.

8.2 The curricula and processes of education will be enriched by cultural content in as many manifestations as possible. Children will be enabled to develop sensitivity to beauty, harmony and refinement. Resource persons in the community, irrespective of their formal educational

qualifications, will be invited to contribute to the cultural enrichment of education, employing both the literate and oral traditions of communication. To sustain and carry forward the cultural tradition, the role of old masters, who train pupils through traditional modes will be supported and recognised.

8.3 Linkages will be established between the university system and institutions of higher learning in art, archaeology, oriental studies, etc. Due attention will also be paid to the specialised disciplines of Fine Arts, Museology, Folklore, etc. Teaching, training and research in these disciplines will be strengthened so as to replenish specialised manpower in them.

VALUE EDUCATION

8.4 The growing concern over the erosion of essential values and an increasing cynicism in society has brought to focus the need for readjustments in the curriculum in order to make education a forceful tool for the cultivation of social and moral values.

8.5 In our culturally plural society, education should foster universal and eternal values, oriented towards the unity and integration of our people. Such value education should help eliminate obscurantism, religious fanaticism, violence, superstition and fatalism.

8.6 Apart from this combative role, value education has a profound positive content, based on our heritage, national and universal goals and perceptions. It should lay primary emphasis on this aspect.

LANGUAGES

8.7 The Education Policy of 1968 had examined the question of the development of languages in great detail; its essential provisions can hardly be improved upon and are as relevant today as before. The implementation of this part of the 1968 Policy has, however, been uneven. The Policy will be implemented more energetically and purposefully.

BOOKS AND LIBRARIES

8.8 The availability of books at low prices is indispensable for people's education. Effort will be made to secure easy accessibility to books for all segments of the population. Measures will be taken to improve the quality of books, promote the reading habit and encourage creative writing. Authors' interests will be protected. Good translations of foreign books into Indian languages will be supported. Special attention will be paid to the production of quality of books for children, including text books and work books.

8.9 Together with the development of books, a nation-wide movement for the improvement of existing libraries and the establishment of new ones will be taken up. Provision will be made in all educational institutions for library facilities and the status of librarians improved.

MEDIA AND EDUCATIONAL TECHNOLOGY

8.10 Modern communication technologies have the potential to bypass several stages and sequences in the process of development encountered in earlier decades. Both the constraints of time and distance at once become manageable. In order to avoid structural dualism, modern educational technology must reach out to the most distant areas and the most deprived sections of beneficiaries simultaneously with the areas of comparative affluence and ready availability.

8.11 Educational technology will be employed in the spread of useful information, the training and re-training of teachers, to improve quality, sharpen awareness of art and culture, inculcate abiding values, etc., both in the formal and non-formal sectors. Maximum use will be made of the available infrastructure. In villages without electricity, batteries or solar packs will be used to run the programme.

8.12 The generation of relevant and culturally compatible educational programmes will form an important component of educational technology, and all available resources in the country will be utilised for this purpose.

8.13 The media have a profound influence on the minds of children as well as adults; some of them tend to encourage consumerism, violence, etc., and have a deleterious effect. Radio and T.V. programmes which clearly militate against proper educational objectives will be prevented. Steps will be taken to discourage such trends in films and other media also. An active

movement will be started to promote the production of children's films of high quality and usefulness.

WORK EXPERIENCE

8.14 Work experience, viewed as purposive and meaningful manual work, organised as an integral part of the learning process and resulting in either goods or services useful to the community, is considered as an essential component at all stages of education, to be provided through well-structured and graded programmes. It would comprise activities in accord with the interests, abilities and needs of students, the level of skills and knowledge to be upgraded with the stages of education. This experience would be helpful on his entry into the workforce. Pre-vocational programmes provided at the lower secondary stage will also facilitate the choice of the vocational courses at the higher secondary stage.

EDUCATION AND ENVIRONMENT

8.15 There is a paramount need to create a consciousness of the environment. It must permeate all ages and all sections of society, beginning with the child. Environmental consciousness should inform teaching in schools and colleges. This aspect will be integrated in the entire educational process.

POPULATION EDUCATION

8.16 Population education must be viewed as an important part of the nation's strategy to contain the growth of population. Starting at the primary and secondary levels with inculcation of

consciousness about the looming crisis due to expansion of population, educational programmes should actively motivate and inform youth and adults about family planning and responsible parenthood.

MATHEMATICS TEACHING

8.17 Mathematics should be visualised as the vehicle to train a child to think, reason, analyse and to articulate logically. Apart from being a specific subject, it should be treated as a concomitant to any subject involving analysis and reasoning. With the recent introduction of computers in schools, educational computing and the emergence of learning through the understanding of cause-effect relationships and the interplay of variables, the teaching of mathematics will be suitably redesigned to bring it in line with modern technological devices.

SCIENCE EDUCATION

8.18 Science education will be strengthened so as to develop in the child well defined abilities and values such as the spirit of inquiry, creativity, objectivity, the courage to question, and an aesthetic sensibility.

8.19 Science education programmes will be designed to enable the learner to acquire problem solving and decision making skills and to discover the relationship of science with health, agriculture, industry and other aspects of daily life. Every effort will be made to extend science education to the vast numbers who have remained outside the pale of formal education.

SPORTS AND PHYSICAL EDUCATION

8.20 Sports and physical education are an integral part of the learning process, and will be included in the evaluation of performance. A nation-wide infrastructure for physical education, sports and games will be built into the educational edifice. The infrastructure will consist of playfields, equipment, coaches and teachers of physical education as part of the School Improvement Programme. Available open spaces in urban areas will be reserved for playgrounds, if necessary by legislation. Efforts will be made to establish sports institutions and hostels where specialised attention will be given to sports activities and sports-related studies, along with normal education. Appropriate encouragement will be given to those talented in sports and games. Due stress will be laid on indigenous traditional games.

YOGA

8.21 As a system which promotes an integrated development of body and mind, Yoga will receive special attention. Efforts will be made to introduce Yoga in all schools. To this end, it will be introduced in teacher training courses.

THE ROLE OF YOUTH

8.22 Opportunities will be provided for the youth to involve themselves in national and social development through educational institutions and outside them. Students will be required to participate in one or the other of existing schemes, namely, the National Service Scheme, National Cadet Corps, etc. Outside the

institutions, the youth will be encouraged to take up programmes of development, reform and extension. The National Service Volunteer Scheme will be strengthened.

THE EVALUATION PROCESS AND EXAMINATION REFORM

8.23 Assessment of performance is an integral part of any process of learning and teaching. As part of sound educational strategy, examinations should be employed to bring about qualitative improvements in education.

8.24 The objective will be to re-cast the examination system so as to ensure a method of assessment that is a valid and reliable measure of student development and a powerful instrument for improving teaching and learning; In functional terms, this would mean:

- i) The elimination of excessive element of chance and subjectivity;
- ii) The de-emphasis of memorisation;
- iii) Continuous and comprehensive evaluation that incorporates both scholastic and non-scholastic aspects of education, spread over the total span of instructional time.
- iv) Effective use of the evaluation process by teachers, students and parents;
- v) Improvement in the conduct of examination;
- vi) The introduction of concomitant changes in instructional materials and methodology;
- vii) Instruction of the semester system from the secondary stage in a phased manner; and
- viii) The use of grades in place of marks.

8.25 The above goals are relevant both for external

examinations and evaluations within educational institutions. Evaluation at the institutional level will be streamlined and the predominance of external examinations reduced. A National Examination Reform Framework would be prepared to serve as a set of guidelines to the examining bodies which would have the freedom to innovate and adapt the framework to suit the specific situations.

PART IX

THE TEACHER

9.1 The status of the teacher reflects the socio-cultural ethos of a society; it is said that no people can rise above the level of its teachers. The Government and the community should endeavour to create conditions which will help motivate and inspire teachers on constructive and creative lines. Teachers should have the freedom to innovate, to devise appropriate methods of communication and activities relevant to the needs and capabilities of and the concerns of the community.

9.2 The methods of recruiting teachers will be reorganised to ensure merit, objectivity and conformity with spatial and functional requirements. The pay and service conditions of teachers have to be commensurate with their social and professional responsibilities and with the need to attract talent to the profession. Efforts will be made to reach the desirable objective of uniform emoluments, service conditions and grievance-removal mechanisms for teachers throughout the country. Guidelines will be formulated to ensure objectivity in the

postings and transfers of teachers. A system of teachers evaluation -- open, participative and data-based -- will be created and reasonable opportunities of promotion to higher grades provided. Norms of accountability will be laid down with incentives for good performance and disincentives for non-performance. Teachers will continue to play a crucial role in the formulation and implementation of educational programmes.

9.3 Teachers' associations must play a significant role in upholding professional integrity, enhancing the dignity of the teacher and in curbing professional misconduct. National level associations of teachers, could prepare a Code of Professional Ethics for Teachers and see to its observance.

TEACHER EDUCATION

9.4 Teacher Education is a continuous process, and its pre-service and in-service components are inseparable. As the first step, the system of teacher education will be overhauled.

9.5 The new programmes of teacher-education will emphasise continuing education and the need for teachers to meet the thrusts envisaged in this Policy.

9.6 District Institutes of Education and Training (DIET) will be established with the capability to organise pre-service and in-service courses for elementary school teachers and for the personnel working in non-formal and adult education. As DIETs get established, sub-standard institutions will be phased out. Selected Secondary Teacher Training Colleges will be upgraded to

complement the work of State Councils of Educational Research and Training. The National Council of Teacher Education will be provided the necessary resources and capability to accredit institutions of teacher-education and provide guidance regarding curricula and methods. Networking arrangements will be created between institutions of teacher education and university departments of education.

PART X

THE MANAGEMENT OF EDUCATION

10.1 An overhaul of the system of planning and the management of education will receive high priority. The guiding considerations will be:

- a) Evolving a long-term planning and management perspective of education and its integration with the country's developmental and manpower needs;
- b) Decentralisation and the creation of a spirit of autonomy for educational institutions;
- c) Giving pre-eminence to people's involvement, including association of non-governmental agencies and voluntary effort;
- d) Inducting more women in the planning and management of education;
- e) Establishing the principle of accountability in relation to given objectives and norms.

NATIONAL LEVEL

10.2 The Central Advisory Board of Education will play a pivotal role in reviewing educational development, determining the changes required to improve the system and monitoring implementation. It will function through appropriate Committees and other mechanisms created to ensure contact with, and coordination among, the various areas of Human Resource Development. The Departments of Education at the Centre and in the States will be strengthened through the involvement of professionals.

INDIAN EDUCATION SERVICE

10.3 A proper management structure in education will entail the establishment of the Indian Education Service as an All-India Service. It will bring a national perspective to this vital sector. The basic principles, functions and procedures of recruitment to this service will be decided in consultation with the State Governments.

STATE LEVEL

10.4 State Governments may establish State Advisory Boards of Education on the lines of CABE. Effective measures should be taken to integrate mechanisms in the various State departments concerned with Human Resource Development.

10.5 Special attention will be paid to the training of educational planners, administrators and heads of institutions. Institutional arrangements for this purpose should be set up in stages.

DISTRICT AND LOCAL LEVEL

10.6 District boards of Education will be created to manage education up to the higher secondary level. State Governments will attend to this aspect with all possible expedition. Within a multi-level framework of educational development, Central, State and District and Local level agencies will participate in planning, coordination, monitoring and evaluation.

10.7 A very important role must be assigned to the head of an educational institution. Heads will be specially selected and trained. School complexes will be promoted on a flexible pattern so as to serve as networks of institutions and synergic alliances to encourage professionalism among teachers, to ensure observance of norms of conduct and to enable the sharing of experiences and facilities. It is expected that a developed system of school complexes will take over much of the inspection functions in due course.

10.8 Local communities, through appropriate bodies, will be assigned a major role in programmes of school improvement.

VOLUNTARY AGENCIES AND AIDED INSTITUTIONS

10.9 Non-government and voluntary effort including social activist groups will be encouraged, subject to proper management, and financial assistance provided. At the same time, steps will be taken to prevent the establishment of institutions set up to commercialise education.

REDRESS OF GRIEVANCES

10.10 Educational tribunals, fashioned after Administrative Tribunals, will be established at the national and state levels.

PART XI

RESOURCES AND REVIEW

11.1 The Education Commission of 1964-66, the National Education Policy of 1968 and practically all others concerned with education have stressed that the egalitarian goals and the practical, development-oriented objectives of Indian society can be realised only by making investments in education of an order commensurate with the nature and dimensions of the task.

11.2 Resources, to the extent possible, will be raised by mobilising donations, asking the beneficiary communities to maintain school buildings and supplies of some consumables, raising fees at the higher levels of education and effecting some savings by the efficient use of facilities. Institutions involved with research and the development of technical and scientific manpower should also mobilize some funds by levying a cess or charge on the user agencies, including Government departments, and entrepreneurs. All these measures will be taken not only to reduce the burden on State resources but also for creating a greater sense of responsibility within the educational system. However, such measures will contribute only marginally to the total funding. The Government and the community in general will find funds for such programmes as: the universalisation of elementary education; liquidating illiteracy;

equality of access to educational opportunities to all sections throughout the country; enhancing the social relevance, quality and functional effectiveness of educational programmes; generating knowledge and developing technologies in scientific fields crucial to self-sustaining economic development and creating a critical consciousness of the values and imperatives of national survival.

11.3 The deleterious consequences of non-investment or inadequate investment in education are indeed very serious. Similarly, the cost of neglecting vocational and technical education and of research is also unacceptable. Sub-optimal performance in these fields could cause irreparable damage to the Indian economy. The network of institutions set up from time to time since Independence to facilitate the application of science and technology would need to be substantially and expeditiously updated, since they are fast becoming obsolete.

11.4 In view of these imperatives, education will be treated as a crucial area of investment for national development and survival. The National Policy on Education, 1968, had laid down that the investment on education be gradually increased to reach a level of 6 per cent of the national income as early as possible. Since the actual level of investment has remained far short of that target, it is important that greater determination is shown now to find the funds for the programmes laid down in this Policy. While the actual requirements will be computed from time to time on the basis of monitoring and review, the outlay on education will be stepped up to ensure that during the Eighth

Five Year Plan and onwards it will uniformly exceed 6 per cent of the national income.

REVIEW

11.5 The implementation of the various parameters of the New Policy must be reviewed every five years. Appraisals at short intervals will also be made to ascertain the progress of implementation and the trends emerging from time to time.

PART XII

THE FUTURE

12.1 The future shape of education in India is too complex to envision with precision. Yet, given our tradition which has almost always put high premium on intellectual and spiritual attainment, we are bound to succeed in achieving our objectives.

12.2 The main task is to strengthen the base of the pyramid, which might come close to a billion people at the turn of the century. Equally, it is important to ensure that those at the top of the pyramid are among the best in the world. Our cultural well springs had taken good care of both ends in the past; the skew set in with foreign domination and influence. It should now be possible to further intensify the nation-wide effort in Human Resource Development, with Education playing its multifaceted role.

CORRIGENDUM

Please read Para 6.19 as :

6.19 The All India Council for Technical Education, which has been given statutory status, will be responsible for planning, formulation and the maintenance of norms and standards, accreditation, funding of priority areas, monitoring and evaluation, maintaining parity of certification and awards and ensuring the coordinated and integrated development of technical and management education. Mandatory periodic evaluation will be carried out by a duly constituted Accreditation Board. The Council will be strengthened and it will function in a decentralised manner with greater involvement of State governments and technical institutions of good quality.

NATIONAL POLICY
ON
EDUCATION

1968



MINISTRY OF EDUCATION --- GOVERNMENT OF INDIA



- 54

379-15

IND-N.

Publication No. 832

National Policy on Education

Education has always been accorded an honoured place in Indian society. The great leaders of the Indian freedom movement realised the fundamental role of education and throughout the nation's struggle for independence, stressed its unique significance for national development. Gandhiji formulated the scheme of basic education seeking to harmonize intellectual and manual work. This was a great step forward in making education directly relevant to the life of the people. Many other national leaders likewise made important contributions to national education before independence.

2. In the post-independence period, a major concern of the Government of India and of the States has been to give increasing attention to education as a factor vital to national progress and security. Problems of educational reconstruction were reviewed by several commissions and committees, notably the University Education Commission (1948-49) and the Secondary Education Commission (1952-53). Some steps to implement the recommendations of these Commissions were taken; and with the passing of the Resolution on Scientific Policy under the leadership of Jawaharlal Nehru, the development of science, technology and scientific research received special emphasis. Towards the end of the third Five Year Plan, a need was felt to hold a comprehensive review of the educational system with a view to initiating a fresh and more determined effort at educational reconstruction; and the Education Commission (1964-66) was appointed to advise Government on "the national pattern of education and on the general principles and policies for the development of education at all stages and in all aspects." The Report of the Education Commission has since been

widely discussed and commented upon. Government is happy to note that a general consensus on the national policy on education has emerged in the course of these discussions.

3. The Government of India is convinced that a radical reconstruction of education on the broad lines recommended by the Education Commission is essential for economic and cultural development of the country, for national integration and for realising the ideal of a socialistic pattern of society. This will involve a transformation of the system to relate it more closely to the life of the people; a continuous effort to expand educational opportunity; a sustained and intensive effort to raise the quality of education at all stages; an emphasis on the development of science and technology; and the cultivation of moral and social values. The educational system must produce young men and women of character and ability committed to national service and development. Only then will education be able to play its vital role in promoting national progress, creating a sense of common citizenship and culture, and strengthening national integration. This is necessary if the country is to attain its rightful place in the comity of nations in conformity with its great cultural heritage and its unique potentialities.

4. The Government of India accordingly resolves to promote the development of education in the country in accordance with the following principles:

(1) **Free and Compulsory Education:** Strenuous efforts should be made for the early fulfilment of the Directive Principle under Article 45 of the Constitution seeking to provide free and compulsory education for all children up to the age of 14. Suitable programmes should be developed to reduce the prevailing wastage and stagnation in schools and to ensure that every child who is enrolled in school successfully completes the prescribed course.

(2) **Status, Emoluments and Education of Teachers:**

(a) Of all the factors which determine the quality of educa-

tion and its contribution to national development, the teacher is undoubtedly the most important. It is on his personal qualities and character, his educational qualifications and professional competence that the success of all educational endeavour must ultimately depend. Teachers must, therefore, be accorded an honoured place in society. Their emoluments and other service conditions should be adequate and satisfactory having regard to their qualifications and responsibilities.

(b) The academic freedom of teachers to pursue and publish independent studies and researches and to speak and write about significant national and international issues should be protected.

(c) Teacher education, particularly in-service education, should receive due emphasis.

(3) **Development of Languages:** (a) *Regional Languages:* The energetic development of Indian languages and literature is a *sine qua non* for educational and cultural development. Unless this is done, the creative energies of the people will not be released, standards of education will not improve, knowledge will not spread to the people, and the gulf between the intelligentsia and the masses will remain if not widened further. The regional languages are already in use as media of education at the primary and secondary stages. Urgent steps should now be taken to adopt them as media of education at the university stage.

(b) *Three-Language Formula:* At the secondary stage, the State Governments should adopt, and vigorously implement, the three-language formula which includes the study of a modern Indian language, preferably one of the southern languages, apart from Hindi and English in the Hindi-speaking States, and of Hindi along with the regional language and English in the non-Hindi speaking States. Suitable courses

in Hindi and/or English should also be available in universities and colleges with a view to improving the proficiency of students in these languages up to the prescribed university standards.

(c) *Hindi* : Every effort should be made to promote the development of Hindi. In developing Hindi as the link language, due care should be taken to ensure that it will serve, as provided for in Article 351 of the Constitution, as a medium of expression for all the elements of the composite culture of India. The establishment, in non-Hindi States, of colleges and other institutions of higher education which use Hindi as the medium of education should be encouraged.

(d) *Sanskrit* : Considering the special importance of Sanskrit to the growth and development of Indian languages and its unique contribution to the cultural unity of the country, facilities for its teaching at the school and university stages should be offered on a more liberal scale. Development of new methods of teaching the language should be encouraged, and the possibility explored of including the study of Sanskrit in those courses (such as modern Indian languages, ancient Indian history, Indology and Indian philosophy) at the first and second degree stages, where such knowledge is useful.

(e) *International Languages* : Special emphasis needs to be laid on the study of English and other international languages. World knowledge is growing at a tremendous pace, especially in science and technology. India must not only keep up this growth but should also make her own significant contribution to it. For this purpose, study of English deserves to be specially strengthened.

(4) Equalisation of Educational Opportunity : Strenuous efforts should be made to equalise educational opportunity.

(a) Regional imbalances in the provision of educational facilities should be corrected and good educational facilities should be provided in rural and other backward areas.

(b) To promote social cohesion and national integration the Common School System as recommended by the Education Commission should be adopted. Efforts should be made to improve the standard of education in general schools. All special schools like Public Schools should be required to admit students on the basis of merit and also to provide a prescribed proportion of free-studentships to prevent segregation of social classes. This will not, however, affect the rights of minorities under Article 30 of the Constitution.

(c) The education of girls should receive emphasis, not only on grounds of social justice, but also because it accelerates social transformation.

(d) More intensive efforts are needed to develop education among the backward classes and especially among the tribal people.

(e) Educational facilities for the physically and mentally handicapped children should be expanded and attempts should be made to develop integrated programmes enabling the handicapped children to study in regular schools.

(5) Identification of Talent : For the cultivation of excellence, it is necessary that talent in diverse fields should be identified at as early an age as possible, and every stimulus and opportunity given for its full development.

(6) Work-Experience and National Service : The school and the community should be brought closer through suitable programmes of mutual service and support. Work-experience and national service including participation in meaningful and challenging programmes of community service and national reconstruction should accordingly become an integral part of education. Emphasis in these programmes should be on self-help, character formation and on developing a sense of social commitment.

(7) Science Education and Research : With a view to accelerating the growth of the national economy, science

education and research should receive high priority. Science and mathematics should be an integral part of general education till the end of the school stage.

(8) Education for Agriculture and Industry: Special emphasis should be placed on the development of education for agriculture and industry.

(a) There should be at least one agricultural university in every State. These should, as far as possible, be single campus universities; but where necessary, they may have constituent colleges on different campuses. Other universities may also be assisted, where the necessary potential exists, to develop strong departments for the study of one or more aspects of agriculture.

(b) In technical education, practical training in industry should form an integral part of such education. Technical education and research should be related closely to industry, encouraging the flow of personnel both ways and providing for continuous cooperation in the provision, design and periodical review of training programmes and facilities.

(c) There should be a continuous review of the agricultural, industrial and other technical manpower needs of the country and efforts should be made continuously to maintain a proper balance between the output of the educational institutions and employment opportunities.

(9) Production of Books: The quality of books should be improved by attracting the best writing talent through a liberal policy of incentives and remuneration. Immediate steps should be taken for the production of high quality textbooks for schools and universities. Frequent changes of textbooks should be avoided and their prices should be low enough for students of ordinary means to buy them.

The possibility of establishing autonomous book corporations on commercial lines should be examined and efforts

should be made to have a few basic textbooks common throughout the country. Special attention should be given to books for children and to university level books in regional languages.

(10) Examinations : A major goal of examination reforms should be to improve the reliability and validity of examinations and to make evaluation a continuous process aimed at helping the student to improve his level of achievement rather than at 'certifying' the quality of his performance at a given moment of time.

(11) Secondary Education : (a) Educational opportunity at the secondary (and higher) level is a major instrument of social change and transformation. Facilities for Secondary education should accordingly be extended expeditiously to areas and classes which have been denied these in the past.

(b) There is need to increase facilities for technical and vocational education at this stage. Provision of facilities for secondary and vocational education should conform broadly to requirements of the developing economy and real employment opportunities. Such linkage is necessary to make technical and vocational education at the secondary stage effectively terminal. Facilities for technical and vocational education should be suitably diversified to cover a large number of fields such as agriculture, industry, trade and commerce, medicine and public health, home management, arts and crafts, secretarial training, etc.

(12) University Education : (a) The number of whole-time students to be admitted to a college or university department should be determined with reference to the laboratory, library and other facilities and to the strength of the staff.

(b) Considerable care is needed in establishing new universities. These should be started only after an adequate provision of funds has been made for the purpose and due care has been taken to ensure proper standards.

(c) Special attention should be given to the organisation of postgraduate courses and to the improvement of standards of training and research at this level.

(d) Centres of advanced study should be strengthened and a small number of 'clusters of centres' aiming at the highest possible standards in research and training should be established.

(e) [There is need to give increased support to research in universities generally.] The institutions for research should, as far as possible, function within the fold of universities or in intimate association with them.

(13) Part-time Education and Correspondence Courses : Part-time education and correspondence courses should be developed on a large scale at the university stage. Such facilities should also be developed for secondary school students, for teachers and for agricultural, industrial and other workers. Education through part-time and correspondence courses should be given the same status as full-time education. Such facilities will smoothen transition from school to work, promote the cause of education and provide opportunities to the large number of people who have the desire to educate themselves further but cannot do so on a full-time basis.

(14) Spread of Literacy and Adult Education : (a) The liquidation of mass illiteracy is necessary not only for promoting participation in the working of democratic institutions and for accelerating programmes of production, especially in agriculture, but for quickening the tempo of national development in general. Employees in large commercial, industrial and other concerns should be made functionally literate as early as possible. A lead in this direction should come from the industrial undertakings in the public sector. Teachers and students should be actively involved in organising literacy campaigns, especially as part of the Social and National Service Programme.

(b) Special emphasis should be given to the education of young practising farmers and to the training of youth for self-employment.

(15) Games and Sports : Games and sports should be developed on a large scale with the object of improving the physical fitness and sportsmanship of the average student as well as of those who excel in this department. Where playing field and other facilities for developing a nation-wide programme of physical education do not exist, these should be provided on a priority basis.

(16) Education of Minorities : Every effort should be made not only to protect the rights of minorities but to promote their educational interests as suggested in the statement issued by the Conference of the Chief Ministers of States and Central Ministers held in August 1961.

(17) The Educational Structure : It will be advantageous to have a broadly uniform educational structure in all parts of the country. The ultimate objective should be to adopt the 10+2+3 pattern, the higher secondary stage of two years being located in schools, colleges or both according to local conditions.

5. The reconstruction of education on the lines indicated above will need additional outlay. The aim should be gradually to increase the investment in education so as to reach a level of expenditure of 6 per cent of the national income as early as possible.

6. The Government of India recognizes that reconstruction of education is no easy task. Not only are the resources scarce but the problems are exceedingly complex. Considering the key role which education, science and research play in developing the material and human resources of the country, the Government of India will, in addition to undertaking programmes in the Central sector, assist the State Governments for the development of programmes of national importance

where coordinated action on the part of the States and the Centre is called for.

7. The Government of India will also review, every five years, the progress made and recommend guidelines for future development.

Annexure IV

SSA FRAMEWORK OF IMPLEMENTATION (CHAPTER 1)

Chapter - I

BASIC FEATURES OF SARVA SHIKSHA ABHIYAN

Sarva Shiksha Abhiyan is an effort to universalize elementary education by community-ownership of the school system. It is a response to the demand for quality basic education all over the country. The SSA programme is also an attempt to provide an opportunity for improving human capabilities to all children, through provision of community-owned quality education in a mission mode.

1.1 WHAT IS SARVA SHIKSHA ABHIYAN

- A programme with a clear *time frame* for universal elementary education.
- A response to the demand for *quality basic education* all over the country.
- An opportunity for promoting *social justice* through basic education.
- An effort at *effectively involving* the Panchayati Raj Institutions, School Management Committees, Village and Urban Slum Level Education Committees, Parents' Teachers' Associations, Mother Teacher Associations, Tribal Autonomous Councils and other grass root level structures in the management of elementary schools.
- An expression of *political will* for universal elementary education across the country.
- A *partnership* between the Central, State and the local government.
- An opportunity for States to develop their *own vision* of elementary education.

1.2 AIMS OF SARVA SHIKSHA ABHIYAN

The Sarva Shiksha Abhiyan is to provide useful and relevant elementary education for all children in the 6 to 14 age group by 2010. There is also another goal to bridge social, regional and gender gaps, with the active participation of the community in the management of schools.

Useful and relevant education signifies a quest for an education system that is not alienating and that draws on community solidarity. Its aim is to allow children to learn

about and master their natural environment in a manner that allows the fullest harnessing of their human potential both spiritually and materially. This quest must also be a process of value based learning that allows children an opportunity to work for each other's well being rather than to permit mere selfish pursuits.

Sarva Shiksha Abhiyan realizes the importance of Early Childhood Care and Education and looks at the 0-14 age as a continuum. All efforts to support pre-school learning in ICDS centres or special pre-school centres in non ICDS areas will be made to supplement the efforts being made by the Department of Women and Child Development.

1.3 OBJECTIVES OF SARVA SHIKSHA ABHIYAN

- *All children in school*, Education Guarantee Centre, Alternate School, 'Back-to-School' camp by **2003**
- All children *complete five years* of primary schooling by **2007**
- All children *complete eight years* of elementary schooling by **2010**
- Focus on elementary education of *satisfactory quality* with emphasis on education for life
- *Bridge all gender and social category gaps* at primary stage by **2007** and at elementary education level by 2010
- Universal *retention by 2010*

1.4 WHY A FRAMEWORK FOR IMPLEMENTATION (AND NOT A GUIDELINE)

- To allow states to formulate context specific guidelines within the overall framework
- To encourage districts in States and UTs to reflect local specificity
- To promote local need based planning based on broad National Policy norms
- To make planning a realistic exercise by adopting broad national norms.

The objectives are expressed nationally though it is expected that various districts and States are likely to achieve universalisation in their own respective contexts and in their own time frame. 2010 is the outer limit for such achievements. The emphasis is on mainstreaming out-of-school children through diverse strategies, as far as possible, and on providing eight years of schooling for all children in 6-14 age group. The thrust is on bridging

of gender and social gaps and a total retention of all children in schools. Within this framework it is expected that the education system will be made relevant so that children and parents find the schooling system useful and absorbing, according to their natural and social environment.

1.5 SARVA SHIKSHA ABHIYAN AS A FRAMEWORK AND AS A PROGRAMME

Sarva Shiksha Abhiyan (SSA) has two aspects:

- i) It provides a wide convergent framework for implementation of Elementary Education schemes;
- ii) It is also a programme with budget provision for strengthening vital areas to achieve universalisation of elementary education.

While all investments in the elementary education sector from the State and the Central Plans will reflect as part of the SSA framework, they will all merge into the SSA programme within the next few years. As a programme, it reflects the additional resource provision for UEE.

1.6 BROAD STRATEGIES CENTRAL TO SSA PROGRAMME

- **Institutional Reforms** - As part of the SSA, the Central and the State governments will undertake reforms in order to *improve efficiency of the delivery system*. The States will have to make an objective assessment of their prevalent education system including educational administration, achievement levels in schools, financial issues, decentralisation and community ownership, review of State Education Act, rationalization of teacher deployment and recruitment of teachers, monitoring and evaluation, status of education of girls, SC/ST and disadvantaged groups, policy regarding private schools and ECCE. Many States have already carried out several changes to improve the delivery system for elementary education.
- **Sustainable Financing** - The Sarva Shiksha Abhiyan is based on the premise that financing of elementary education interventions has to be *sustainable*. This calls for a long-term perspective on *financial partnership* between the Central and the State governments.
- **Community Ownership** - The programme calls for community ownership of school-based interventions through *effective decentralisation*. This will be augmented by

involvement of women's groups, VEC members and members of Panchayati Raj institutions.

- **Institutional Capacity Building** -The SSA conceives a major capacity building role for national, state and district level institutions like NIEPA/NCERT/NCTE/SCERT/SIEMAT/DIET. *Improvement in quality* requires a sustainable support system of resource persons and institutions.
- **Improving Mainstream Educational Administration** - It calls for *improvement of mainstream educational administration* by institutional development, infusion of new approaches and by adoption of cost effective and efficient methods.
- **Community Based Monitoring with Full Transparency** - The Programme will have a community based monitoring system. *The Educational Management Information System (EMIS)* will correlate school level data with community-based information from micro planning and surveys. Besides this, every school will be encouraged to share all information with the community, including grants received. A notice board would be put up in every school for this purpose.
- **Habitation as a Unit of Planning** - The SSA works on a *community based approach* to planning with habitation as a unit of planning. Habitation plans will be the basis for formulating district plans.
- **Accountability to Community** - SSA envisages *cooperation* between teachers, parents and PRIs, as well as *accountability and transparency to the community*.
- **Priority to Education of Girls** - Education of girls, especially those belonging to the scheduled castes, scheduled tribes and minorities, will be one of the *principal concerns* in Sarva Shiksha Abhiyan.
- **Focus on Special Groups** - There will be a focus on the inclusion and participation of children from SC/ST, minority groups, urban deprived children, children of other disadvantaged groups and children with special needs, in the educational process.
- **Pre-Project Phase** - SSA will commence throughout the country with a well-planned pre-project phase that provides for a large number of interventions *for capacity development to improve the delivery and monitoring system*. These include provision for household surveys, community-based microplanning and school mapping, training of community leaders, school level activities, support for setting up information system, office equipment, diagnostic studies, etc.
- **Thrust on Quality** - SSA lays a special thrust on making education at the elementary level useful and relevant for children by improving the curriculum, child-centered activities and effective teaching learning strategies.

- **Role of teachers** - SSA recognizes the critical and central role of teachers and advocates a focus on their development needs. Setting up of Block Resource Centres/Cluster Resource Centres, recruitment of qualified teachers, opportunities for teacher development through participation in curriculum-related material development, focus on classroom process and exposure visits for teachers are all designed to develop the human resource among teachers.
- **District Elementary Education Plans** - As per the SSA framework, each district will prepare a District Elementary Education Plan reflecting all the investments being made and required in the elementary education sector, with a holistic and convergent approach. There will be a Perspective Plan that will give a framework of activities over a longer time frame to achieve UEE. There will also be an Annual Work Plan and Budget that will list the prioritized activities to be carried out in that year. The Perspective Plan will also be a dynamic document subject to constant improvement in the course of programme implementation.

1.7 PUBLIC-PRIVATE PARTNERSHIP IN SSA

Sarva Shiksha Abhiyan takes note of the fact that provision of elementary education is largely made by the government and government aided schools. There are also private unaided schools in many parts of the country that provide elementary education. Poorer households are not able to afford the fees charged in private schools in many parts of the country. There are also private schools that charge relatively modest fees and where poorer children are also attending. Some of these schools are marked by poor infrastructure and low paid teachers. Efforts will be made to explore areas of public-private partnership. Government, Local Body, and government aided schools would be covered under the Sarva Shiksha Abhiyan, as is the practice under the Mid Day Meal scheme and DPEP. In case private sector wishes to improve the functioning of a government, local body or a private aided school, efforts to develop a partnership would be made within the broad parameters of State policy in this regard. Depending on the State policies, DIETs and other Government teacher-training institutes could be used to provide resource support to private unaided institutions, if the additional costs are to be met by these private bodies.

1.8 FINANCIAL NORMS UNDER SARVA SHIKSHA ABHIYAN

- ♦ The assistance under the programme of Sarva Shiksha Abhiyan will be on a **85:15 sharing** arrangement during the *IX Plan*, **75:25** sharing arrangement during the *X Plan*, and **50:50** sharing thereafter between the *Central government* and *State*

governments. Commitments regarding sharing of costs would be taken from State governments in writing.

- ♦ The State governments will have to maintain their level of investment in elementary education as in 1999-2000. The contribution as State share for SSA will be over and above this investment.
- ♦ The Government of India would release funds directly to the State Implementation Society. The further instalments would be released to the Society only after the State Government has transferred its matching funds to the Society and expenditure of at least 50% of the funds (Centre and States) transferred has been effected.
- ♦ The support for teacher salary appointed under the SSA programme could be shared between the Central Government and the State government in a ratio of 85:15 during the IX Plan, 75:25 during the X Plan and 50:50 thereafter.
- ♦ All legal agreements regarding externally assisted projects will continue to apply unless specific modifications have been agreed to, in consultation with foreign funding agencies.
- ♦ Existing schemes of elementary education of the Department (except Mahila Samakhya, National Bal Bhawan and NCTE) will converge after the IX Plan. The National Programme for Nutritional Support to Primary Education (Mid-Day-Meal) would remain a distinct intervention with foodgrains and specified transportation costs being met by the Centre and the cost of cooked meals being met by the State government.
- ♦ District Education Plans would inter-alia, clearly show the funds/resource available for various components under schemes like PMGY, JGSY, PMRY, Sunishchit Rozgar Yojana, Area fund of MPs/MLAs, State Plan, foreign funding (if any) and resources generated in the NGO sector.
- ♦ All funds to be used for upgradation, maintenance, repair of schools and Teaching Learning Equipment and local management to be transferred to VECs/ School Management Committees/ Gram Panchayat/ or any other village/ school level arrangement for decentralisation adopted by that *particular* State/UT. The village/ school-based body may make a resolution regarding the best way of procurement.
- ♦ Other incentive schemes like distribution of scholarships and uniforms will continue to be funded under the State Plan. They will not be funded under the SSA programme.

The major financial norms under SSA are:

NORMS FOR INTERVENTIONS UNDER SSA

INTERVENTION	NORM
1. Teacher	<ul style="list-style-type: none"> ➤ One teacher for every 40 children in primary and upper primary ➤ At least two teachers in a primary school ➤ One teacher for every class in the upper primary
2. School/Alternative schooling facility	<ul style="list-style-type: none"> ➤ Within one kilometre of every habitation ➤ Provision for opening of new schools as per State norms or for setting up EGS like schools in unserved habitations.
3. Upper Primary schools/ Sector	<ul style="list-style-type: none"> ➤ As per requirement, based on the number of children completing primary education, up to a ceiling of one upper primary school/section for every two primary schools
4. Classrooms	<ul style="list-style-type: none"> ➤ A room for every teacher or for every grade/class, whichever is lower in primary & upper primary, with the provision that there would be two class rooms with verandah to every primary school with at least two teachers. ➤ A room for Head-Master in upper primary school/section
5. Free textbooks	<ul style="list-style-type: none"> ➤ To all girls/SC/ST children at primary & upper primary level within an upper ceiling of Rs. 150/- per child ➤ State to continue to fund free textbooks being currently provided from the State Plans. ➤ In case any State is partially subsidizing the cost of textbooks being supplied to children in Elementary classes, then the assistance under SSA would be restricted to that portion of the cost of the books which is being borne by the children.
6. Civil works	<ul style="list-style-type: none"> ➤ Programme funds on Civil Works shall not exceed the ceiling of 33% of the entire project cost approved by the PAB on the basis of perspective plan prepared for the period till 2010 ➤ This ceiling of 33% would not include the expenditure on maintenance and repair of buildings. ➤ However, in a particular year's annual plan provision for civil works can be considered upto 40% of the annual plan expenditure depending on the priority assigned to various components of the programmes in that year, within the overall project ceiling of 33%.

INTERVENTION	NORM
	<ul style="list-style-type: none"> ➤ For improvement of school facilities, BRC/CRC construction. ➤ CRCs could also be used as an additional room. ➤ No expenditure to be incurred on construction of office buildings ➤ Districts to prepare infrastructure Plans.
7. Maintenance and repair of school buildings	<ul style="list-style-type: none"> ➤ Only through school management committees/VECs ➤ Upto Rs. 5000 per year as per specific proposal by the school committee. ➤ Must involve elements of community contribution ➤ Expenditure on maintenance and repair of building would not be included for calculating the 33% limit for civil works. ➤ Grant will be available only for those schools which have existing buildings of their own.
8. Upgradation of EGS to regular school or setting up of a new primary school as per State norm	<ul style="list-style-type: none"> ➤ Provision for TLE @ Rs 10,000/- per school ➤ TLE as per local context and need ➤ Involvement of teachers and parents necessary in TLE selection and procurement ➤ VEC/ school-village level appropriate body to decide on best mode of procurement ➤ Requirement of successful running of EGS centre for two years before it is considered for upgradation. ➤ Provision for teacher & classrooms.
9. TLE for upper-primary	<ul style="list-style-type: none"> ➤ @ Rs 50,000 per school for uncovered schools. ➤ As per local specific requirement to be determined by the teachers/ school committee ➤ School committee to decide on best mode of procurement, in consultation with teachers ➤ School Committee may recommend district level procurement if there are advantages of scale.
10. Schools grant	<ul style="list-style-type: none"> ➤ Rs. 2000/- per year per primary/upper primary school for replacement of non-functional school equipment ➤ Transparency in utilisation ➤ To be spent only by VEC/SMC
11. Teacher grant	<ul style="list-style-type: none"> ➤ Rs 500 per teacher per year in primary and upper primary ➤ Transparency in utilisation
12. Teacher training	<ul style="list-style-type: none"> ➤ Provision of 20 days in-service course for all teachers

INTERVENTION	NORM
	<p>each year, 60 days refresher course for untrained teachers already employed as teachers, and 30 days orientation for freshly trained recruits @ Rs. 70/- per day</p> <ul style="list-style-type: none"> ➤ Unit cost is indicative; would be lower in non residential training programmes ➤ Includes all training cost ➤ Assessment of capacities for effective training during appraisal will determine extent of coverage. ➤ Support for SCERT/DIET under existing Teacher Education Scheme
13. State Institute of Educational Management and Training (SIEMAT)	<ul style="list-style-type: none"> ➤ One time assistance up to Rs. 3 crore ➤ States have to agree to sustain ➤ Selection criteria for faculty to be rigorous
14. Training of community leaders	<ul style="list-style-type: none"> ➤ For a maximum of 8 persons in a village for 2 days in a year - preferably women ➤ @ Rs. 30/- per day per person
15. Provision for disabled children	<ul style="list-style-type: none"> ➤ Upto Rs. 1200/- per child for integration of disabled children, as per specific proposal, per year ➤ District Plan for children with special needs will be formulated within the Rs. 1200 per child norm ➤ Involvement of resource institutions to be encouraged
16. Research, Evaluation, supervision and monitoring	<ul style="list-style-type: none"> ➤ Upto Rs. 1500 per school per year ➤ Partnership with research and resource institutions. pool of resource teams with State specific focus ➤ Priority to development of capacities for appraisal and supervision through resource/research institutions and on an effective EMIS ➤ Provision for regular school mapping/micro planning for up dating of household data ➤ By creating pool of resource persons, providing travel grant and honorarium for monitoring, generation of community-based data, research studies, cost of assessment and appraisal terms & their field activities, classroom observation by resource persons ➤ Funds to be spent at national, state, district, sub district, school level out of the overall per school allocation. ➤ Rs. 100 per school per year to be spent at national level ➤ Expenditure at State/district/BRC/CRC/ School level to be decided by State/UT, This would include expenditure

INTERVENTION	NORM
	<p>on appraisal, supervision, MIS, classroom observation, etc. Support to SCERT over and above the provision under the Teacher Education scheme may also be provided.</p> <ul style="list-style-type: none"> ➤ Involvement of resource institutions willing to undertake state specific responsibilities
17. Management Cost	<ul style="list-style-type: none"> ➤ Not to exceed 6% of the budget of a district plan ➤ To include expenditure on office expenses, hiring of experts at various levels after assessment of existing manpower, POL, etc.; ➤ Priority to experts in MIS, community planning processes, civil works, gender, etc. depending on capacity available in a particular district ➤ Management costs should be used to develop effective teams at State/ District/Block/Cluster levels ➤ Identification of personnel for BRC/CRC should be a priority in the pre-project phase itself so that a team is available for the intensive process based planning.
18. Innovative activity for girls' education, early childhood care & education, interventions for children belonging to SC/ST community, computer education specially for upper primary level	<ul style="list-style-type: none"> ➤ Upto to Rs. 15 lakh for each innovative project and Rs. 50 lakh for a district per year will apply for SSA ➤ ECCE and girls education interventions to have unit costs already approved under other existing schemes.
19. Block Resource Centres/ Cluster Resource Centres	<ul style="list-style-type: none"> ➤ There would be ordinarily one BRC in each Community Development (CD) Block. However, in states, where the sub-district educational administrative structure like educational blocks or circles, have jurisdictions which are not co-terminus with the CD Blocks, then the State may opt to have a BRC in such a sub-district educational administrative unit. However, in such a case the overall expenditure on BRCs and CRCs in a CD Block, both non-recurring and recurring, would not be more than the overall expenditure that would have been incurred on BRCs and CRCs in case if only one BRC per CD Block were opened. ➤ BRC/CRC to be located in school campus as far as possible.

INTERVENTION	NORM
	<ul style="list-style-type: none"> ➤ Rs. 6 lakh ceiling for BRC building construction wherever required ➤ Rs. 2 lakh for CRC construction wherever required - should be used as an additional classroom in schools. ➤ Total cost of non-school (BRC and CRC) construction in any district should not exceed 5% of the overall projected expenditure under the programme in any year. ➤ Deployment of up to 20 teacher in a block with more than 100 schools; 10 teachers in smaller Blocks in BRCs and CRCs put together. ➤ Provision of furniture, etc. @ Rs. 1 lakh for a BRC and Rs. 10,000 for a CRC ➤ Contingency grant of Rs. 12,500 for a BRC and Rs. 2500 for a CRC, per year ➤ Meetings, Travel allowance: Rs 500/- per month per BRC, Rs 200/- per month per CRC ➤ TTLM Grant: Rs 5000/- per year per BRC, Rs 1000/- per year per CRC ➤ Identification of BRC/CRC personnel after intensive selection process in the preparatory phase itself.
20. Interventions for out of school children	<ul style="list-style-type: none"> ➤ As per norms already approved under Education Guarantee Scheme & Alternative and Innovative Education, providing for the following kind of interventions- <ul style="list-style-type: none"> ♦ Setting up Education Guarantee Centres in unserved habitations ♦ Setting up other alternative schooling models ♦ Bridge Courses, remedial courses, Back-to-School Camps with a focus on mainstreaming out of school children into regular schools.
21. Preparatory activities for micro-planning, household surveys, studies, community mobilization, school-based activities, office equipment, training and orientation at all levels, etc.	<ul style="list-style-type: none"> ➤ As per specific proposal of a district, duly recommended by the State. Urban areas, within a district or metropolitan cities may be treated as a separate unit for planning as required.

Annexure V

THE CONSTITUTION (EIGHTY SIXTH AMENDMENT) ACT, 2002



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग III — खण्ड 1

PART III — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 65] नई दिल्ली, शुक्रवार, दिसम्बर 13, 2002/ अग्रहायण 22, 1924
No. 65] NEW DELHI, FRIDAY, DECEMBER 13, 2002/ AGRAHAYANA 30, 1924

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 13th December, 2002/Agrahayana 22, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 12th December, 2002, and is hereby published for general information:—

THE CONSTITUTION (EIGHTY-SIXTH AMENDMENT) ACT, 2002

[12th December, 2002.]

An Act further to amend the Constitution of India.

By it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

- (1) This Act may be called the Constitution (Eighty-sixth Amendment) Act, 2002. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. After article 21 of the Constitution, the following article shall be inserted, Insertion of new article 21A.
namely:—
"21A. The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine." Right to education.

Substitution
of new article
for article 45.

3. For article 45 of the Constitution, the following article shall be substituted, namely:—

Provision for
early
childhood
care and
education to
children
below the age
of six years.

“45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.”

Amendment
of article 51A.

4. In article 51A of the Constitution, after clause (j), the following clause shall be added, namely:—

“(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.”

SUBHASH C. JAIN
Secy. to the Govt. of India.

Annexure VI

DRAFT FREE AND COMPULSORY EDUCATION FOR CHILDREN BILL, 2003

DRAFT

THE FREE AND COMPULSORY EDUCATION FOR CHILDREN BILL, 2003

A

BILL

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

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

- Short title,** 1. (1) This Act may be called The Free and Compulsory Education for Children Act 2003.
- Extent and** (2) It extends to the whole of India except the State of Jammu and Kashmir.
- Commencement** (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.
- Definition** 2. In this Act, unless the context otherwise requires—
- (a) “approved school” means any school in any specified area within the jurisdiction of a local authority imparting elementary education which-
- (i) is under the management of the Central Government or State Government or the local authority or under the management of a body controlled by the Central Government or State Government or local authority;
- (ii) being under any other management, is recognized by the appropriate Government for the purposes of this Act and receives substantial aid from the Government or local authority;
- (iii) any Education Guarantee Centre or alternative school run under any approved scheme of the Central or State 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; 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.
- (c) “attendance authority” means the local authority concerned or any other authority as may be prescribed;
- (d) “attendance at an approved school” mean presence for instruction at a school imparting elementary education for such number of days in a year and at such time on each day of attendance, as may be specified by the attendance authority;
- (e) “child” means a boy or girl within such age group not being less than six years of age or

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- more than fourteen years of age;
- (f) “competent authority” means the Director of Education of the State Government or such other authority as may be specified by the appropriate Government;
 - (g) “compulsory education” means and implies an obligation on appropriate Government to take all steps to ensure that every child is enrolled and retained till the prescribed level of education is received by such child in a school imparting the prescribed courses of study and the steps taken in that behalf;
 - (h) “disability” means disability as defined under sub-section.(i) read with sub-sections (b), (e), (l), (n), (o), (q), (r), (t) and (u) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
 - (i) “free education” means exemption from the obligation to pay tuition fee or other charges which schools usually collect from pupils in a school. It may extend to provision of free supply of text-books, note-books, other study materials, health care and nutrition where the appropriate Government so declares by rules made under the Act;
 - (j) “guardian” means any person to whom the care, nurture or custody of any child falls by law or by natural rights or by recognized usage, or who has accepted or assumed the care, nurture or custody of any child as entrusted by any lawful authority;
 - (k) ‘local authority’ shall mean Panchayats at the village, intermediate and district levels and Nagar Panchayat, Municipal Council and Municipal Corporation at the level of municipalities or other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund;
 - (l) “local body area” is the geographical area over which the jurisdiction of the local authority lies;
 - (m) “parent” means the father or mother of a child and includes an adoptive father or mother;
 - (n) “prescribed” means prescribed by rules made under this Act;
 - (o) “recognized school” means a school recognized by the competent authority or any State Elementary Education Board or State Secondary Education Board, or the Central Board of Secondary Education or All India Council of Secondary Education or National Institute of Open Schooling or any other body or authority notified for public education by the competent authority.
 - (p) “school” means a centre for imparting education fulfilling such requirements and other conditions as may be notified by the appropriate Government and the requirements so specified would not be less than those specified in Schedule A of this Act;
 - (q) “school age” in relation to a child means being not less than six years of age or not more than fourteen years of age.

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- (r) "special school" mean any institution imparting education for children suffering from any disability;
- (s) "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 Central Government or State Government or local authority or collectively from all of them; and
- (t) "year" means the academic year as specified by the appropriate government.

Basic Education Authority

- 3. (1) In the local body areas of each State and Union Territory, the appropriate Government shall notify an authority, known as Basic Education Authority, for implementing the provisions of the Act.

Provided that Where the State has delegated the functions relating to Elementary Education to the local authority in accordance with the provisions of the Constitution such power shall be exercised by the local authority concerned.

- (2) The Basic Education Authority shall three months prior to the beginning of the year submit plans to the general body of the local authority concerned detailing the steps to be taken in the year and the strategies to be followed to get all children to school.

Free and Compulsory Education

- 4. (1) Subject to the provisions of this Act education shall be free and compulsory for every child of school age.
- (2) The appropriate government shall ensure the availability of the school in accordance with such norms as may be notified by the appropriate Government.
- (3) The appropriate Government shall provide the school facilities mentioned in sub-section (2) at the earliest and, in any case, not later than one year after the notification of this Act.
- (4) The attendance authority shall ensure free education to a child in a school unless such child is receiving education in a recognized but not substantially aided school mentioned in clause (ii) of section 7.
- (5) Nothing in this Act shall entitle a parent to claim reimbursement of any expenses incurred voluntarily in respect of education of a child in a recognized school which is not substantially aided by the Government.

**Compulsory
Recognition of
Schools**

4A.(1) All centres for imparting education to children in the school going age would have to be recognized.

(2) Any child who has studied in a learning centre which is not recognized, would be deemed to have not received education for the purposes of the Act and would not be eligible for any benefits which would have accrued on getting such an education from a recognized or approved schools.

Explanation: Benefits for this purpose would include admission to higher classes in recognized or approved schools or permission for appearing in examinations conducted by or on behalf of the competent authority or any authority approved by it.

**Preparation of
List**

5. (1) The attendance authority shall prepare a list, in a manner as prescribed, of all children in the school going age, including a list of out of school children, three months before the start of the academic year immediately following the notification of this Act.

(2) The list prepared in subsection (1) above shall be updated every year three months before the start of every academic year.

(3) The list prepared under sub-sections (1) and (2) shall be published widely on notice boards in the respective habitations.

(4) It will be the obligation of parents, teachers and officers of the State Government and local authority in the jurisdiction of the local authority to provide necessary information and assistance in preparation of the list.

**Responsibility of
parent to send
his or her child
to school**

6. (1) It shall be the duty of the parent or guardian of every child to cause the child to attend an approved school unless there be a reasonable excuse for his or her non-attendance in a school within the meaning of Section 7.

(2) It shall be the duty of the attendance authority to ensure compliance with sub-section (1).

(3) In case of children who are without parents or guardians, the local authority within whose jurisdiction the child ordinarily resides shall be deemed to be guardian for the purpose of the Act.

(4) Every local authority shall form a citizens committee consisting of such number of persons and possessing such qualifications as may be prescribed to monitor the conditions of children in sub-section (3) and ensure their enrolment in schools.

(5) Every citizens committee shall exercise such powers as may be prescribed or as may be entrusted to it by the local authority.

Reasonable excuse for non-attendance 7. For the purposes of this Act any of the following circumstances shall be deemed to be a reasonable excuse for the non-attendance of a child:

- (i) that there is no approved school within the prescribed distance from his or her residence;
- (ii) that the child is receiving education in a recognized school;
- (iii) that the child suffers from any disability which prevents him from attending a school;
- (iv) that such child is exempt from attendance on such other ground as may be prescribed;

Certain duties of teachers 8. (1) Once a child is admitted to school, it shall be duty of the teachers in association with the parents or guardians to ensure continued attendance of children enrolled in the schools.

(2) Every teacher has an obligation not only to impart education but to also support all round development of the children entrusted to his or her care.

(3) The attendance authority may call reports either suo moto or otherwise from the head teacher of a school regarding attendance of children at such intervals as may be prescribed.

(4) Failure to report will be deemed to be a professional misconduct of a teacher or head teacher, as the case may be, and action will be proceeded against accordingly.

Education Committees 9. (1) A Village Education Committee or a Parent Teacher Association or a School Management Committee or a Ward Education Committee or any other similar Committee by whatever name called shall be constituted by the local authority for each school or a set of schools; in a village or a ward or any other area.

(2) It shall be the duty of such a committee to ensure that quality education, as prescribed, is imparted and proper standards are maintained in the school.

(3) The education committee shall submit quarterly report to the local authority.

Children with disabilities 10. (1) The Basic Education Authority shall:

- (a) ensure that every child with disability has access to free education
- (b) endeavour to promote integration of children with disabilities in normal schools.

(2) Where there does not exist an approved school within the norms notified under sub-section (2) of section 4, the attendance authority shall have powers to direct any nearest recognized school to admit a child with disabilities if the disabilities are such that integration of a 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 who is suffering from any disability which prevents his or her integration in a normal school, the attendance authority may, if it is satisfied that the child is not

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receiving any education in some other manner considered by it to be satisfactory, by order require the child to attend the special school; and it shall be the duty of the parent or guardian of such child to cause the child to attend the special school unless there be a reasonable excuse for the non-attendance of the child within the meaning of clause (iv) of section 7.

- (4) An order made by the attendance authority under sub-section (3) shall be a direction issued under sub-section (2) to the special school.
- (5) The appropriate Government and local authority shall promote setting up of special schools in Government and private sector for those in need of special education in such a manner that children with disabilities, living in any part of the country and who cannot be integrated in normal school, have access to such schools.

**Attendance
order**

11. (1) Whenever the attendance authority or any person empowered by the attendance authority has reason to believe that the parent or guardian of a child has failed to cause the child to attend an approved school and that there is no reasonable excuse for the non-attendance of the child within the meaning of section 7, it shall hold an enquiry in the prescribed manner.
- (2) If as a result of the enquiry the attendance authority is satisfied that the child is liable to attend an approved school under this Act and that there is no reasonable excuse for his or her non-attendance within the meaning of section 7, it shall pass an attendance order in the prescribed form (directing the parent or guardian to cause the child to attend the approved school with effect from the date specified in the order, which shall not be beyond one month of the date of the attendance order.
- (3) An attendance order passed against a parent or guardian in respect of his or her child under this section shall, subject to the provisions of sub-section (6), remain in force for so long as this Act continues to apply to the child.
- (4) If any parent or guardian against whom an attendance order has been passed in respect of his or her child under sub-section (2) transfer the custody of the child to another person during the period for which the attendance order is in force, such parent or guardian shall be bound to immediately inform the attendance authority in writing of such transfer with the necessary particulars.
- (5) Where an attendance order has been passed against a parent or guardian in respect of his or her child under this section, such order shall have effect in relation to every other person to whom the custody of the child may be transferred during the period for which the attendance order is in force as it has effect in relation to the person against whom it is passed.
- (6) A parent or guardian may at any time apply to the attendance authority for cancellation of an attendance order on the ground -
 - (i) that he is no longer the parent or guardian in respect of the child; or
 - (ii) that circumstances have arisen which provides a reasonable excuse for non-attendance and thereupon the attendance authority may after holding an inquiry in the prescribed manner, cancel or modify the attendance order.

**Employment or
engagement of a
child preventing
from attending
school not
permissible**

12. No person shall employ or engage a child in a manner which shall prevent the child from attending an approved school.

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- No fee to be levied** 13 (1) No fee or any other charges shall be levied in respect of any child for attending a approved school.
- (2) In case of any dispute, the competent authority shall decide whether a school has received 'substantial aid' in terms of sub-clause (ii) of clause (a) of section 2.
- Obligation of recognized schools** 14.(1) The attendance authority shall have powers to direct recognised but not substantially aided schools to give admission, in a manner as prescribed, without any fees or any other charges to children below poverty line from the local body area.
- Provided that any such direction shall be applicable to all such recognized schools existing in the local body area.
- Provided, further, that such directions shall not apply to a school which has not yet completed five academic years since the start of its functioning.
- Provided, further, that the upper limit for admitting such children would be 20% of the total strength of the school.
- (2) The children under this category shall be chosen by the local authority concerned in the manner determined by the appropriate Government by law, from children below poverty line from the local body area.
- Explanation: "children below poverty line" means children from families identified as being below poverty line under the public distribution scheme of the Central Government or the State Government.
- (3) On receipt of such directions, the school shall admit such students and provide free education to them.
- (4) The competent authority may take such action deemed appropriate against a school failing to carry out a direction given under sub-section (1).
- How to compute the age of a child** 15. (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 falls 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 the declaration of a parent or guardian will be prima facie proof of age unless the admitting authority has reasons to disbelieve it. In case it is disbelieved, the authority concerned should record the reasons and make such enquiry as is deemed appropriate for determining the age.

**Grievance
Redressal
Mechanism**

- 16.(1) If the Basic Education Authority fails to provide schooling facilities as notified under sub-section (2) of section 4 of the Act, then any aggrieved party or his or her representative may bring the same to the notice of the authority for redressal at the first instance.
- (2) If no satisfactory remedy is provided by the Basic Education Authority to the complainant within 30 days, then the aggrieved party may apply to the District Grievance Redressal Authority to be set up in each district for this purpose.
- (3) The Grievance Redressal Authority shall be headed by the District Magistrate and would consist of four other persons of which two shall be educationists from the district and one person having legal background
- (4) The Grievance Redressal Authority shall have powers to give suitable directions to the authority responsible for rectifying any deficiency brought to its notice, whether suo moto or by an aggrieved party.
- (5) If the deficiency continues to remain unremedied even after the notice period, then the Grievance Redressal Authority may take steps to rectify the deficiency on its own, and can further take any or all of the following remedial actions:
- (a) recover the cost of service from the Basic Education Authority
 - (b) cause to publish in the local newspapers the names of persons responsible for not rectifying the deficiency.

**Steps to be
taken on
violation
attendance
order**

- 17 If the parent or guardian does not comply with the attendance order even after the specified date in the order, the attendance authority shall refer the case to a conciliatory body, which may be the Village Education Committee or Ward Education Committee or any equivalent body set up under Section 9 of this Act. The conciliatory body would discuss the issue with the parents and attempt to convince the parents to send the child to school. It would also attempt to redress the situation which is preventing the parents from sending the child to school. Even if the situation is not remedied in two months time after referral to the conciliatory body, the matter would be referred to the local authority for necessary action by the local authority so as to ensure that the child is brought to school.

- Penalty for contravention of Section 12**
18. (1) If any person contravenes the provisions of Section 12 he shall be punishable with a fine which may extend to Rs 500/- 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 the competent authority/attendance authority or any other person authorized in this behalf by the local authority by general or special order.
- Courts competent to try offences under the Act**
19. (1) The courts competent to try offences under Section 18 of this Act shall be the following-
- (a) The Panchayat Adalat – by whatever name called, in respect of offences within their jurisdiction;
- (b) Where there are no Panchayat Adalats, by whatever name called, and where the offence takes place outside the jurisdiction of such Panchayat Adalats, the court of a magistrate having jurisdiction over the area.
- (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.
- Framing and approving schemes of Education Guarantee Centre and alternative schools**
20. (1) The Central Government or the State Government may frame schemes relating to setting up of Educational Guarantee Centres or alternative schools, which would be deemed to be approved schools under clause (iii) of subsection (a) of section 2.
- (2) The Central Government or the State Government may approve any scheme framed by any person for setting up Education Guarantee Centre or alternative schools or for the purpose of clause (iii) of subsection (a) of section 2.
- Power to Give Directions**
21. (1) The Central Government shall have powers to give directions to the State Governments regarding the arrangements to be made by the State for schooling and minimum norms and standards to be adopted by the States in this regard.
- (2) Subject to the provisions of sub-section (1) the State Government shall have powers to give directions to the local authorities within its territorial limits regarding the arrangements to be made by the local authorities for schooling and minimum norms and standards to be adopted by them in this regard.

- Laying of Annual Reports** 22. Within six months of the completion of the academic year, an annual report should be laid by the Basic Education Authority to the general council of the local authority and by the State Government to the State Legislature.
- Certain persons to be public servants** 23. Every person referred in clauses (c) and (f) of section 2, Section 3, Section 16 and other persons authorized to lodge complaints under Section 18 shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.
- Protection of action taken in good faith** 24. No suit, prosecution or other legal proceeding shall be against the Government or any authority or persons in respect of anything which is in good faith done or intended to be done under this Act.
- Power to Amend Schedules** 24A. The Central Government shall have powers to amend any of the provisions of Schedule A.
- Delegation of Powers** 25 (1) The appropriate Government may entrust, either conditionally or unconditionally, to the local authority, within the geographical area of the jurisdiction of the appropriate government, functions with respect to implementation of universalisation of elementary education.
- (2) 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 administrative powers conferred on the appropriate Government by or under this Act.
- (3) A local authority, may by general or special order and with the previous approval of the appropriate Government, authorize any officer or authority subordinate to it to exercise all or any of the powers conferred on a local authority by or under this Act.
- Power to make Rules** 26.(1) The appropriate Government may by notification in the official Gazette and subject the condition of previous publication, 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:-
- (a) The quality and standard of education referred to in sub-section (2) of section 9 which shall be considered essential for education and the measures to be taken for imparting such education;
- (b) The particulars under sub-section (i) of section 2 to be contained in any scheme including particulars relating to the provision made for schools imparting education or for the supply of books, writing materials, uniforms or other necessary amenities,

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to children while attending school or for health care and nutrition.

- (c) The manner for recognition of schools as specified in sub-section (o) of section 2.
 - (d) The manner in which lists of children mentioned in section 5 may be prepared and the intervals at which the lists shall be kept revised and persons with their assistance such lists shall be prepared;
 - (e) The functions to be performed, and the manner in which such functions may be performed, by competent authorities referred to in sub-section (f) of section 2;
 - (f) The norms referred to in sub-section (2) of section 4 for making schools available by the appropriate authority;
 - (g) The circumstances which may be regarded as reasonable excuses for the non-attendance of a child within the meaning of section 7;
 - (h) The manner in which any enquiry under sub-section (2) of section 15 may be held including the determining of age;
 - (i) The form in which an attendance order under section 11 may be passed;
 - (j) The composition and manner of formation of Education Committees under Section 9;
 - (k) The registers, statements and other information to be maintained or furnished by approved schools for the purposes of this Act;
 - (l) The duties, responsibilities and powers of the Basic Education Authority created under section 3;
 - (m) The duties, responsibilities and powers of the Attendance Authority referred to under sub-section (c) of section 2;
 - (n) The constitution, terms and conditions of the District Grievance Redressal Authority created under section 16;
 - (o) Norms for approving setting up of Educational Guarantee Centre or alternate school under sub-section (2) of section 20 of the Act.
 - (p) Any other matter which has to be, or may be prescribed under this Act.
- (3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.

Finances

- 27.(1) For purposes of financial requirements needed for carrying out the provisions of this Act, the appropriate government shall examine and provide appropriation into their budget
- (2) The appropriate authority shall have powers to charge cess on any item or transaction or activity for funding education of children.

SCHEDULE A

Minimum norms of school for Section 2 (n) of the Act would be as follows:

A. Regular School:

Sl. no.	Item	Norms
1	Number of Teachers	The number of teachers in a school should be as per following norms: (i) At least two teachers in primary school (ii) At least one teacher per class for upper primary (iii) There shall be at least one teacher in a school for every 40 children
2	Class rooms	There shall be at least one room for every teacher in Primary & Upper Primary. Explanation: Since construction of classrooms may take time, the appropriate Government may provide for time not exceeding three years from the date of notification of this Act.
3	Qualification of teachers	As approved by National Council of Teacher Education (NCTE)
4	Status	Should be a recognised school

B. EGS Centres/ Alternate Schools

Sl. no.	Item	Norms
1	Hours of teaching	At least 4 hours of teaching every-day
2	Qualification 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
3	Curriculum	Should be same as the curriculum prescribed for recognized schools

C. Open Schooling Centres

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

Annexure VII

DRAFT FREE AND COMPULSORY EDUCATION FOR CHILDREN BILL, 2004

THE FREE AND COMPULSORY EDUCATION BILL, 2004

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THE FREE AND COMPULSORY EDUCATION BILL, 2004

**A
BILL**

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

BE it enacted by Parliament in the Fifty-fifth 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, 2004.
- (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
 - (i) the state Government in the case of territory comprised in a State,
 - (ii) the Government of a Union Territory, in the case of a Union Territory having its own legislature, and
 - (iii) the Central Government, in the case of other Union Territories;
 - (c) "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, or both;
 - (iii) but does not include:-
 - (A) schools run by the Central Government, its organizations including defence forces, and central public sector

undertakings, either primarily for the education of children of their employees, or for other special purposes, e.g. schools run by the Kendriya Vidyalaya Sangathan, the Navodaya Vidyalaya Samiti, Sainik Schools, and such other schools, or category of schools as the Central Government may, by notification, specify, and

(B) such other schools or categories of schools as the appropriate government may, by notification, specify.

- (d) **“child”** means a boy or girl who is not less than six years and not more than fourteen years of age;
- (e) **“child in need of care and protection”**, **“guardian”** in relation to a child, and, **“juvenile in conflict with law”**, shall have the meanings respectively assigned to them in clauses (d), (j) and (l) of section 2 of the Juvenile Justice [Care and Protection of Children] Act, 2000 [56 of 2000], so however that reference in this Act shall be to a child of the age group specified in clause (d) above of this sub-section;
- (f) **“child with special needs”** means a child with a disability or a learning disability, or both;
- (g) **“class”** in relation to the elementary stage means a sub-stage corresponding to one academic year;
- (h) **“Competent Academic Authority”** means an authority empowered by law or by the Central or an appropriate government, or recognized by such government, for prescribing syllabus, essential levels of learning, mode of examination, and such other academic matters for the elementary stage, for being followed in schools under academic control of, or affiliated to such authority;
- (i) **“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 granting recognition to schools;
- (j) **“completion of elementary education”** means attainment at least of the essential levels of learning laid down for the elementary stage;
- (k) **“compulsory education”** means imparting of elementary education to children in such a manner that the educational status and progress of every child is compulsorily and constantly monitored, and all necessary steps taken to ensure that every child enrolled in a recognized school, attends it at least with such minimum regularity as may be prescribed, and, as far as possible, completes elementary education;
- (l) **“disability”** shall have the meaning assigned to it in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

- (m) **“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;
- (n) **“Education Guarantee Centre”** and **“alternative school”** mean schools of these generic names run under a scheme framed or approved by the Central Government or an appropriate government under section 27;
- (o) **“elementary education”** means education at the elementary stage;
- (p) **“elementary stage”** means the stage of school education corresponding to Classes I to VIII as per syllabus prescribed by a Competent Academic Authority;
- (q) **“essential levels of learning”** means competencies laid down as being essential for the elementary stage or its sub-stages in accordance with sub-section (3) or sub-section (4) of section 30 of this Act;
- (r) **“family below the poverty line”** means a family identified as such for purposes of the public distribution scheme of the appropriate government;
- (s) **“fee-charging recognized school”** means a recognized school, in which elementary education is not free, but does not include:-
- (A) schools run by the Central Government, its organizations including defence forces, and central public sector undertakings, either primarily for the education of children of their employees, or for other special purposes, e.g. schools run by the Kendriya Vidyalaya Sangathan, the Navodaya Vidyalaya Samiti, Sainik Schools, and such other schools, or category of schools as the Central Government may, by notification, specify, and
 - (B) such other schools or categories of schools as the appropriate government may, by notification, specify.
- (t) **“free education”** means imparting of elementary education to children in such a manner that the child or her 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 for the parent or guardian from liability to incur expenditure, wholly or partly, on text books, stationery, uniforms, public transport, school meal, and such other items connected with elementary education of the child as may be prescribed;
- (u) **“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;

- (v) **“instructor”** means a person who teaches in a transitional school whether on full-time or part-time basis;
- (w) **“learning disability”** means dyslexia, attention deficit disorder, autism, Down's Syndrome, and such other conditions as the NCERT may notify as a learning disability;
- (x) **“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;
- (y) **“local authority”** means a Panchayat or a Municipality and such other authorities as the appropriate government may, by notification, specify;
- (z) **“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;
- (aa) **“non-attendance”** means omission of a child to attend the school in which she is enrolled with such minimum regularity as may be prescribed;
- (bb) **“non-educational purpose”** means any purpose not connected with elementary education, or with children's access to or participation in such education;
- (cc) **“parent”** means the father or mother of a child and includes an adoptive father or mother;
- (dd) **“prescribed”** means prescribed by rules made under this Act;
- (ee) **“recognized school”** means a school recognized by the Central or an appropriate government, or by a competent authority;
- (ff) **“school”** means an institution or part of institution which imparts instruction at the elementary stage, or any part of such stage, and includes a transitional school;
- (gg) **“secondary stage”** means the stage of school education corresponding to Classes IX to XII as per curriculum prescribed by a Competent Academic Authority;
- (hh) **“State/UT-level Academic Authority”** means the authority which is the Competent Academic Authority in respect of approved schools of the State/UT;

- (ii) **“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 two or all of them;
 - (jj) **“teacher”** means a person who teaches in a recognized school, and includes the Head Teacher of such school, by whatever name called;
 - (kk) **“transitional school”** means an EGS Centre or an Alternative School;
 - (ll) **“ward”**, in relation to a child, means a child who is under the guardianship of someone other than a parent;
 - (mm) the female gender, wherever used in pronouns in relation to a child, includes the male.
- (2) Words and expressions used but not defined in this Act, and 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 and mechanisms provided in Chapter III and otherwise, provide free and compulsory education to all children not enrolled in fee-charging recognized schools 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) families below the poverty line,
- d) families affected by migration, calamities, etc.,
- e) inhabitants of urban slums and rural areas, especially remote rural areas,
- f) first generation learners,
- g) children with special needs,
- h) children in need of care and protection, and
- i) juveniles in conflict with law.

Explanation:- "Disadvantaged group" implies a group suffering from any disadvantage – physical, locational, social, economic or otherwise – which adversely affects the participation of children belonging to it, in elementary education.

(3) While taking measures in pursuance of sub-section (1), the appropriate government shall take all necessary steps to ensure co-ordination, convergence and synergy among all programmes having a bearing on free and compulsory education, especially programmes relating to early childhood care and education, adult literacy, welfare and development of women, children, and disadvantaged groups, and rural and urban poverty alleviation, and shall, from time to time, notify appropriate rules and guidelines towards that end.

4. Duty of appropriate government to establish facilities for free and compulsory 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 imparting education up to Class VIII becomes available within such distance from every habitation as may be prescribed;

Provided that different distances may be prescribed in respect of 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;

Provided also that, for habitations or groups of children for whom either establishment of approved schools or alternative arrangements as mentioned above is not immediately feasible, or enrolment of such children in an approved school, though available within the prescribed distance, is for any reason not immediately feasible, the appropriate government may cause transitional schools to be established in accordance with section 27, for elementary education of such children, till such time as an approved school can be established or other arrangement made in accordance with the foregoing provisions of this sub-section, or till such children can be enrolled in the available approved school, as the case may be.

- (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 Schedule I;

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) Every transitional school shall fulfil such norms as may be laid down in the scheme, framed or approved under section 27, under which it is set up;

Provided that the norms so laid down shall not be less than the minimum norms specified in Schedule II.

- (4) The appropriate government shall cause every approved and transitional 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 and transitional schools to be free and compulsory

- (1) Subject to the provisions of this Act, education in approved and transitional schools, shall be free and compulsory.
- (2) Nothing in this Act shall entitle a parent or guardian to claim re-imbusement of any expenses incurred by him in respect of elementary education of his child or ward in an un-recognised or fee-charging recognized school, or any other recognized school which is not an approved school.

6. Child's Right to Admission in a proximate approved school

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

Provided that if there is more than one approved school within the prescribed vicinity, school to which a child may be admitted shall be such as may be determined by a general or special order of the HEEA constituted under section 16;

Provided further that if for a child, there is no approved school located within the prescribed vicinity but a transitional school is so located, such child shall not be denied admission in such transitional school.

7. Prohibition of causing obstruction to elementary education of a child

- (1) No person shall prevent a child from attending an approved 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,
- (3) If there is no approved school located within the vicinity prescribed under section 6 from the place of residence of a child but a transitional school is so

located, provision of sub-sections (1) and (2) above shall apply in respect of such transitional school as if it were an approved school.

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 recognized school,
 - (ii) cause the child to attend such school with at least such minimum regularity as may be prescribed; and
 - (iii) 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 or transitional school within the distance prescribed under sub-section(1) of Section 4;
 - (ii) the child suffering from a disability or disease which prevents her from attending school;
 - (iii) such other reasons as may be prescribed.

9. Duty of Recognized Schools, teachers and instructors

- (1) It shall be the duty of every recognized school to ensure, along with parents and guardians, compulsory education of all children enrolled in the school.
- (2) Without prejudice to the generality of sub-section (1), it shall be the duty of teachers in every approved School to:
- (a) report every case of non-attendance to the parent or guardian concerned in the first instance, and to the HEEA constituted under section 16 in case it persists,
 - (b) regularly assess the learning level of each child, and to provide supplementary instruction to children who are slow learners, and
 - (c) 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.
- (3) Every approved and transitional 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.

- (4) Every teacher in an approved school shall reside in the area of the village panchayat or, as the case may be, the municipal area, in which the school is situated;

Provided that a teacher may, with the prior permission of the HEEA, reside outside the above area so however that this does not adversely affect in any manner his presence and performance of duties as a teacher in the school.

- (5) Violation of sub-section (4) by a teacher shall amount to professional misconduct, and shall be liable to be punished in accordance with the disciplinary rules applicable to such teacher.

10. Prohibition of deployment of teachers 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) Every order passed by an appropriate government under sub-section (1) shall specify the number of working days for which deployment of teachers of an approved school for a non-educational purpose is being permitted, and shall require the LEEA and/or HEEA to make alternative or compensatory arrangements so as to make good the loss of teaching-learning time, as a result of the order.

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 minimize 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 teachers employed by it.
- (2) The policy referred to in sub-section (1) shall be a public document, and shall be so framed as to minimize 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 falls 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 shall be treated as prima facie proof of the age of a child, unless the admitting authority has reason to disbelieve it. In case it is disbelieved, the authority shall determine the child's age after making an enquiry in such manner as may be prescribed.

14. All schools to seek recognition

- (1) All approved and transitional schools shall be deemed to be recognized schools for the purposes of this Act.
- (2) Every school not recognized 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.
- (3) Every application preferred under sub-section (2) 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 for such period for which it is normally granted in the first instance under the rules.
- (4) New schools shall be established after commencement of this Act only after obtaining recognition from a competent authority.
- (5) All schools which were already recognized 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.

- (6) All new schools shall be granted recognition by the competent authority only on fulfilment of such norms as may be prescribed.
- (7) The norms referred to in sub-sections (5) and (6) shall not be less than the minimum norms specified in Schedule I.
- (8) It shall be the duty of every recognized school to furnish such information and statistics about its facilities, students and all other matters, as the appropriate government or an officer or authority empowered by it, may seek from time to time.
- (9) A child receiving instruction in a school which is not recognized, shall not have a right to be admitted to a recognized school in a class for studying in which she may be certified as fit by the un-recognized school.

CHAPTER III

**BODIES AND MECHANISMS FOR ACHIEVING
FREE AND COMPULSORY EDUCATION
WITH PEOPLE'S PARTICIPATION**

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:-
 - (a) it has adequate representation of all sections of the community, including parents, teachers, scheduled castes, scheduled tribes, other backward

- classes, and persons/ bodies working for universalisation of elementary education (UEE),
- (b) at least half of its members, other than ex officio members, are women, and
- (c) in the case of rural habitations located in a scheduled area, it is constituted in accordance with the wishes of the Gram Sabha.
- (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) Preparation of 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) Mobilisation of 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 or transitional school, and ensuring that every such child attends school with at least such minimum regularity as may be prescribed;
 - (vi) In every case of non-attendance, taking action to end it and ensuring regular attendance in future;
 - (vii) Monitoring achievement levels of every child enrolled in an approved and transitional school, and taking timely steps to ensure that, as far as possible, every child attains at least the essential levels of learning appropriate for his class;
 - (viii) Exercising control over every approved and transitional school within the habitation, with a view to ensuring that such School(s) functions regularly and properly;

- (ix) Maintenance, upkeep and improvement of building, premises and facilities of the approved and transitional school(s) in the habitation;
 - (x) Implementation of rules and guidelines notified under sub-section (3) of section 3;
 - (xi) Submission of an annual report to such authority or authorities as may be prescribed, including necessarily to the Gram Sabha in the case of habitations located in Scheduled Areas, on the status of implementation of free and compulsory education in the habitation during the preceding academic year, and
 - (xii) 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 Chairperson of the HEEA, all teachers of approved and transitional 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 Chairperson 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 approved and transitional schools located in the habitation shall place before the Committee lists of children enrolled with them 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 recognized school, and
 - (b) regular attendance of every child enrolled in an approved or transitional school, ascertain reasons for each instance of non-enrolment and non-attendance, attempt to redress the situation which is preventing the parent or guardian from sending the child to school, especially by implementation of rules and guidelines notified under sub-section (3) of section 3, and in case the non-enrolment or non-attendance persists, take such other corrective action 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:-
 - (a) it has adequate representation of all sections of the community, including parents, teachers, scheduled castes, scheduled tribes, other backward classes, and persons/ bodies working for UEE, and
 - (b) 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 mobilization 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) monitor implementation of rules and guidelines notified under sub-section (3) of section 3, and take appropriate corrective action, wherever necessary;
 - (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 may constitute such sub-committees for the more convenient transaction of its business, as it may deem fit.
- (8) 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.
- (2) Notwithstanding anything contained in sub-section (1), the appropriate government may designate an existing body established by or under an Act, and having jurisdiction over the whole district, to be the DEEA for the district.
- (3) In case the DEEA is not a body designated under sub-section (2), its composition shall be so prescribed that:-
 - (a) it has adequate representation of all sections of the community, including parents, teachers, scheduled castes, scheduled tribes, other backward classes, and persons/ bodies working for UEE, and
 - (b) at least half of its members, other than ex officio members, are women.
- (4) The DEEA shall be responsible for ensuring proper implementation of this Act and for achieving free and compulsory education in the District or, as the case may be, in the area of its jurisdiction 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) monitor implementation of rules and guidelines notified under sub-section (3) of section 3, and take appropriate corrective action, wherever necessary;
 - (vi) disposal of representations received under sub-section (2) of section 26 of this Act, and
 - (vii) such other functions as may be prescribed.
- (5) The DEEA shall meet as often as necessary but at least twice a year.
- (6) Wherever the DEEA 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 procedures for transaction of business by the DEEA shall be such as may be prescribed.
- (7) The DEEA may constitute such sub-committees for the more convenient transaction of its business as it may think fit.
- (8) 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/ UTEEA 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.
- (2) Notwithstanding anything contained in sub-section (1), the appropriate government may designate an existing body established by or under an Act, and having jurisdiction over the entire metropolitan area, to be the MEEA for such area.
- (3) In case the MEEA is not a body designated under sub-section (2), its composition shall be so prescribed that:-
- (a) it has adequate representation of all sections of the community, including parents, teachers, scheduled castes, scheduled tribes, other backward classes, and persons/ bodies working for UEE, and
 - (b) at least half of its members, other than ex officio members, are women.

(4) 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) monitor implementation of rules and guidelines notified under sub-section (3) of section 3, and take appropriate corrective action, wherever necessary;
- (vi) disposal of representations received under sub-section (2) of section 26 of this Act; and
- (vii) such other functions as may be prescribed.

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

(6) Wherever the MEEA 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 MEEA shall be such as may be prescribed.

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

(8) 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/ UTEEA constituted under section 20, and to the Metropolitan Planning Committee, in such manner and at such time as may be prescribed.

20. State/Union Territory Elementary Education Authority (SEEA)/(UTEA)

(1) The appropriate Government shall constitute for the State/ Union Territory having a legislature, a State, or as the case may be, a Union Territory Elementary Education Authority (SEEA/UTEA), with such name and composition and in such manner as may be prescribed;

Provided that the SEEA/ UTEEA shall have the Chief Minister as its Chairperson.

- (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/UTEEA for the purposes of this Act.
- (3) In case the SEEA/ UTEEA is not a body designated under sub-section (2), its composition shall be so prescribed that:-
 - (c) it has adequate representation of all sections of the community, including parents, teachers, scheduled castes, scheduled tribes, other backward classes, and persons/ bodies working for UEE, and
 - (d) at least half of its members, other than ex officio members, are women.
- (4) Subject to the over-all responsibility of the appropriate government in this behalf, the SEEA/UTEEA 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 exercise such powers and discharge such functions in this behalf as the appropriate government may delegate to the SEEA/UTEEA,
 - (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 and research for achieving free and compulsory education in the State/UT,
 - (v) monitor implementation of rules and guidelines notified under sub-section (3) of section 3, and take appropriate corrective action wherever necessary;
 - (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.

- (5) The SEEA/UTEEA shall meet as often as necessary but at least twice a year.
- (6) Wherever the SEEA/UTEEA 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 SEEA/UTEEA shall be such as may be prescribed.
- (7) The SEEA/UTEEA may constitute such sub-committees as it may think fit for the more convenient transaction of its business.
- (8) The SEEA/UTEEA 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, along with 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 SEEAs/UTEEAs in the discharge of their functions under this Act.
- (2) National-level resource institutions shall render technical assistance to appropriate governments and SEEAs/UTEEAs 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 State, District, Metropolitan, Local and Habitation-level Elementary Education Authorities.

- (1) The appropriate government and the SEEAs/UTEEAs may take technical assistance in the discharge of their functions under this Act from SCERT, SIEMT and such other academic institutions and other bodies 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 and transitional 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. Social Audit

The Central and appropriate governments may evaluate effectiveness of programmes of free and compulsory education through such persons or institutions, at such intervals, and in such manner as they may deem fit;

Provided that a public notice shall be issued in respect of every such exercise, giving opportunity to all interested parties to make representations to the person or institution appointed to conduct the evaluation.

25. Promotion of voluntary support to, and public-private partnership for free and compulsory education

- (1) 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, organizations, 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.
- (2) If a non-government organization, including a public sector undertaking, wishes to take upon itself the responsibility enjoined upon an appropriate government under sub-section (1) and (2) of section 3, and section 4 of this Act, in relation to a habitation or an area, such organization may submit a

detailed proposal in this behalf to the appropriate government in such manner as may be prescribed. The appropriate government may, after examining such a proposal, by order, assign to the applicant organization, [hereinafter, referred to as the "assigned organization"], its duties under the said provisions of this Act in relation to such area or habitation, for a period not exceeding three years at a time, and subject to such terms and conditions as may be specified in the order, which may include, if so requested by the assigned organization, exemption from the provisions of sections 16-19 of this Act for such area or habitation.

- (3) Notwithstanding anything contained in sub-section (2), the appropriate government shall continue to have ultimate responsibility of complying with the provisions of sections 3 and 4 of this Act, in respect of the habitation or area for which it may pass an order under sub-section (2).
- (4) Every school established by an assigned organization shall conform to the norms prescribed for an approved or, as the case may be, a transitional school, and shall be deemed to be an approved or, as the case may be, a transitional school for the purposes of this Act.

26. Grievance redressal mechanism

- (1) Anyone who has a grievance that provisions of section 4-6 and 9-12 of this Act are not being complied with, 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****27. Transitional arrangements for education of 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 [to be collectively known as "transitional schools"] as an interim or transitional 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 an approved school.
- (2) The appropriate Government may also approve a scheme framed by any person, body or institution for setting up transitional schools for the purpose mentioned in sub-section (1) above.
- (3) Every child studying in transitional school shall be enabled by the appropriate government to study in an approved school as early as possible, but in any case within three years from the commencement of this Act;

Provided that where the Central Government is satisfied, upon being requested by an appropriate government, that transitional schools in any area need to be continued beyond the above time-limit of three years, it may, by order, giving reasons, extend the said time-limit by such additional period not exceeding one year at a time, as it may consider appropriate;

Provided further that every order passed under the preceding proviso shall be reported to Parliament as part of the annual report presented under sub-section (3) of section 21.

28. Interim arrangement for education of children in need of care and protection

Notwithstanding anything contained in the Juvenile Justice [Care and Protection of Children] Act, 2000, in respect of every child in need of care and protection, till such time as education is provided to him in or through a Children's Home in accordance with the provisions of section 34 of the aforesaid Act, the village panchayat or the municipality within whose jurisdiction such a child ordinarily resides shall be deemed to be her guardian for the purpose of this Act, and such panchayat or municipality shall perform in respect of such children, the duties of guardian under section 8 of this Act in such manner as may be prescribed.

29. Children with special needs

- (1) The HEEA and LEEA shall 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 from the residence of a child with disability, the LEEA shall have the power to direct any nearest recognized school to admit such a child if her disability is such that her education in a normal school is possible. On such direction, the recognized school shall admit such a child and provide free and compulsory education to her, as if it is an approved school within the meaning of section 6.
- (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 elementary education in some other manner considered by it to be satisfactory, by order, require the special school to admit such child. On such direction, the special school shall admit such a child and provide free and compulsory education to her as if it is an approved school within the meaning of section 6. Further, it shall be the duty of the parent or guardian of such child to cause her to attend such special school unless there be a valid reason for her non-attendance within the meaning of section 8.

CHAPTER V

CONTENT & PROCESS OF ELEMENTARY EDUCATION

30. Curriculum & essential levels of learning for approved and transitional schools

(1) The NCERT may, from time to time, notify:

- (a) a national curricular framework for the elementary stage comprising a common core along with other components that are flexible, and
- (b) indicative or recommended essential levels of learning for the elementary stage, and its sub-stages.

(2) Every State/UT level Academic Authority shall, keeping in view the documents, if any, notified under sub-section (1), prepare and notify, from time to time, in such manner as may be prescribed, for the State or UT, as the case may be:

- (a) a State/UT curricular framework for elementary education comprising a common core along with other components that are flexible, and
- (b) indicative or recommended essential levels of learning for the elementary stage, and its sub-stages.

(3) District Institute of Education & Training or the District Resource Centre, as the case may be, shall, keeping in view the documents notified under sub-section (2), and in consultation with LEEAs and representatives of teachers and parents of the district, prepare and notify, with the approval of the DEEA, and in such manner as may be prescribed:

- (a) the syllabus for elementary education, and
- (b) essential levels of learning, for the elementary stage and its sub-stages for the district;

Provided that if a district consists partly of scheduled areas, documents specified at (a) and (b) above shall be prepared and notified separately for such areas, after consultation with the Gram Sabhas concerned.

(4) Notwithstanding anything contained in sub-sections (2) & (3), the appropriate government may direct that syllabus and essential levels of learning for the entire State/UT or such part thereof as it may specify, shall be notified by the State/UT-level Academic Authority, whereupon they shall be so notified.

(5) The documents notified under sub-sections (3) and (4) shall be followed in all approved and transitional schools in the district, or as the case may be, the

State/UT, except those which are required to be governed by an alternative system either by law or in accordance with article 30 of the Constitution.

- (6) All curricular frameworks and syllabi referred to in sub-sections (1) to (5) shall strictly conform to the ideals, values and principles enshrined in the Constitution, especially as articulated in its Preamble, and shall aim to develop children into citizens fully cognizant of their fundamental duties as specified in Article 51-A thereof.
- (7) Documents notified under sub-sections (1), (2), (3) and (4) shall be reviewed and revised, in such manner as may be prescribed, at intervals not exceeding five years;

Provided that a document once notified shall continue to be in force till the revised document is notified.

31. Process of elementary education

Subject to any general or special directions given by the appropriate government and by SEEA/ UTEEA, the State/ UT -level Academic Authority shall, from time to time, issue guidelines for being followed in recognised schools regarding

- (i) modalities of curriculum transaction so as to make ^{the learning process} interesting, motivating and effective for the child,
- (ii) modalities of learner evaluation, and of remedial instruction in appropriate cases, and
- (iii) class upto which a child may be promoted automatically without being detained.

32. Prohibition of physical punishment in recognized schools

- (1) No child shall be awarded physical punishment in any recognized school.
- (2) Violation of sub-section (1) by a teacher shall amount to professional misconduct, and shall be liable to be punished in accordance with the disciplinary rules applicable to him.
- (3) If a recognized school other than an approved school, fails to take action against a teacher as provided in sub-section (2) above, it shall be liable to forfeit its recognition or State grant or both, in such manner as may be prescribed.

CHAPTER VI**TRIAL AND PUNISHMENT FOR OFFENCES UNDER THE ACT****33. 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.

34. Courts competent to try offences under the Act

- (1) Courts competent to try offences under Section 33 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 VII

MISCELLANEOUS

35. Obligation of fee-charging recognized schools to provide free education to children from poor families

- (1) The DEEA/MEEA shall have powers to direct fee-charging recognized schools located in the district or, as the case may be, the metropolitan area, to give admission, in such manner as may be prescribed, and provide free education to children from families below the poverty line living in the district or, as the case may be, the metropolitan area;

Provided that any such direction shall apply uniformly to all similarly-placed recognized schools in the district/metropolitan area;

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 recognized 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.

36. Power of Central Government to levy a surcharge for free and compulsory education

- (1) Central Government may, by notification, levy a surcharge on an existing tax levied by it, at a rate not exceeding five percent of such tax, for rendering financial assistance to State Governments and SEEAs/ UTEEs in pursuance of the provisions of sub-section (1) of section 21.

- (2) Manner of assessment, collection, recovery, custody, appropriation, allocation, utilisation and accounting of the surcharge levied under sub-section (1) shall be such as may be prescribed by rules notified by the Central Government.
- (3) Every notification issued under sub-section (1) and all rules notified under sub-section (2) shall be laid before Parliament as soon as after its issue or, as the case may be, notification as possible.

37. Provision of facilities to young persons to complete elementary education

- (1) If a young person has, for whatever reason, been unable to complete elementary education by the age of fourteen years but is continuing her education in an approved or transitional school at that age, she shall continue to be provided free education in such approved or transitional school till she completes elementary education or attain the age of eighteen years, whichever is earlier.
- (2) If a young person between the age of fourteen and eighteen years, who is out of school and has not been able to complete elementary education, wishes to be enrolled in an approved or transitional school, she shall be admitted and provided free elementary education in such school till she completes elementary education or attains the age of eighteen years, whichever is earlier, provided this does not adversely affect the right of children under section 6.
- (3) Provisions of sub-section (1) and (2) shall remain in effect for a period of ten years from the commencement of this Act, unless the period is extended beyond that limit by the appropriate government through notification.
- (4) The Central and appropriate governments shall establish, and promote establishment of, facilities, including facilities of distance education, open schools & evening schools, to enable young persons who have not been able to complete elementary education by the age of fourteen years, and can no longer study in a school, to complete such education as soon after that age as possible.

38. Control

- (1) Central Government may issue guidelines and give general directions to State Governments regarding implementation of this Act.
- (2) An appropriate Government may issue guidelines and 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.
- (3) If an authority under section 16, 17, 18 or 19 of this Act consistently defaults

in the performance of its duties and functions under this Act, and in achieving satisfactory progress towards free and compulsory education, its constitution or, as the case may be, designation, may, notwithstanding anything contained in this act or rules made thereunder, be rescinded, and a fresh constitution or designation carried out simultaneously, in such manner as may be prescribed.

39. Certain persons to be public servants

Secretary, Member- Secretary or Chief Executive Officer, by whatever name called, of the Authorities constituted or designated under Sections 16, 17, 18, 19 and 20 of this Act, and persons authorized to lodge complaints under Section 33, shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

40. 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 authorized 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.

41. Power to amend Schedules

Central Government may, at any time, amend the Schedules to this Act.

42. 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) An authority constituted or designated under section 16-20 of this Act 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.

43. Power to exempt

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

- (2) Central Government may, on the request of an appropriate government, by an Order published in the Official Gazette, exempt any State, Union Territory or area from the application of any provision of this Act, for such period as may be specified in the Order, if it is satisfied that in the specific circumstances of the State, UT or area, such provision is not conducive to achievement of free and compulsory education.
- (3) Every Order passed under sub-section (1) or sub-section (2) shall be laid, as soon after it is passed as possible, before each House of Parliament.
- (4) 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.

44. 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.

45. Act to be in addition to, and not in derogation of certain other laws

Provisions of this Act in relation to (i) children with disabilities, and (ii) children in need of care and protection, shall be in addition to, and not in derogation of the provisions, respectively, of (i) the Persons with Disabilities [Equal Opportunities, Protection of Rights and Full Participation] Act, 1995 [1 of 1996], and (ii) Juvenile Justice [Care and Protection of Children] Act, 2000 [56 of 2000].

46. Power of appropriate government 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.

47. Repeal & Savings

- (1) As from the day 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 sub-section (1), shall be deemed to have been done under this Act.

SCHEDULE I
[See sections 4 (2) and 14 (7)]
Norms for an approved/ recognized school

Sl. no	Item	Norm
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 recognized school
6.	Minimum number of working days in an academic year	200 220
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.	
6.	Arrangements for early childhood care and education of children below 6 years – either within or in the vicinity of the school premises.	

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SCHEDULE II
[See section 4(3)]

Norms for a Transitional School

Sl. no.	Item	Norms
a. Minimum		
1	Curriculum	As prescribed for recognized schools
2	Number of Instructors	At least one instructor for every forty children
3	Qualifications of Instructors	<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.	Status	Should be run under a scheme framed or approved under Section 27
5.	Minimum number of working days in an academic year	As prescribed in the scheme
6.	Minimum number of teaching hours per working day	As prescribed in the scheme
7.	Provision of text books	Every child to 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.	
5.	Arrangements for early childhood care and education of children below 6 years – either within or in the vicinity of the school premises.	

Annexure VIII

'THE CONSTITUTION -

- **ARTICLES 243-243B, 243G,**
- **XI SCHEDULE (PERTAINING TO PANCHAYATS)**
- **ARTICLES 243P, 243Q, 243S, 243W, AND**
- **THE XII SCHEDULE (PERTAINING TO MUNICIPALITIES)**

by or under this Constitution, every High Court exercising jurisdiction immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, in relation to any Union territory shall continue to exercise such jurisdiction in relation to that territory after such commencement.

(4) Nothing in this article derogates from the power of Parliament to extend or exclude the jurisdiction of a High Court for a State to, or from, any Union territory or part thereof¹

Notes on Article 241

By virtue of article 241 read with article 214 subject to Parliamentary modifications High Court for a Union territory has the same status as High Court for a State (a) as it is a Court of record, (b) its judge is eligible for appointment as a Supreme Court judge; *Deen Dayal v. Union of India*, AIR 1991 AP 307 paragraphs 7-8.

242. Coorg.—[Rep. by the Constitution (Seventh Amendment) Act, 1956, sec. 29 and Sch.]

{PART IX

THE PANCHAYATS

243. Definitions.—In this Part, unless the context otherwise requires,—

- (a) 'district' means a district in a State;
- (b) 'Gram Sabha' means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;
- (c) 'intermediate level' means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;
- (d) 'Panchayat' means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;
- (e) 'Panchayat area' means the territorial area of a Panchayat;
- (f) 'population' means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (g) 'village' means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

243A. Gram Sabha.—A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may by law, provide.

243B. Constitution of Panchayats.—(1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

(2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

1. PART IX.—The territories in Part D of the First Schedule and other territories not specified in that Schedule was rep. by the Constitution (Seventh Amendment) Act, 1956, sec. 29 and Sch. and ins. by the Constitution (Seventy-third Amendment) Act, 1992, sec. 2 (w.e.f. 1-6-1993).

243C. Composition of Panchayats.—(1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats:

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

(3) The Legislature of a State may, by law, provide for the representation—

- (a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;
- (b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;
- (c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;
- (d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within—
 - (i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;
 - (ii) a Panchayat area at the district level, in Panchayat at the district level.

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

(5) The Chairperson of—

- (a) Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and
- (b) a Panchayat at the intermediate level or district level, shall be elected by, and from amongst, the elected members thereof.

243D. Reservation of seats.—(1) Seats shall be reserved for—

- (a) the Scheduled Castes; and
- (b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243E. Duration of Panchayats, etc.—(1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Panchayat shall be completed—

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

243F. Disqualifications for membership.—(1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat—

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243G. Powers, authority and responsibilities of Panchayat.—Subject to the provisions of this Constitution the Legislature of a State may, by law, endow the Panchayats with such powers and authority and may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats, at the appropriate level, subject to such conditions as may be specified therein, with respect to—

- (a) the preparation of plans for economic development and social justice;
- (b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

243H. Powers to impose taxes by, and Funds of, the Panchayats.—The Legislature of a State may, by law,—

- (a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- (c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and
- (d) provide for constitution of such Funds for crediting all moneys received respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom,

as may be specified in the law.

243I. Constitution of Finance Commission to review financial position.—(1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to—

- (a) the principles which should govern—
 - (i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;
 - (ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats;
 - (iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;
- (b) the measures needed to improve the financial position of the Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

(2) The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

(3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.

(4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243J. Audit of accounts of Panchayats.—The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

243K. Elections to the Panchayats.—The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like ground as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.

243L. Application to Union territories.—The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243M. Part not to apply to certain areas.—(1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this Part shall apply to—

- (a) the States of Nagaland, Meghalaya and Mizoram;
- (b) the Hill areas in the State of Manipur for which District Councils exist under any law for the time being in force.

(3) Nothing in this Part—

- (a) relating to Panchayats at the district level shall apply to the Hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkh Hill Council exists under any law for the time being in force;
- (b) shall be construed to affect the functions and powers of the Darjeeling Gorkh Hill Council constituted under such law.

[(3A) Nothing in article 243D, relating to reservation of seats for the Scheduled Castes, shall apply to the State of Arunachal Pradesh.]

(4) Notwithstanding anything in this Constitution—

- (a) the Legislature of a State referred to in sub-clause (a) of clause (2) may, by law extend this Part to that State, except the areas, if any, referred to in clause (2) if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;
- (b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243N. Continuance of existing laws and Panchayats.—Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before commencement of the Constitution (Seventy-third Amendment Act, 1992, which is inconsistent with the provisions of this part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement whichever is earlier:

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each house of the Legislature of that State.

243-O. Bar to interference by courts in electoral matters.—Notwithstanding anything in this Constitution—

- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be made under article 243K, shall not be called in question in any court;
- (b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any Law made by the Legislature of a State.]

1. Ins. by the Constitution (Eighty-third Amendment) Act, 2000, sec. 2 (w.e.f. 8-9-2000).

Notes on Article 243-O

Election process: Gram Panchayats

Once the election process has started, the High Court cannot—

- (a) direct the election officer to stall the proceedings or to conduct the election process afresh or
- (b) direct him not to declare the result of the election of the gram Panchayat, or
- (c) direct him to conduct a fresh poll for 20 persons.

B. Krishnaiah v. State Election Commission, Andhra Pradesh, AIR 1996 SC 1595, paragraphs 11,

[PART IXA

THE MUNICIPALITIES

243P. Definitions.—In this Part, unless the context otherwise requires,—

- (a) 'Committee' means a Committee constituted under article 243S;
- (b) 'district' means a district in a State;
- (c) 'Metropolitan area' means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be Metropolitan area for the purposes of this Part;
- (d) 'Municipal area' means the territorial area of a Municipality as is notified by the Governor;
- (e) 'Municipality' means an institution of self-government constituted under article 243Q;
- (f) 'Panchayat' means a Panchayat constituted under article 243B;
- (g) 'population' means the population as ascertained at the last preceding census of which the relevant figures have been published.

243Q. Constitution of Municipalities.—(1) There shall be constituted in every State,—

- (a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area.
- (b) a Municipal Council for a smaller urban area; and
- (c) a Municipal Corporation for a larger urban area,

in accordance with the provisions of this Part:

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this article, 'a transitional area', 'a smaller urban area' or 'a larger urban area' means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local

1. Ins. by the Constitution (Seventy-fourth Amendment) Act, 1992, sec. 2 (w.e.f. 1-6-1993).

administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.

Notes on Article 243Q

Under clause (2) of article 243Q, Governor has to issue public notification considering the population of the area, density of the population therein with other factors mentioned in the said article for declaring any area as "transitional area". In the absence of such notification issued under the signature of the Governor of the State the said area cannot be treated as "transitional area"; *BIMA Office Premises Co-operative Society v. Kalamboli Village Panchayat*, AIR 2001 SC Bom 83.

243R. Composition of Municipalities.—(1) Save as provided in clause (2), all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.

(2) The Legislature of a State may, by law, provide—

(a) for the representation in a Municipality of—

- (i) persons having special knowledge or experience in Municipal administration;
- (ii) the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area;
- (iii) the members of the Council of States and the members of the Legislative Council of the State registered as electors within the Municipal area;
- (iv) the Chairpersons of the Committees constituted under clause (5) of article 243S:

Provided that the persons referred to in paragraph (i) shall not have the right to vote in the meetings of the Municipality;

(b) the manner of election of the Chairperson of a Municipality.

243S. Constitution and composition of Wards Committees, etc.—(1) There shall be constituted Wards Committees, consisting of one or more Wards, within the territorial area of a Municipality having a population of three lakhs or more.

(2) The Legislature of a State may, by law, make provision with respect to—

- (a) the composition and the territorial area of a Wards Committee;
- (b) the manner in which the seats in a Wards Committee shall be filled.

(3) A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Committee.

(4) Where a Wards Committee consists of—

- (a) one ward, the member representing that ward in the Municipality; or
- (b) two or more wards, one of the members representing such wards in the Municipality elected by the members of the Wards Committee,

shall be the Chairperson of that Committee.

(5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the Constitution of Committees in addition to the Wards Committees.

243T. Reservation of seats.—(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

243U. Duration of Municipalities, etc.—(1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer:

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Municipality shall be completed,—

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under clause (1) had it not been so dissolved.

243V. Disqualifications for membership.—(1) A person shall be disqualified for being chosen as, and for being a member of a Municipality—

- (a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age, of twenty-one years;

- (b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Municipality has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of the State may, by law, provide.

243W. Powers, authority and responsibilities of Municipalities, etc.—Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow—

- (a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to—
- (i) the preparation of plans for economic development and social justice;
 - (ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule;
- (b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

243X. Power to impose taxes by, and Funds, of, the Municipalities.—The Legislature of a State may, by law—

- (a) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State-Government for such purposes and subject to such conditions and limits;
- (c) provide for making, such grants-in-aid to the Municipalities from the Consolidated Fund of the State; and
- (d) provide for constitution of such Funds for crediting all moneys received respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys therefrom,

as may be specified in the law.

243Y. Finance Commission.—(1) The Finance Commission constituted under article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor as to—

- (a) the principles which should govern—
 - (i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of their respective shares of such proceeds;

- (ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities;
- (iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State;

- (b) the measures needed to improve the financial position of the Municipalities;
- (c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Municipalities.

(2) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243Z. Audit of accounts of Municipalities.—The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Municipalities and the auditing of such accounts.

243ZA. Elections to the Municipalities.—(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in article 243K.

(2) Subject to provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Municipalities.

243ZB. Application to Union territories.—The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243ZC. Part not to apply to certain areas.—(1) Nothing in this Part shall apply to the Scheduled Areas referred to in Clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.

(3) Notwithstanding anything in this Constitution, Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the Tribal Areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

***243ZD. Committee for district planning.**—(1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

* The provisions of article 243ZD shall not apply to the National Capital Territory of Delhi, *vide* S.O. 1125 (E), dated 12th November, 2001.

(2) The Legislature of a State may, by law, make provision with respect to—

- (a) the composition of the District Planning Committees;
- (b) the manner in which the seats in such Committees shall be filled:

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;

- (c) the functions relating to district planning which may be assigned to such Committees;
- (d) the manner in which the Chairpersons of such Committees be chosen.

(3) Every District Planning Committee shall, in preparing the draft development plan,—

- (a) have regard to—
 - (i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
 - (ii) the extent and type of available resources whether financial or otherwise.

(b) consult such institutions and organizations as the Governor may, by order specify.

(4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

***243ZE. Committee for Metropolitan planning.**—(1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as follows:

(2) The Legislature of a State may, by law, make provision with respect to—

- (a) the composition of the Metropolitan Planning Committees;
- (b) the manner in which the seats in such Committees shall be filled:

Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area;

- (c) the representation, in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out the functions assigned to such Committees.
- (d) the functions relating to planning and coordination for the Metropolitan area which may be assigned to such Committees;
- (e) the manner in which the Chairpersons of such Committees shall be chosen.

*. The provisions of article 243ZE shall not apply to the National Capital Territory of Delhi vide S.O. 1125 (E), dated 12th November, 2001.

(3) Every Metropolitan Planning Committee shall, in preparing the draft development plan,—

(a) have regard to—

- (i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;
- (ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
- (iii) the overall objectives and priorities set by the Government of India and the Government of the State;
- (iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243ZF. Continuance of existing laws and Municipalities.—Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of the Constitution (Seventy-fourth Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Municipalities existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243ZG. Bar to interference by courts in electoral matters.—Notwithstanding anything in this Constitution,—

- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243ZF shall not be called in question in any court;
- (b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.]

PART X

THE SCHEDULED AND TRIBAL AREAS

244. Administration of Scheduled Areas and Tribal Areas.—(1) The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled

[ELEVENTH SCHEDULE

[Article 243G]

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.]

1. Added by the Constitution (Seventy-third Amendment) Act, 1992, sec. 4 (w.e.f. 24-4-1993).

TWELFTH SCHEDULE

[Article 243W]

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and, commercial purposes.
6. Public health, sanitation conservancy and solid waste management.
7. Fire services.
8. Urban forestry protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
15. Cattle ponds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries.]

1. Ins. by the Constitution (Seventy-fourth Amendment) Act, 1992, sec. 4 (w.e.f. 1-6-1993).

Annexure IX

THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996

राजिस्ट्री सं. डी.एल.-33004/96

REGISTERED NO. DL-33004/96


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 70] नई दिल्ली, मंगलवार, दिसम्बर 24, 1996 / पौष 3, 1918
No. 70] NEW DELHI, TUESDAY, DECEMBER 24, 1996 / PAUSA 3, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 24th December, 1996/Pausa 3, 1918 (Saka)

The following Act of Parliament received the assent of the President on the 24th December, 1996 and hereby published for general information:—

THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996

No. 40 OF 1996

[24th December, 1996]

An Act to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996. Short title.
2. In this Act, unless the context otherwise requires, "Scheduled Areas" means the Scheduled Areas as referred to in clause (1) of article 244 of the Constitution. Definition.
3. The provisions of Part IX of the Constitution relating to Panchayats are hereby extended to the Scheduled Areas subject to such exceptions and modifications as are provided in section 4. Extension of Part IX of the Constitution.

Exceptions and modifications to Part IX of the Constitution.

4. Notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely:—

(a) a State legislation on the Panchayats that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources;

(b) a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs;

(c) every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level;

(d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution;

(e) every Gram Sabha shall—

(i) approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level;

(ii) be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes;

(f) every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilisation of funds by that Panchayat for the plans, programmes and projects referred to in clause (e);

(g) the reservation of seats in the Scheduled Areas at every Panchayat shall be in proportion to the population of the communities in that Panchayat for whom reservation is sought to be given under Part IX of the Constitution;

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats:

Provided further that all seats of Chairpersons of Panchayats at all levels shall be reserved for the Scheduled Tribes;

(h) the State Government may nominate persons belonging to such Scheduled Tribes as have no representation in the Panchayat at the intermediate level or the Panchayat at the district level:

Provided that such nomination shall not exceed one-tenth of the total members to be elected in that Panchayat;

(i) the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level;

(j) planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level;

(k) the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the Scheduled Areas;

(l) the prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;

(ii) while endowing Panchayats in the Scheduled Areas with such powers and authority as may be necessary to enable them to function as institutions of self-government, a State Legislature shall ensure that the Panchayats at the appropriate level and the Gram Sabha are endowed specifically with—

(i) the power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;

(ii) the ownership of minor forest produce;

(iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;

(iv) the power to manage village markets by whatever name called;

(v) the power to exercise control over money lending to the Scheduled Tribes;

(vi) the power to exercise control over institutions and organisations in all social sectors;

(vii) the power to control over local plans and resources for such plans including tribal sub-plans;

(n) the State legislations that may endow Panchayats with powers and authority as may be necessary to enable them to function as institutions of self-government shall contain safeguards to ensure that Panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha;

(o) the State Legislature shall endeavour to follow the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas.

5. Notwithstanding anything in Part IX of the Constitution with exceptions and modifications made by this Act, any provision of any law relating to Panchayats in force in the Scheduled Areas immediately before the date on which this Act receives the assent of the President which is inconsistent with the provisions of Part IX with such exceptions and modifications shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from the date on which this Act receives the assent of the President:

Continuance of
existing laws
and
Panchayats.

Provided that all the Panchayats existing immediately before such date shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having Legislative Council, by each House of the Legislature of that State.

K.L. MOHANPURIA,
Secy. to the Govt. of India,

Annexure X

THE PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL PARTICIPATION) ACT, 1995 –

- **Sections 1, 2
DEFINITIONS”),**
- **CHAPTER V
 (“EDUCATION”)**

THE PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL PARTICIPATION) ACT, 1995

(1 of 1996)

[1st January, 1996]

An Act to give effect to the Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region.

WHEREAS the Meeting to Launch the Asian and Pacific Decade of Disabled Persons 1993-2000 convened by the Economic and Social Commission for Asia and Pacific held at Beijing on 1st to 5th December, 1992, adopted the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region:

AND WHEREAS India is a signatory to the said Proclamation:

AND WHEREAS it is considered necessary to implement the Proclamation aforesaid.

BE it enacted by Parliament in the Forty-sixth year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date¹ as the Central Government may, by notification, appoint.

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

(a) “appropriate Government” means,—

- (i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 1924 (2 of 1924), the Central Government;
- (ii) in relation to a State Government or any establishment wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government;
- (iii) in respect of the Central Co-ordination Committee and the Central Executive Committee, the Central Government;
- (iv) in respect of the State Co-ordination Committee and the State Executive Committee, the State Government;

1. Came into force on 7-2-1996, vide S.O. 107 (E), dated 7th February, 1996.

The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

- (b) "blindness" refers to a condition where a person suffers from any of the following conditions, namely:—
 - (i) total absence of sight; or
 - (ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses; or
 - (iii) limitation of the field of vision subtending an angle of 20 degree or worse;
- (c) "Central Co-ordination Committee" means the Central Co-ordination Committee constituted under sub-section (1) of section 3;
- (d) "Central Executive Committee" means the Central Executive Committee constituted under sub-section (1) of section 9;
- (e) "cerebral palsy" means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;
- (f) "Chief Commissioner" means the Chief Commissioner appointed under sub-section (1) of section 57
- (g) "Commissioner" means the Commissioner appointed under sub-section (1) of section 60;
- (h) "competent authority" means the authority appointed under section 50;
- (i) "disability" means—
 - (i) blindness;
 - (ii) low vision;
 - (iii) leprosy-cured;
 - (iv) hearing impairment;
 - (v) locomotor disability;
 - (vi) mental retardation;
 - (viii) mental illness;
- (j) "employer" means,—
 - (i) in relation to a Government, the authority notified by the Head of the Department in this behalf or where no such authority is notified, the Head of the Department; and
 - (ii) in relation to an establishment, the Chief Executive Officer of that establishment;
- (k) "establishment" means a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 617 of the Companies Act 1956 (1 of 1956) and includes Departments of a Government;

- (l) "hearing impairment" means loss of sixty decibels or more in the better year in the conversational range of frequencies;
- (m) "institution for persons with disabilities" means an institution for the reception, care, protection, education, training, rehabilitation or any other service of persons with disabilities;
- (n) "leprosy cured person" means any person who has been cured of leprosy but is suffering from—
 - (i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;
 - (ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;
 - (iii) extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation.and the expression "leprosy cured" shall be construed accordingly;
- (o) "locomotor disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;
- (p) "medical authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government;
- (q) "mental illness" means any mental disorder other than mental retardation;
- (r) "mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterised by subnormality of intelligence;
- (s) "notification" means a notification published in the Official Gazette;
- (t) "person with disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority;
- (u) "person with low vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;
- (v) "prescribed" means prescribed by rules made under this Act;
- (w) "rehabilitation" refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;
- (x) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, respecting—
 - (i) persons who seek to engage employees from amongst the persons suffering from disabilities;
 - (ii) persons with disability who seek employment;

- (iii) vacancies to which person with disability seeking employment may be appointed;
- (y) "State Co-ordination Committee" means the State Co-ordination Committee constituted under sub-section (1) of section 13;
- (z) "State Executive Committee" means the State Executive Committee constituted under sub-section (1) of section 19.

CHAPTER II

THE CENTRAL CO-ORDINATION COMMITTEE

3. Central Co-ordination Committee.—(1) The Central Government shall by notification constitute a body to be known as the Central Co-ordination Committee to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Central Co-ordination Committee shall consist of—

- (a) the Minister-in-charge of the Department of Welfare in the Central Government, Chairperson, *ex officio*;
- (b) the Minister of State-in-charge of the Department of Welfare in the Central Government, Vice Chairperson, *ex officio*;
- (c) Secretaries to the Government of India in-charge of the Departments of Welfare, Education, Woman and Child Development, Expenditure, Personnel Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Legal Affairs, Public Enterprises, Members, *ex officio*;
- (d) Chief Commissioner, Member *ex officio*;
- (e) Chairman Railway Board, Member, *ex officio*;
- (f) Director-General of Labour, Employment and Training, Member, *ex officio*;
- (g) Director, National Council for Educational Research and Training, Member, *ex officio*;
- (h) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States, Members;
- (i) three persons to be nominated by the Central Government to represent the interests, which in the opinion of that Government ought to be represented, Members;
- (j) Directors of the—
 - (i) National Institute for the Visually Handicapped, Dehradun;
 - (ii) National Institute for the Mentally Handicapped, Secunderabad;
 - (iii) National Institute for the Orthopaedically Handicapped, Calcutta;
 - (iv) Ali Yavar Jung National Institute for the Hearing Handicapped, Bombay, Members, *ex officio*;

- (c) screen all the children at least once in a year for the purpose of identifying "at-risk" cases;
- (d) provide facilities for training to the staff at the primary health centres;
- (e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;
- (f) take measures for pre-natal, pre-natal and post-natal care of mother and child;
- (g) educate the public through the pre-schools, schools, primary health centres, village level workers and anganwadi workers;
- (h) create awareness amongst the masses through television, radio and other mass media on these causes of disabilities and the preventive measures to be adopted.

CHAPTER V EDUCATION

26. Appropriate Governments and local authorities to provide children with disabilities free education, etc.—The appropriate Governments and the local authorities shall—

- (a) ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;
- (b) endeavour to promote the integration of students with disabilities in the normal schools;
- (c) promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools;
- (d) endeavour to equip the special schools for children with disabilities with vocational training facilities.

27. Appropriate Governments and local authorities to make schemes and programmes for non-formal education, etc.—The appropriate Governments and the local authorities shall by notification make schemes for—

- (a) conducting part-time classes in respect of children with disabilities who having completed education up to class fifth and could not continue their studies on a whole-time basis;
- (b) conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above;
- (c) imparting non-formal education by utilising the available manpower in rural areas after giving them appropriate orientation;
- (d) imparting education through open schools or open universities;
- (e) conducting class and discussions through interactive electronic or other media;

- (f) providing every child with disability free of cost special books and equipments needed for his education.

28. Research for designing and developing new assistive devices, teaching aids, etc.—The appropriate Governments shall initiate or cause to be initiated research by official and non-Governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunities in education.

29. Appropriate Governments to set up teachers' training institutions to develop trained manpower for schools for children with disabilities.—The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national institutes and other voluntary organisations to develop teachers' training programmes specialising in disabilities so that requisite trained manpower is available for special schools and integrated schools for children with disabilities.

30. Appropriate Governments to prepare a comprehensive education scheme providing for transport facilities, supply of books, etc.—Without prejudice to the foregoing provisions, the appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for—

- (a) transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools;
- (b) the removal of architectural barriers from schools, colleges or other institutions imparting vocational and professional training;
- (c) the supply of books, uniforms and other materials to children with disabilities attending school;
- (d) the grant of scholarship to students with disabilities;
- (e) setting up of appropriate fora for the redressal of grievances of parents regarding the placement of their children with disabilities;
- (f) suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision;—
- (g) restructuring of curriculum for the benefit of children with disabilities;
- (h) restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.

31. Educational institutions to provide amanuensis to students with visual handicap.—All educational institutions shall provide or cause to be provided amanuensis to blind students and students with or low vision.

COMMENTS

Every educational institution shall be equipped with amanuensis for blind students or students with low vision

CHAPTER VI

EMPLOYMENT

32. Identification of posts which can be reserved for persons with disabilities.—Appropriate Governments shall—

- (a) identify posts, in the establishments, which can be reserved for the persons with disability;

Annexure XI

**THE JUVENILE JUSTICE
(CARE AND PROTECTION
OF CHILDREN) ACT, 2000 –
Sections 1, 2 (“Definitions”),
Section 9 (“Special Homes”),
Section 34 (“Children’s
Homes”)**

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000

(Act No. 56 of 2000)

[30th December, 2000]

An Act to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment.

Whereas the Constitution has, in several provisions, including clause (3) of Article 15, clauses (e) and (f) of article 39, articles 45 and 47, impose on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected;

And Whereas, the General Assembly of the United Nations has adopted the Convention on the Rights of the Child on the 20th November, 1989;

And Whereas, the Convention on the Rights of the Child has prescribed a set of standards to be adhered to by all State parties in securing the best interests of the child;

And Whereas, the Convention on the Rights of the Child emphasises social reintegration of child victims, to the extent possible, without resorting to judicial proceedings;

And Whereas, the Government of India has ratified the Convention on the 11th December, 1992.

And Whereas, it is expedient to re-enact the existing law relating to juveniles bearing in mind the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), and all other relevant international instruments.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement

(1) This Act may be called the Juvenile Justice (Care and Protection of Children) Act, 2000.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

1. As published in Gazette of India (E), Part III, Sec. 1.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions

In this Act, unless the context otherwise requires,—

- (a) "advisory board" means a Central or a State Advisory Board or a district and city level advisory board as the case may be, constituted under section 62;
- (b) "begging" means—
 - (i) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, whether under any pretence;
 - (ii) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;
- (c) "Board" means a Juvenile Justice Board constituted under section 4;
- (d) "child in need of care and protection" means a child—
 - (i) who is found without any home or settled place or abode and without any ostensible means of subsistence,
 - (ii) who resides with a person (whether a guardian of the child or not) and such person—
 - (a) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out, or
 - (b) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person,
 - (iii) who is mentally or physically challenged or ill children or children suffering from terminal diseases or incurable diseases having no one to support or look after,
 - (iv) who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child,
 - (v) who does not have parent and no one is willing to take care of or whose parents have abandoned him or who is missing and run away child and whose parents cannot be found after reasonable inquiry,
 - (vi) who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts,
 - (vii) who is found vulnerable and is likely to be inducted into drug abuse or trafficking,

- (viii) who is being or is likely to be abused for unconscionable gains,
- (ix) who is victim of any armed conflict, civil commotion or natural calamity;
- (e) "children's home" means an institution established by a State Government or by voluntary organization and certified by that Government under section 34;
- (f) "Committee" means a Child Welfare Committee constituted under section 29;
- (g) "competent authority" means in relation to children in need of care and protection a Committee and in relation to juveniles in conflict with law a Board;
- (h) "fit institution" means a governmental or a registered non-governmental organization or a voluntary organization prepared to own the responsibility of a child and such organization is found fit by the competent authority;
- (i) "fit person" means a person, being a social worker or any other person, who is prepared to own the responsibility of a child and is found fit by the competent authority to receive and take care of the child;
- (j) "guardian", in relation to a child, means his natural guardian or any other person having the actual charge or control over the child and recognized by the competent authority as a guardian in course of proceedings before that authority;
- (k) "juvenile" or "child" means a person who has not completed eighteenth year of age;
- (l) "juvenile in conflict with law" means a juvenile who is alleged to have committed an offence;
- (m) "local authority" means Panchayats at the village and Zila Parishad at the district level and shall also include a Municipal Committee or Corporation or a Cantonment Board or such other body legally entitled to function as local authority by the Government;
- (n) "narcotic drug" and "psychotropic substance" shall have the meanings respectively assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);
- (o) "observation home" means a home established by a State Government or by a voluntary organization and certified by that State Government under section 8 as an observation home for the juvenile in conflict with law;
- (p) "offence" means an offence punishable under any law for the time being in force;

9. Special homes

(1) Any State Government may establish and maintain either by itself or under an agreement with voluntary organisations, special homes in every district or a group of districts, as may be required for reception and rehabilitation of juvenile in conflict with law under this Act.

(2) Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the reception of juvenile in conflict with law to be sent there under this Act, it may certify such institution as special home for the purposes of this Act.

(3) The State Government may, by rules made under this Act, provide for the management of special homes, including the standards and various types of services to be provided by them which are necessary for re-socialisation of a juvenile, and the circumstances under which, and the manner in which, the certification of a special home may be granted or withdrawn.

(4) The rules made under sub-section (3) may also provide for the classification and separation of juvenile in conflict with law on the basis of age and the nature of offences committed by them and his mental and physical status.

10. Apprehension of juvenile in conflict with law

(1) As soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of the special juvenile police unit or the designated police officer who shall immediately report the matter to a member of the Board.

(2) The State Government may make rules consistent with this Act,—

(i) to provide for persons through whom (including registered voluntary organizations) any juvenile in conflict with law may be produced before the Board;

(ii) to provide the manner in which such juvenile may be sent to an observation home.

11. Control of custodian over juvenile

Any person in whose charge a juvenile is placed in pursuance of this Act shall, while the order is in force have the control over the juvenile as he would have if he were his parents, and shall be responsible of his maintenance, and the juvenile shall continue in his charge for the period stated by competent authority, notwithstanding that he is claimed by his parents or any other person.

12. Bail of juvenile

(1) When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force,

(3) After the completion of the inquiry if the Committee is of the opinion that the said child has no family or ostensible support, it may allow the child to remain in the children's home or shelter home till suitable rehabilitation is found for him or till he attains the age of eighteen years.

34. Children's homes

(1) The State Government may establish and maintain either by itself or in association with the voluntary organisations, children's homes, in every district or group of districts, as the case may be, for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation.

(2) The State Government may, by rules made under this Act, provide for the management of children's homes including the standards and the nature of services to be provided by them, and the circumstances under which, and the manner in which, the certification of a children's home or recognition to a voluntary organisation may be granted or withdrawn.

35. Inspection

(1) The State Government may appoint inspection committees for the children's homes (hereinafter referred to as the inspection committees) for the State, a district and city, as the case may be, for such period and for such purposes as may be prescribed.

(2) The inspection committee of a State, district or of a city shall consist of such number of representatives from the State Government, local authority, Committee, voluntary organizations and such other medical experts and social workers as may be prescribed.

36. Social auditing

The Central Government or State Government may monitor and evaluate the functioning of the Children's homes at such period and through such persons and institutions as may be specified by that Government.

37. Shelter homes

(1) The State Government may recognize, reputed and capable voluntary organizations and provide them assistance to set up and administer as many shelter homes for juveniles or children as may be required.

(2) The shelter homes referred in sub-section (1) shall function as drop-in-centres for the children in the need of urgent support who have been brought to such homes through such persons as are referred to in sub-section (1) of section 32.

(3) As far as possible, the shelter homes shall have such facilities as may be prescribed by the rules.

Annexure XII

THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986 – SECTIONS 1-14

THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

(61 of 1986)

[23rd December, 1986]

An Act to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

PART I PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Child Labour (Prohibition and Regulation) Act, 1986.

(2) It extends to the whole of India.

(3) The provisions of this Act, other than Part III, shall come into force at once, and Part III 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 States and for different classes of establishments.

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

- (i) "appropriate Government" means, in relation to an establishment under the control of the Central Government or a railway administration or a major port or a mine or oilfield, the Central Government, and in all other cases, the State Government;
- (ii) "child" means a person who has not completed his fourteenth year of age;
- (iii) "day" means a period of twenty-four hours beginning at mid-night;
- (iv) "establishment" includes a shop, commercial establishment, workshop, farm, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment;
- (v) "family", in relation to an occupier, means the individual, the wife or husband, as the case may be, of such individual, and their children, brother or sister of such individual;
- (vi) "occupier", in relation to an establishment or a workshop, means the person who has the ultimate control over the affairs of the establishment or workshop;
- (vii) "port authority" means any authority administering a port;
- (viii) "prescribed" means prescribed by rules made under section 18;
- (ix) "week" means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Inspector;
- (x) "workshop" means any premises (including the precincts thereof) wherein any industrial process is carried on, but does not include any premises to which the provisions of section 67 of the Factories Act, 1948 (63 of 1948), for the time being, apply.

PART II
PROHIBITION OF EMPLOYMENT OF CHILDREN IN CERTAIN
OCCUPATIONS AND PROCESSES

3. Prohibition of employment of children in certain occupations and processes.—No child shall be employed or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule is carried on:

Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government.

COMMENTS

(i) Children can be employed in the process of packing but packing should be done in an area away from the place of manufacture to avoid exposure to accident; *M.C. Mehta v. State of Tamil Nadu*, AIR 1991 SC 417.

(ii) The prohibition of employment of children is not applicable to any workshop wherein any process is carried on by the occupier with the aid of his family, or to any school established by, or receiving assistance or recognition from, Government.

4. Power to amend the Schedule.—The Central Government, after giving by notification in the Official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any occupation or process to the Schedule and thereupon the Schedule shall be deemed to have been amended accordingly.

5. Child Labour Technical Advisory Committee.—(1) The Central Government may, by notification in the Official Gazette, constitute an advisory committee to be called the Child Labour Technical Advisory Committee (hereafter in this section referred to as the Committee) to advise the Central Government for the purpose of addition of occupations and processes to the Schedule.

(2) The Committee shall consist of a Chairman and such other members not exceeding ten, as may be appointed by the Central Government.

(3) the Committee shall meet as often as it may consider necessary and shall have power to regulate its own procedure.

(4) The Committee may, if it deems it necessary so to do, constitute one or more sub-committees and may appoint to any such sub-committee, whether generally or for the consideration of any particular matter, any person who is not a member of the Committee.

(5) The term of office of, the manner of filling casual vacancies in the office of, and the allowance, if any, payable to, the Chairman and other members of the Committee, and the conditions and restrictions subject to which the Committee may appoint any person who is not a member of the Committee as a member of any of its sub-committees shall be such as may be prescribed.

PART III
REGULATION OF CONDITIONS OF WORK OF CHILDREN

6. Application of Part.—The provisions of this Part shall apply to an establishment or a class of establishments in which none of the occupations or processes referred to in section 3 is carried on.

COMMENTS

This section regulates the working conditions of the children in employments where they are not prohibited from working by section 3 of this Act.

7. Hours and period of work.—(1) No child shall be required or permitted to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class of establishments.

(2) The period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has had an interval for rest for at least one hour.

(3) The period of work of a child shall be so arranged that inclusive of his interval for rest, under sub-section (2), it shall not be spread over more than six hours, including the time spent in waiting for work on any day.

(4) No child shall be permitted or required to work between 7 p.m. and 8 a.m.

(5) No child shall be required or permitted to work overtime.

(6) No child shall be required or permitted to work in any establishment on any day on which he has already been working in another establishment.

COMMENTS

This section stipulates that no child shall work for more than 3 hours before he has had an interval for rest for at least one hour. The double employment of a child is banned.

8. Weekly holidays.—Every child employed in an establishment shall be allowed in each week, a holiday of one whole day, which day shall be specified by the occupier in a notice permanently exhibited in a conspicuous place in the establishment and the day so specified shall not be altered by the occupier more than once in three months.

COMMENTS

The child employed in an establishment is entitled for a holiday of one whole day in each week.

9. Notice to Inspector.—(1) Every occupier in relation to an establishment in which a child was employed or permitted to work immediately before the date of commencement of this Act in relation to such establishment shall, within a period of thirty days from such commencement, send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars, namely:—

(a) the name and situation of the establishment;

(b) the name of the person in actual management of the establishment;

(c) the address to which communications relating to the establishment should be sent; and

(d) the nature of the occupation or process carried on in the establishment.

(2) Every occupier, in relation to an establishment, who employs, or permits to work, any child after the date of commencement of this Act in relation to such establishment, shall, within a period of thirty days from the date of such employment, send to the Inspector within whose local limits the establishment

is situated, a written notice containing the particulars as are mentioned in sub-section (1).

Explanation.—For the purposes of sub-sections (1) and (2), “date of commencement of this Act, in relation to an establishment” means the date of bringing into force of this Act in relation to such establishment.

(3) Nothing in sections 7, 8 and 9 shall apply to any establishment wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government.

10. Disputes as to age.—If any question arises between an Inspector and an occupier as to the age of any child who is employed or is permitted to work by him in an establishment, the question shall, in the absence of a certificate as to the age of such child granted by the prescribed medical authority, be referred by the Inspector for decision to the prescribed medical authority.

11. Maintenance of register.—There shall be maintained by every occupier in respect of children employed or permitted to work in any establishment, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such establishment, showing—

- (a) the name and date of birth of every child so employed or permitted to work;
- (b) hours and periods of work of any such child and the intervals of rest to which he is entitled;
- (c) the nature of work of any such child; and
- (d) such other particulars as may be prescribed.

12. Display of notice containing abstract of sections 3 and 14.—Every railway administration, every port authority and every occupier shall cause to be displayed in a conspicuous and accessible place at every station on its railway or within the limits of a port or at the place of work, as the case may be, a notice in the local language and in the English language containing an abstract of sections 3 and 14.

13. Health and safety.—(1) The appropriate Government may, by notification in the Official Gazette, make rules for the health and safety of the children employed or permitted to work in any establishment or class of establishments.

(2) Without prejudice to the generality of the foregoing provisions, the said rules may provide for all or any of the following matters, namely:—

- (a) cleanliness in the place of work and its freedom from nuisance;
- (b) disposal of wastes and effluents;
- (c) ventilation and temperature;
- (d) dust and fume;
- (e) artificial humidification;
- (f) lighting;
- (g) drinking water;
- (h) latrine and urinals;
- (i) spittoons;

- (j) fencing of machinery;
- (k) work at or near machinery in motion;
- (l) employment of children on dangerous machines;
- (m) instructions, training and supervision in relation to employment of children on dangerous machines;
- (n) device for cutting off power;
- (o) self-acting machines;
- (p) easing of new machinery;
- (q) floor, stairs and means of access;
- (r) pits, sumps, openings in floors, etc.;
- (s) excessive weights;
- (t) protection of eyes;
- (u) explosive or inflammable dust, gas, etc.;
- (v) precautions in case of fire;
- (w) maintenance of buildings; and
- (x) safety of buildings and machinery.

COMMENTS

The appropriate Government is empowered to make rules in such matters as cleanliness, disposal of wastes, dust, lighting, precaution against fire, protection of eyes, spittoons and ventilations, etc., in any establishment for the health and safety of the children employed or permitted to work.

PART IV

MISCELLANEOUS

14. Penalties.—(1) Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both.

(2) Whoever, having been convicted of an offence under section 3, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.

(3) Whoever—

- (a) fails to give notices as required by section 9; or
- (b) fails to maintain a register as required by section 11 or makes any false entry in any such register; or
- (c) fails to display a notice containing an abstract of section 3 and this section as required by section 12; or
- (d) fails to comply with or contravenes any other provisions of this Act or the rules made thereunder,

shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees or with both.

15. Modified application of certain laws in relation to penalties.—(1) Where any person is found guilty and convicted of contravention of any of the

provisions mentioned in sub-section (2), he shall be liable to penalties as provided in sub-sections (1) and (2) of section 14 of this Act and not under the Acts in which those provisions are contained.

(2) The provisions referred to in sub-section (1) are the provisions mentioned below:

- (a) section 67 of the Factories Act, 1948 (63 of 1948);
- (b) section 40 of the Mines Act, 1952 (35 of 1952);
- (c) section 109 of the Merchant Shipping Act, 1958 (44 of 1958); and
- (d) section 21 of the Motor Transport Workers Act, 1961 (27 of 1961).

COMMENTS

Sections of the above quoted Acts are reproduced below:—

(i) Section 67 of the Factories Act, 1948:

No child who has not completed his fourteenth year shall be required or allowed to work in any factory.

(ii) Section 40 of the Mines Act, 1952:

(1) After the commencement of the Mines (Amendment) Act, 1983, no person below 18 years of age shall be allowed to work in any mine or part thereof.

(2) Notwithstanding anything contained in sub-section (1), apprentices and other trainees, not below sixteen years of age, may be allowed to work, under proper supervision, in a mine or part thereof by the manager:

Provided that in case of trainees, other than apprentices, prior approval of the Chief Inspector or an Inspector shall be obtained before they are allowed to work.

Explanation.—In this section and in section 43, “apprentice” means an apprentice as defined in clause (a) of section 2 of the Apprentices Act, 1961 (52 of 1961).

Clause (a) of section 2 of the Apprentices Act, 1961 (52 of 1961) defines “apprentice” as:

Apprentice means a person who is undergoing apprenticeship training in pursuance of a contract of apprenticeship.

(iii) Section 109 of the Merchant Shipping Act, 1958:

No person under fifteen years of age shall be engaged or carried to sea to work in any capacity in any ship, except—

- (a) in a school ship, or training ship, in accordance with the prescribed conditions; or
- (b) in a ship in which all persons employed are members of one family; or
- (c) in a home-trade ship of less than two hundred tons gross; or
- (d) where such person is to be employed on nominal wages and will be in the charge of his father or other adult near male relative.

(iv) Section 21 of the Motor Transport Workers Act, 1961:

No child shall be required or allowed to work in any capacity in any motor transport undertaking.

16. Procedure relating to offences.—(1) Any person, police officer or Inspector may file a complaint of the commission of an offence under this Act in any court of competent jurisdiction.

(2) Every certificate as to the age of a child which has been granted by a prescribed medical authority shall, for the purposes of this Act, be conclusive evidence as to the age of the child to whom it relates.

(3) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act.

17. Appointment of Inspectors.—The appropriate Government may appoint Inspectors for the purposes of securing compliance with the provisions of this Act and any Inspector so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860 (45 of 1860).

COMMENT

The Inspectors appointed under section 17 would see that for each child employed in violation of the provisions of the Act, the concerned employer pays Rs. 20,000 which sum could be deposited in a fund to be known as Child Labour Rehabilitation-cum-Welfare Fund; *M.C. Mehta v. State of Tamil Nadu*, AIR 1997 SC 699.

18. Power to make rules.—(1) The appropriate Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying into effect the provisions 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:—

- (a) the term of office of, the manner of filling casual vacancies of, and the allowances payable to, the Chairman and members of the Child Labour Technical Advisory Committee and the conditions and restrictions subject to which a non-member may be appointed to a sub-committee under sub-section (5) of section 5;
- (b) number of hours for which a child may be required or permitted to work under sub-section (1) of section 7;
- (c) grant of certificates of age in respect of young persons in employment or seeking employment, the medical authorities which may issue such certificate, the form of such certificate, the charges which may be made thereunder and the manner in which such certificate may be issued:

Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the authority concerned;

- (d) the other particulars which a register maintained under section 11 should contain.

19. Rules and notifications to be laid before Parliament or State legislature.—(1) Every rule made under this Act by the Central Government and every notification issued under section 4, shall be laid as soon as may be after it is made or issued, 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 notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification 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 or notification.

(2) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, before the legislature of that State.

20. Certain other provisions of law not barred.—Subject to the provisions contained in section 15, the provisions of this Act and the rules made thereunder shall be in addition to, and not in derogation of, the provisions of the Factories Act, 1948 (63 of 1948), the Plantations Labour Act, 1951 (69 of 1951) and the Mines Act, 1952 (35 of 1952).

21. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date on which this Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Houses of Parliament.

22. Repeal and savings.—(1) The Employment of Children Act, 1938 (26 of 1938), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

***23. Amendment of Act 11 of 1948.**—In section 2 of the Minimum Wages Act, 1948,—

(i) for clause (a), the following clauses shall be substituted, namely:—

“(a) “adolescent” means a person who has completed his fourteenth year of age but has not completed his eighteenth year;

(aa) “adult” means a person who has completed his eighteenth year of age;’

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

“(bb) “child” means a person who has not completed his fourteenth year of age’.

***24. Amendment of Act 69 of 1951.**—In the Plantations Labour Act, 1951,—

(a) in section 2, in clauses (a) and (c), for the word “fifteenth”, the word “fourteenth” shall be substituted;

(b) section 24 shall be omitted;

(c) in section 26, in the opening portion, the words “who has completed his twelfth year” shall be omitted.

* Sections 23 to 26 have been repealed by section 2 and First Schedule of the Repealing and Amending Act, 2001 (30 of 2001) (w.e.f. 3-9-2001). The repeal by this Act shall not effect any other enactment in which the repealed enactment has been applied, incorporated or referred to.

***25. Amendment of Act 44 of 1958.**—In the Merchant Shipping Act, 1958, in section 109, for the word "fifteen", the word "fourteen" shall be substituted.

***26. Amendment of Act 27 of 1961.**—In the Motor Transport Workers Act, 1961, in section 2, in clauses (a) and (c), for the word "fifteenth", the word "fourteenth" shall be substituted.

THE SCHEDULE

(See section 3)

PART A

OCCUPATIONS

An occupation connected with—

- (1) Transport of passengers, goods or mails by railway;
- (2) Cinder picking, clearing of an ash pit or -building operation in the railway premises;
- (3) Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train;
- (4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;
- (5) A port authority within the limits of any port;
- ¹[(6) Work relating to selling of crackers and fireworks in shops with temporary licences;]
- ²[(7) Abattoirs/slaughter Houses;]
- ³[(8) Automobile workshop and garages;
- (9) Foundries;
- (10) Handling of toxic or inflammable substances or explosives;
- (11) Handloom and powerloom industry;
- (12) Mines (underground and underwater) and collieries;
- (13) Plastic units and fibreglass workshops.]

PART B

PROCESSES

- (1) Bidi-making;
- ⁴[(2) Carpet-weaving including preparatory and incidental process thereof;]
- (3) Cement manufacture, including bagging of cement;
- ⁴[(4) Cloth printing, dyeing and weaving including processes, preparatory and incidental thereto;]

* Sections 23 to 26 have been repealed by section 2 and First Schedule of the Repealing and Amending Act, 2001 (30 of 2001) (w.e.f. 3-9-2001). The repeal by this Act shall not effect any other enactment in which the repealed enactment has been applied, incorporated or referred to.

1. Ins. by S.O. 404(E), dated 5th June, 1989.
2. Ins. by S.O. 263(E), dated 29th March, 1994.
3. Added by S.O. 36(E), dated 27th January, 1999.
4. Subs. by S.O. 36(E),, dated 27th January, 1999.

- (5) Manufacture of matches, explosives and fire-works;
- (6) Mica-cutting and splitting;
- (7) Shellac manufacture;
- (8) Soap manufacture;
- (9) Tanning;
- (10) Wool-cleaning;
- ¹[(11) Building and construction industry including processing and polishing of granite stones;]
- ²[(12) Manufacture of slate pencils (including packing);
- (13) Manufacture of products from agate;
- (14) Manufacturing processes using toxic metals and substances, such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos;]
- ³[(15) 'Hazardous process' as defined in section 2 (cb) and 'dangerous operation' as notified in rules under section 87 of the Factories Act, 1948 (63 of 1948);
- (16) Printing as defined in section 2(k) (iv) of the Factories Act, 1948 (63 of 1948);
- (17) Cashew and cashewnut descaling and processing;
- (18) Soldering processes in electronics industries;]
- ⁴[(19) 'Aggarbatti' manufacturing;
- (20) Automobile repairs and maintenance including processes incidental thereto, namely, welding, lathe work, dent beating and painting;
- (21) Brick kilns and roof tiles units;
- (22) Cotton ginning and processing and production of hosiery goods;
- (23) Detergent manufacturing;
- (24) Fabrication workshops (ferrous and non-ferrous);
- (25) Gem cutting and polishing;
- (26) Handling of chromite and manganese ores;
- (27) Jute textile manufacture and coir making;
- (28) Lime kilns and manufacture of lime;
- (29) Lock making;
- (30) Manufacturing processes having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal constructions, welding of galvanized or zinc silicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scrapping of lead paint, burning of lead in enamelling workshops, lead mining, plumbing, cable making, wire patenting, lead casting, type founding in printing shops. Stone type setting, assembling of cars, shot making and lead glass blowing;
- (31) Manufacture of cement pipes, cement products and other related work;
- (32) Manufacturing of glass, glassware including bangles, fluorescent tubes, bulbs and other similar glass products;
- (33) Manufacture of dyes and dye stuff;
- (34) Manufacturing or handling of pesticides and insecticides;

1. Subs. by S.O. 397(E), dated 10th May, 2001.

2. Ins. by S.O. 404(E), dated 5th June, 1989.

3. Ins. by S.O. 263(3), dated 29th March, 1994.

4. Added by S.O. 36(E), dated 27th January 1999.

- (35) Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo engraving and soldering processes in electronic industry;
- (36) Manufacturing of burning coal and coal briquettes;
- (37) Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather; ;
- (38) Moulding and processing of fibreglass and plastic;
- (39) Oil expelling and refinery;
- (40) Paper making;
- (41) Potteries and ceramic industry;
- (42) Polishing, moulding, cutting, welding and manufacture of brass goods in all forms;
- (43) Process in agriculture where tractors, threshing and harvesting machines are used and chaff cutting;
- (44) Saw mill—all processes;
- (45) Sericulture processing; ;
- (46) Skinning, dyeing and processes for manufacturing of leather and leather products;
- (47) Stone breaking and stone crushing;
- (48) Tobacco processing including manufacturing of tobacco, tobacco paste and handling of tobacco in any form;
- (49) Tyre making, repairing, re-treading and graphite beneficiation;
- (50) Utensils making, polishing and metal buffing;
- (51) 'Zari' making (all processes);]
- ¹[(52) Electroplating;
- (53) Graphite powdering and incidental processing;
- (54) Grinding or glazing of metals;
- (55) Diamond cutting and polishing;
- (56) Extraction of slate from mines;
- (57) Rag picking and scavenging.]

1. Ins. by S.O. 397 (E), dated 10th May, 2001.

Annexure XIII

**State wise Gross Enrolment
Ratios, Drop-out Rates, etc.,
(as on 30.9.02)**

Selected Educational Statistics 2002-03

(as on 30th September, 2002)



सत्यमेव जयते

**Planning, Monitoring & Statistics Division
Department of Secondary and Higher Education
Ministry of Human Resource Development
Government of India
2004**

ABSTRACT OF SELECTED EDUCATIONAL STATISTICS 2002-2003

S. No.	STATES/UTS	Gross Enrolment Ratio (GER)								
		Classes I-V (6-11 years)			Classes VI-VIII (11-14 yrs)			Classes I-VIII (6-14 yrs)		
		Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1	2	62	63	64	65	66	67	68	69	70
11	AAAndhra Pradesh	95.47	96.41	95.93	65.81	60.27	63.12	84.35	83.04	83.71
22	AArunachal Pradesh	112.36	99.15	105.93	69.76	61.48	65.69	97.36	85.73	91.68
33	AAssam	80.63	78.44	79.56	58.66	53.43	56.11	72.59	69.37	71.01
44	BBihar	80.74	65.58	73.52	30.36	18.77	24.98	62.62	49.25	56.31
55	CChattisgarh	107.30	101.54	104.45	79.18	62.75	71.12	96.57	86.89	91.80
66	GGoa	106.22	102.13	104.22	109.08	101.45	105.34	107.35	101.86	104.67
77	GGujarat	114.06	108.61	111.50	82.85	68.12	75.94	102.30	93.40	98.12
88	HHaryana	80.78	81.23	80.98	70.28	63.97	67.33	76.81	74.50	75.74
99	HHimachal Pradesh	116.56	116.27	116.42	106.83	101.15	104.06	112.66	110.07	111.41
110	JJammu & Kashmir	89.92	78.54	84.39	67.02	54.42	60.93	80.97	69.17	75.25
111	JHharkhand	81.31	67.93	74.79	36.19	26.32	31.46	64.79	53.01	59.09
112	KKarnataka	112.13	109.11	110.65	77.34	71.09	74.28	98.27	94.01	96.18
113	KKerala	98.48	97.73	98.11	99.27	94.77	97.07	98.80	96.52	97.69
114	MMadhya Pradesh	98.62	91.15	95.02	72.94	53.01	63.50	88.93	77.09	83.26
115	MMaharashtra	107.74	105.27	106.55	89.51	84.22	86.97	100.41	96.85	98.70
116	MManipur	148.83	144.85	146.88	80.76	80.14	80.46	122.24	119.67	120.98
117	MMeighaiaya	113.59	118.85	116.19	50.25	55.97	53.08	90.26	95.67	92.93
118	M Mizoram	131.42	125.95	128.74	78.93	78.47	78.70	111.21	107.60	109.44
119	N Nagaland	66.00	64.39	65.22	34.89	35.32	35.10	53.65	52.91	53.30
220	OrOrissa	106.12	99.77	103.02	61.07	51.57	56.43	89.29	81.75	85.61
221	P Punjab	68.55	74.26	71.12	57.84	60.53	59.09	64.42	68.81	66.42
222	R Rajasthan	101.60	92.43	97.25	68.93	40.78	55.67	89.83	73.98	82.33
223	S Sikkim	120.46	122.92	121.68	62.13	68.36	65.19	97.04	101.32	99.16
224	T Tamil Nadu	116.61	114.34	115.50	100.21	97.88	99.08	110.24	107.96	109.13
225	T Tripura	126.98	120.58	123.85	73.51	69.24	71.42	105.00	99.54	102.33
226	U Uttar Pradesh	93.02	89.26	91.25	51.57	41.43	46.84	78.01	72.18	75.27
227	U Uttaranchal	106.95	108.87	107.87	81.53	75.96	78.84	97.26	96.23	96.76
228	W West Bengal	102.60	103.41	102.99	60.28	55.60	58.00	86.42	85.19	85.82
229	A&N Islands	119.02	113.64	116.38	98.81	91.64	95.30	110.88	104.81	107.90
300	C Chandigarh	73.25	71.85	72.61	74.45	74.95	74.68	73.70	73.03	73.39
311	D&N Haveli	136.77	117.03	126.99	94.43	62.00	78.83	121.48	97.88	109.91
322	Danman & Diu	116.46	111.37	114.00	107.74	97.67	102.81	113.32	106.35	109.93
333	D Delhi	90.73	93.10	91.83	88.75	87.87	88.34	89.98	91.11	90.51
344	L Lakshadweep	118.10	103.43	110.99	112.72	97.52	105.44	115.88	101.02	108.71
355	P Pondicherry	117.23	115.01	116.14	122.87	117.48	120.23	119.48	115.99	117.77
	INDIA	97.32	92.87	95.18	65.51	56.31	61.13	85.36	79.24	82.43

ABSTRACT OF SELECTED EDUCATIONAL STATISTICS 2002-2003

S. No.	STATES/UTS	Drop-out rates								
		Classes- V			Classes I- VIII			Classes I- X		
		Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1	2	71	72	73	74	75	76	77	78	79
1	Andhra Pradesh	41.66	4176	41.71	58.10	62.00	59.94	67.36	70.78	68.95
2	Arunachal Pradesh	38.42	3737	37.94	59.50	56.13	58.01	70.17	73.59	71.66
3	Assam	62.51	5963	61.17	67.07	70.85	68.76	74.28	75.65	74.91
4	Bihar	62.74	6166	62.31	77.91	80.78	79.01	82.27	85.83	83.60
5	Chattisgarh	-	-	-	-	-	-	-	-	-
6	Goa	0.08	545	2.69	2.28	9.01	5.54	40.18	39.14	39.68
7	Gujarat	26.02	2314	24.77	43.09	48.76	45.48	59.21	67.13	62.82
8	Haryana	3.45	1074	6.89	5.70	14.82	9.90	22.31	37.05	28.14
9	Himachal Pradesh	10.82	1408	12.42	7.90	11.32	9.56	28.75	31.23	29.95
10	Jammu & Kashmir	33.06	1150	24.82	27.53	25.57	26.71	50.29	52.08	51.07
11	Jharkhand	-	-	-	-	-	-	-	-	-
12	Karnataka	19.77	1759	18.74	47.46	49.61	48.46	60.67	63.72	62.14
13	Kerala	0.00	000	0.00	0.00	0.00	0.00	16.78	8.88	2.90
14	Madhya Pradesh	32.66	2987	31.43	43.29	51.78	46.94	58.36	70.78	63.79
15	Maharashtra	14.40	1680	15.55	29.51	35.98	32.59	48.98	55.42	52.05
16	Manipur	25.92	2524	25.60	35.43	30.08	32.93	61.92	59.01	60.54
17	Meghalaya	58.19	5481	56.51	73.13	70.21	71.67	81.40	80.45	80.93
18	Mizoram	56.25	5652	56.38	60.05	56.39	58.31	77.11	74.11	75.68
19	Nagaland	49.16	5449	51.80	53.79	52.93	53.38	77.08	77.90	77.47
20	Orissa	50.40	4005	46.13	63.97	58.39	61.73	71.04	72.56	71.74
21	Punjab	26.37	2407	25.29	33.71	31.67	32.75	48.81	47.10	48.01
22	Rajasthan	54.81	5986	56.93	62.74	72.44	66.60	72.66	81.16	75.77
23	Sikkim	54.74	4929	52.06	72.58	66.32	69.66	76.85	73.07	75.32
24	Tamil Nadu	14.56	1622	15.37	46.06	39.00	42.85	47.31	46.26	46.80
25	Tripura	43.28	4262	42.97	65.17	65.22	65.19	74.24	74.29	74.27
26	Uttar Pradesh	24.19	2275	23.55	47.53	42.46	45.57	43.05	51.47	46.31
27	Uttaranchal	-	-	-	-	-	-	-	-	-
28	West Bengal	37.39	3532	36.41	67.26	69.30	68.23	77.08	80.61	78.74
29	A&N Islands	0.73	400	2.31	17.64	19.26	18.42	51.44	51.24	51.35
30	Chandigarh	32.32	2805	30.44	0.00	0.00	0.00	23.28	20.29	21.90
31	D&N Haveli	16.99	3396	24.82	39.87	58.14	48.00	72.69	71.86	72.34
32	Daman & Diu	0.00	000	0.00	9.57	20.44	14.83	43.81	46.93	45.24
33	Delhi	6.72	1764	12.13	19.46	27.75	23.57	44.88	49.59	47.19
34	Lakshadweep	0.00	606	3.03	0.00	8.36	4.48	25.51	22.63	24.13
35	Pondicherry	0.00	000	0.00	0.00	0.00	0.00	22.97	20.32	21.69
	INDIA	35.85	3372	34.89	52.28	53.45	52.79	60.72	64.97	52.58

* Dropout rates are shown combined with the respective parent state.

ABSTRACT OF SELECTED EDUCATIONAL STATISTICS 2002-2003

S. No.	STATES/UTS	Drop-out rates SC Students)								
		Classes I- V			Classes I- VIII			Classes I- X		
		Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1	2	80	81	82	83	84	85	86	87	88
11	Andhra Pradesh	45.67	47.63	46.63	64.07	71.07	66.90	74.00	78.93	76.29
22	Arunachal Pradesh	0.00	0.00	0.00	0.00	1.00	0.00	0.00	0.00	0.00
33	Assam	49.80	47.73	48.80	65.98	61.38	66.16	72.71	68.94	71.02
44	Bihar	56.61	62.64	58.81	82.88	81.88	83.23	88.59	90.97	89.36
55	Chattisgarh	-	-	-	-	-	-	-	-	-
66	Goa	37.13	32.81	35.13	53.47	61.63	57.95	78.57	78.98	78.77
77	Gujarat	28.83	23.71	26.44	39.95	51.11	48.93	70.29	81.21	75.58
88	Haryana	25.47	25.16	25.32	35.36	41.65	41.58	59.55	66.57	62.77
99	Himachal Pradesh	18.05	22.01	20.02	27.38	31.50	29.34	44.64	46.92	45.73
100	Jammu & Kashmir	35.44	11.15	25.72	41.01	31.05	38.77	72.53	68.58	70.89
111	Jharkhand	-	-	-	-	-	-	-	-	-
122	Karnataka	15.64	20.81	18.14	56.38	51.77	57.50	65.49	68.19	66.74
133	Kerala	0.00	0.00	0.00	0.00	1.00	0.00	28.89	18.19	23.67
144	Madhya Pradesh	35.39	34.52	35.00	45.76	61.25	51.89	70.22	82.66	75.44
155	Maharashtra	6.81	10.68	8.68	36.85	41.08	39.82	54.68	63.05	58.71
166	Manipur	46.03	34.58	40.51	42.68	51.12	46.74	54.62	62.88	58.67
177	Meghalaya	70.15	70.51	70.33	74.97	71.39	74.69	73.91	80.77	77.31
188	Mizoram	0.00	0.00	0.00	0.00	1.00	0.00	0.00	0.00	0.00
199	Nagaland	0.00	0.00	0.00	0.00	1.00	0.00	0.00	0.00	0.00
200	Orissa	37.87	34.68	36.48	66.55	71.34	69.13	66.23	79.48	72.14
211	Punjab	32.84	30.60	31.78	54.49	51.19	53.87	62.91	63.88	63.35
222	Rajasthan	51.20	57.52	53.82	54.79	61.77	59.67	76.95	86.07	79.95
233	Sikkim	60.05	46.12	53.85	78.66	61.89	74.28	88.14	86.34	87.31
244	Tamil Nadu	40.00	25.51	33.53	44.01	41.44	42.32	56.66	57.44	57.03
255	Tripura	36.70	36.02	36.37	62.44	61.01	65.11	74.44	77.06	75.68
266	Uttar Pradesh	47.88	56.23	51.02	64.34	71.14	68.77	62.13	76.18	67.40
277	Uttaranchal	-	-	-	-	-	-	-	-	-
288	West Bengal	50.31	54.74	52.32	63.48	61.65	63.54	83.47	86.91	84.93
299	A&N Islands	0.00	0.00	0.00	0.00	1.00	0.00	0.00	0.00	0.00
300	Chandigarh	14.31	14.35	14.33	55.36	31.06	47.88	80.74	75.92	78.52
311	D&N Haveli	33.33	33.90	33.60	42.59	31.17	39.60	27.78	34.09	30.61
322	Daman & Diu	2.99	-3.45	0.00	0.00	1.00	0.00	0.00	0.00	0.00
333	Delhi	16.33	15.34	15.85	50.76	41.62	47.93	80.23	73.58	77.45
344	Lakshadweep	0.00	0.00	0.00	0.00	1.00	0.00	0.00	0.00	0.00
355	Pondicherry	0.00	0.00	0.00	0.00	1.00	0.00	25.46	26.25	25.84
	INDIA	41.13	41.91	41.47	58.24	61.19	59.91	69.74	74.93	71.92

* Dropout rates are shown combined with the respective parent state.

ABSTRACT OF SELECTED EDUCATIONAL STATISTICS 2002-2003

S. No.	STATES/UTS	Drop-out rates(ST Students)								
		Classes I- V			Classes I- VIII			Classes I- X		
		Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1	2	89	90	91	92	93	94	95	96	97
1	Andhra Pradesh	63.29	68.71	65.82	78.59	84.34	81.09	84.70	89.32	86.64
2	Arunachal Pradesh	43.92	44.99	44.41	67.12	64.28	65.85	72.47	75.06	73.62
3	Assam	59.49	52.88	56.72	68.49	73.42	70.60	76.52	74.19	75.52
4	Bihar	66.60	65.39	66.13	82.43	85.57	83.73	89.01	91.24	89.89
5	Chattisgarh	-	-	-	-	-	-	-	-	-
6	Goa	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	Gujarat	36.13	43.10	39.32	58.26	67.04	62.30	78.45	82.33	80.22
8	Haryana	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	Himachal Pradesh	16.23	21.70	18.95	26.79	37.43	31.90	32.36	50.54	41.10
10	Jammu & Kashmir	43.48	39.16	41.76	73.79	79.29	76.14	79.59	80.62	79.95
11	Jharkhand	-	-	-	-	-	-	-	-	-
12	Karnataka	1.79	10.77	6.13	52.73	56.65	54.53	63.87	64.96	64.36
13	Kerala	2.20	5.96	4.01	33.63	40.03	36.73	58.16	49.71	54.11
14	Madhya Pradesh	51.90	50.51	51.30	65.56	70.16	67.47	78.56	87.42	82.15
15	Maharashtra	28.79	40.23	34.21	61.03	66.43	63.54	71.90	82.12	76.66
16	Manipur	37.57	52.74	45.23	62.70	61.56	62.18	78.54	78.54	78.54
17	Meghalaya	61.42	59.29	60.36	81.11	80.30	80.71	87.05	86.74	86.90
18	Mizoram	55.90	54.90	55.43	59.89	56.34	58.20	76.89	73.37	75.23
19	Nagaland	37.38	37.01	37.21	42.81	44.19	43.47	67.72	67.91	67.81
20	Orissa	58.03	53.50	56.28	77.45	79.12	78.12	84.38	85.84	84.97
21	Punjab	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22	Rajasthan	50.61	59.87	54.31	52.58	73.17	60.27	78.44	87.24	81.17
23	Sikkim	48.52	38.69	43.84	73.20	64.03	66.89	87.21	85.32	86.34
24	Tamil Nadu	27.24	21.01	24.41	56.98	54.36	55.80	74.43	77.48	75.79
25	Tripura	58.08	61.31	59.60	78.45	80.33	79.31	85.31	87.22	86.17
26	Uttar Pradesh	31.19	30.02	30.69	36.97	36.45	36.75	47.38	69.01	56.36
27	Uttaranchal	-	-	-	-	-	-	-	-	-
28	West Bengal	53.70	59.26	55.54	60.73	42.42	55.81	61.76	75.86	67.16
29	A&N Islands	19.34	15.34	17.56	35.55	26.59	31.42	62.92	54.72	59.40
30	Chandigarh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
31	D&N Haveli	23.21	41.31	31.52	47.96	67.99	56.86	78.55	81.69	79.86
32	Daman & Diu	6.13	1.41	4.01	28.83	48.94	38.94	64.83	71.43	67.57
33	Delhi	68.75	71.43	70.04	72.30	72.55	72.42	76.67	74.51	75.89
34	Lakshadweep	0.00	0.00	0.00	0.00	0.00	0.00	29.92	20.34	25.47
35	Pondicherry	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	INDIA	50.82	52.10	51.37	66.86	71.17	68.67	78.35	82.97	80.29

* Dropout rates are shown combined with the respective parent state.

ABSTRACT OF SELECTED EDUCATIONAL STATISTICS 2002-2003

S. No.	STATES/UTTS	No. of girls enrolment per 100 boys enrolment in classes				% of trained teachers			
		XI-XII	IX-X	VI-VIII	I-V	Hr. Sec. Schools/ Inter. colleges	High / Post Basic School	Middle/ Sr. Basic School	Primary/ Jr. Basic School
1	Andhra Pradesh	65	79	86	97	95	91	88	94
2	Arunachal Pradesh	64	73	85	84	64	47	33	28
3	Assam	58	77	86	93	30	30	36	73
4	Bihar	35	45	54	74	95	99	95	95
5	Chattisgarh	56	61	76	93	68	62	68	61
6	Goa	102	92	89	92	81	97	98	94
7	Gujarat	72	67	73	85	99	99	94	98
8	Haryana	65	72	80	84	97	95	92	89
9	Himachal Pradesh	82	90	90	91	99	98	99	87
10	Jammu & Kashmir	66	73	76	83	75	75	69	61
11	Jharkhand	53	57	67	79	95	95	95	95
12	Karnataka	70	86	88	94	100	100	100	100
13	Kerala	121	100	91	96	59	99	96	98
14	Madhya Pradesh	54	53	65	86	75	68	67	65
15	Maharashtra	74	81	87	91	99	98	96	96
16	Manipur	89	95	95	93	47	28	19	22
17	Meghalaya	92	106	109	102	98	36	36	45
18	Mizoram	97	102	96	92	38	64	80	82
19	Nagaland	77	96	93	91	24	44	42	37
20	Orissa	64	79	81	90	100	100	99	99
21	Punjab	88	91	90	89	99	99	98	95
22	Rajasthan	43	41	53	82	95	89	91	86
23	Sikkim	96	98	106	101	51	44	42	50
24	Tamil Nadu	97	94	92	93	100	100	100	100
25	Tripura	71	87	90	91	34	25	20	28
26	Uttar Pradesh	68	53	70	86	97	97	95	98
27	Uttaranchal	82	72	87	94	100	100	100	100
28	West Bengal	62	79	88	96	86	86	81	67
29	A&N Islands	99	93	89	92	99	99	96	93
30	Chandigarh	95	89	87	83	100	100	100	100
31	D&N Haveli	66	70	61	84	93	96	97	96
32	Daman & Diu	72	80	87	89	100	95	100	100
33	Delhi	92	87	88	89	100	100	100	100
34	Lakshadweep	89	94	79	82	100	100	100	100
35	Pondichery	104	96	92	94	96	94	92	96
	INDIA	69	71	78	88	90	89	87	86

ABSTRACT OF SELECTED EDUCATIONAL STATISTICS 2002-2003

S. No.	STATES/UTS	No. of female teachers per 100 male teachers				Pupil Teacher Ratio (PTR)				
		Hr. Sec. Schools/ Inter. colleges	High Post Basic School	Middle/ Sr. Basic School	Primary/ Jr. Basic School	Higher Education Institutions	Hr. Sec. Schools/ Inter. colleges	High Post Basic School	Middle/ Sr. Basic School	Primary/ Jr. & Bac Schchl
1	2	106	107	108	109	110	111	112	113	114
1	Andhra Pradesh	38	69	69	71	19	32	29	30	33
2	Arunachal Pradesh	23	31	38	44	24	29	27	25	27
3	Assam	39	36	28	49	18	24	20	14	28
4	Bihar	35	14	31	22	20	30	48	73	33
5	Chattisgarh	56	48	39	34	32	32	29	37	43
6	Goa	119	183	270	430	12	23	25	16	21
7	Gujarat	42	29	115	128	36	36	30	38	31
8	Haryana	110	74	76	97	26	30	28	26	41
9	Himachal Pradesh	66	70	45	79	27	24	24	15	22
10	Jammu & Kashmir	71	75	73	64	15	25	19	18	19
11	Jharkhand	95	43	45	26	26	32	42	57	59
12	Karnataka	47	68	111	75	11	35	27	37	26
13	Kerala	206	227	213	267	13	30	27	28	26
14	Madhya Pradesh	67	62	58	46	30	28	25	28	36
15	Maharashtra	41	51	76	87	23	39	34	37	38
16	Manipur	80	66	69	63	9	20	19	17	21
17	Meghalaya	117	73	68	99	9	23	18	17	22
18	Mizoram	73	34	47	92	22	22	13	11	19
19	Nagaland	84	62	50	62	12	27	20	13	12
20	Orissa	51	28	35	44	17	22	23	39	42
21	Punjab	137	150	115	178	22	27	25	18	38
22	Rajasthan	45	34	39	45	40	29	28	31	41
23	Sikkim	101	78	64	61	90	19	18	15	12
24	Tamil Nadu	157	203	229	240	14	33	30	40	34
25	Tripura	53	35	30	24	24	23	23	20	23
26	Uttar Pradesh	36	43	41	50	41	50	40	35	55
27	Uttaranchal	40	35	46	129	38	29	22	19	29
26	West Bengal	46	43	36	33	30	50	55	50	53
29	A&N Islands	96	107	104	97	8	19	18	17	17
30	Chandigarh	493	549	557	711	6	26	27	24	34
31	D&N Haveli	125	84	105	57	-	32	34	44	40
32	Daman & Diu	61	94	84	201	14	34	33	31	39
33	Delhi	201	178	334	205	17	29	30	27	40
34	Lakshadweep	53	29	66	64	-	19	19	21	20
35	Pondicherry	104	123	119	135	20	32	27	23	21
	INDIA	71	61	69	64	22	35	30	34	42

ABSTRACT OF SELECTED EDUCATIONAL STATISTICS 202-2003

S. S. No.No.	STATES/UTS	PROJECTED POPULATION (in 000's) as on 1st March, 2002								
		6-11 Years			11-14 Year			14-18 Years		
		Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1	2	115	116	117	118	119	120	121	122	123
1 1	Andhra Pradesh	4571	4410	8981	2744	2590	5334	3335	3068	6403
2 2	Arunachal Pradesh	83	79	162	45	44	89	51	48	100
3 3	Assam	11838	1765	3604	1061	1005	2066	1214	1113	2327
4 4	Bihar	6705	6099	12804	3767	3267	7034	3917	3160	7077
5 5	Chattisgarh	11331	1303	2634	821	790	1612	930	863	1793
6 6	Goa	55	52	107	36	35	71	49	47	96
7 7	Gujarat	3010	2672	5682	1820	1607	3427	2273	1998	4272
8 8	Haryana	11430	1193	2623	870	763	1633	1073	884	1957
9 9	Himachal Pradesh	323	296	619	216	206	422	273	257	530
10 10	Jammu & Kashmir	664	628	1293	426	399	825	517	486	1003
11 11	Jharkhand	2001	1903	3904	1156	1063	2219	1261	1098	2358
12 12	Karnataka	21893	2788	5681	1915	1838	3753	2400	2213	4613
13 13	Kerala	11296	1249	2544	898	858	1756	1198	1174	2372
14 14	Madhya Pradesh	41198	3916	8115	2544	2287	4832	2875	2404	5279
15 15	Maharashtra	53303	4928	10230	3566	3283	6849	4466	3848	8314
16 16	Manipur	124	119	243	80	76	155	99	97	196
17 17	Meghalaya	171	166	337	100	97	197	115	111	225
18 18	Mizoram	53	51	104	33	32	65	41	40	82
19 19	Nagaland	134	124	258	88	81	169	115	105	220
20 20	Orissa	21241	2137	4378	1336	1275	2611	1544	1518	3061
21 21	Punjab	1459	1198	2657	917	788	1705	1153	979	2132
22 22	Rajasthan	41243	3826	8063	2388	2126	4515	2682	2293	4974
23 23	Sikkim	33	32	65	22	21	43	28	26	54
24 24	Tamil Nadu	21875	2725	5600	1825	1725	3550	2470	2363	4832
25 25	Tripura	185	178	363	129	124	253	157	148	305
26 26	Uttar Pradesh	1131144	11747	24891	7466	6523	13990	8250	6751	15001
27 27	Uttaranchal	557	514	1071	343	321	664	420	386	806
28 28	West Bengal	4851	4639	9491	3002	2857	5859	3553	3207	6760
29 29	A&N Islands	17	17	34	12	11	23	16	14	31
30 30	Chandigarh	49	41	90	29	25	55	41	31	72
31 31	D&N Haveli	13	13	26	7	7	14	9	7	16
32 32	Daman & Diu	7	7	14	4	4	8	7	5	12
33 33	Delhi	829	723	1552	501	444	945	647	524	1171
34 34	Lakshadweep	3	3	7	2	2	5	3	3	6
35 35	Pondicherry	43	41	84	28	27	55	39	37	76
	INDIA	6667735	61582	128317	40200	36603	76803	47220	41308	88527

SOURCE: Estimated population for India and States on the basis of 2001 census

Annexure XIV

**ORDER OF THE MINISTRY OF HRD
CONSTITUTING THE CABE
COMMITTEE
(DATED 8.9.04)**

No.F.2-13/2004-PN-1
Government of India
Ministry of Human Resource Development
Department of Secondary & Higher Education

New Delhi, the 8th September, 2004

ORDER

The Government of India had re-constituted the Central Advisory Board of Education (CABE) vide Resolution dated 6.7.2004. The first meeting of the re-constituted Central Advisory Board of Education was held on 10 & 11 August, 2004 during which some critical issues had emerged needing detailed deliberation. It was decided to setup Committees of CABE to examine in detail these critical issues. Accordingly it has been decided, with the approval of the Minister of Human Resource Development, to set up a Committee of CABE on the subject of "Free and Compulsory Education Bill and other issues related to Elementary Education" under the Chairmanship of Shri Kapil Sibal, MOS Science and Technology with the following composition:

S.No.	Name & Address	
1.	Shri Kapil Sibal Minister of State for Science & Technology	Chairman
2.	Minister(In-charge of Elementary Education), Government of Madhya Pradesh	Member
3.	Minister(In-charge of Elementary Education), Government of Meghalaya	Member
4.	Minister (In-charge of Elementary Education), Government of Bihar	Member
5.	Minister(In-charge of Elementary Education), Government of Andhra Pradesh	Member
6.	Minister(In-charge of Elementary Education), Government of Orissa	Member
7.	Prof. Anil Sadgopal	Member
8.	Shri Vinod Raina	Member
9.	Ms. Shanta Sinha	Member
10.	Smt. Kumud Bansal, Secy, EE&L	Member
11.	Sh. A.K. Sharma, Former Director, NCEERT	Member

12-16.	Representatives of the Ministries of Tribal Affairs, Social Justice and Empowerment, Finance, Law and Planning Commission.	Members
17.	Prof. Krishna Kumar, Director, NCHERT	Member
18. ✓	Prof. Govinda, NIEPA	Member Secretary

The terms of reference of the Committee are:-

- (a) To suggest a draft of Legislation envisaged in Article 21A of the Constitution.
- (b) To examine other issues related to elementary education for achieving the objectives of free and compulsory basic education.

The Committee shall be provided the secretarial assistance by NIEPA. The Members of the Committee shall be paid TA/DA at the rates that are payable to the Members of the High Powered Committees.

The Committee shall give its recommendations within six months from the date of its constitution.



(Anil Kapoor)

Deputy Secretary to the Government of India

Copy forwarded to:

1. All Members of the Committee of C.A.B.E.
2. All Ministries/Departments of the Govt. of India
3. All Attached/Subordinate Offices and Autonomous Statutory Bodies under the Ministry of Human Resource Development.
4. All State Government/Union Territories.
5. President's Secretariat
6. Prime Minister's Office.
7. Cabinet Secretariat.



(Anil Kapoor)

Deputy Secretary to the Government of India