

**Report of the  
Central Advisory Board of  
Education (CABE)  
Committee  
on**

**Free and Compulsory Education Bill  
And Other Issues Related to  
Elementary Education**

**June 2005**

# An Introductory Note

## The Constitution (86<sup>th</sup> Amendment) Act, 2002

The Constitution (86<sup>th</sup> Amendment) Act, 2002, notified on 13<sup>th</sup> December, 2002, seeks to make the following three changes in the Constitution:

- In Part III (“Fundamental Rights”), add the following new article:

### **“21A. Right to Education**

*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.”*

- In Part IV (“Directive Principles of State Policy”), replace the existing Article 45 (“Provision for Free and Compulsory Education for Children”), with the following:

### **“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 six years.”*

- In Article 51A (“Fundamental Duties”), after clause (j), add a new clause (k) as follows:

### **“51A Fundamental Duties**

*It shall be the duty of every citizen of India:*

*...(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.”*

Section 1(3) of the above Amendment Act provides that “It shall come into force from such date as the Central Government may, by

notification in the Official Gazette, appoint". This notification has not yet been issued pending enactment of the consequential legislation envisaged in the above Art. 21A.

## **2. Constitution of C.A.B.E. Committee**

In the light of the deliberations which took place in the first meeting of the reconstituted Central Advisory Board of Education (C.A.B.E.) held on 10-11 August, 2004, a Committee of C.A.B.E. was constituted vide Order dated 8.9.04 of the Ministry of Human Resource Development with the following terms of reference:

**“(a) To suggest a draft of legislation envisaged in Art. 21-A of the Constitution, and**

**(b) To examine other issues related to elementary education for achieving the objective of free and compulsory basic education.”**

The Committee was expected to “give its recommendations within six months from the date of its constitution”, and NIEPA was to provide it necessary secretarial assistance.

Member-Secretary of the Committee was changed vide Order dated 18.10.04 of the Ministry of HRD, and its membership was expanded vide Order dated 2.3.05 to include three new members. The Committee's tenure was extended vide Ministry's Order dated 12.05.05, up to 30<sup>th</sup> June, 2005.

## **3. Course of Committee's Deliberations**

The Committee held a total of five meetings – on 22.11.04, 24.12.04, 12.3.05, 16.4.05, and 5.6.05. In its second meeting dated 24.12.04, a Sub-Committee was constituted under the Chairmanship of Prof A K Sharma to suggest a draft of the essential provisions of the proposed Bill. This Sub-Committee met several times during January-February, 2005, and the first draft of essential provisions suggested by it was discussed in the third meeting dated

12.3.03 of the full Committee. The Sub-Committee had invited selected representatives of certain non-government schools' organizations and teachers' unions for a discussion in one of its meetings held in February, 2005, and they were invited as Special Invitees to the third meeting dated 12.3.05 of the Committee as well.

The Sub-Committee revised the draft in the light of the comments received in the above meeting dated 12.3.05, and this second draft of essential provisions was discussed in the fourth meeting dated 16.4.05 of the Committee. In this meeting, another Sub-Committee, headed by the Chairperson of the Committee himself, was constituted to give final shape to the draft Bill. **The revised draft prepared by this Sub-Committee was discussed in the fifth (and last) meeting dated 5.6.05 of the Committee, wherein after detailed discussion, the Committee authorized the Chairperson to finalise the Committee's recommendations/Report in the light of the views expressed by the members, and submit it to the Chairman, C.A.B.E.**

**This Report has been prepared and is being submitted accordingly.**

Primary responsibility for implementation of the Act would be that of State Governments, and it was therefore only appropriate that Education Ministers of five States (AP, MP, Bihar, Orissa, and Meghalaya) were nominated as members of the Committee. However, Bihar ceased to have an Education Minister after imposition of President's Rule there on 6<sup>th</sup> March, 2005. Also, none of the other four State Education Ministers could attend the last meeting of the Committee held on 5<sup>th</sup> June, 2005.

Many members of the Committee strongly felt that its recommendations should be finalized only after inviting comments and suggestions from the public on its draft - through regional consultation meetings and the Internet. However, this could not be done due to paucity of time.

#### **4. Nature of the Right to Education**

Right to Education, which Art. 21A seeks to confer, is different from other fundamental rights enshrined in our Constitution, in that the other rights are mostly in the nature of 'protective' rights (i.e. which guarantee certain kinds of protection against the State to every citizen) while the Right to Education mandates certain pro-active action on the part of the State vis-à-vis every child of the country who is in the 6-14 years age group.

While Education has become a Fundamental Right, other comparable entitlements, e.g. the Right to Food/Nutrition, Health, Clean Drinking Water, Clean Environment, Work/Employment and Social Security, are yet to be expressly conferred that status in the Constitution.

It also needs to be noted that while the earlier Fundamental Rights had no or insignificant financial implications for the State, the Right to Education has major financial implications, and therefore the issue of the State's economic capacity would need to be borne in mind while fleshing out this Right through the legislation envisaged in Art. 21A.

#### **5. Principles which have guided the Committee's work**

In formulating provisions of the above legislation, the Committee has been guided by the following basic considerations:

- i. Right to Education should imply that every child has a right to be (a) provided full-time education of satisfactory and equitable quality in a formal school which satisfies at least certain essential norms, and (b) enabled to complete elementary education.

It may however be pointed out that the National Policy on Education 1986 (as modified in 1992) did envisage the alternative modality of non-formal education also for achieving universal elementary education. For instance, its para 5.8 stated that "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”.

- ii. Right to Education also implies that it is the State’s obligation to remove whatever obstacles – social, economic, academic, linguistic, cultural, physical, etc. – prevent children from effectively participating in and completing elementary education of satisfactory quality.
- iii. Right to Education must be seen not merely as a right for its own or the individual child’s sake, but also as an instrument of promoting other constitutional objectives, e.g. equality, justice, democracy, secularism, social cohesion, etc.
- iv. Provision of Free and Compulsory Education of satisfactory quality to children from weaker sections is the responsibility not merely of Schools run or supported by the State, but also of Schools which are not dependent on State funds. Schools of the latter kind also need to provide education to such children at least to the extent of 25% of their intake. This is necessary not merely as part of the social responsibility of such schools, but equally so that their ‘fee-paying’ students study in a socially more representative and diverse environment, and develop into socially sensitive citizens.

Other provisions regarding unaided schools would, however, be viewed as introducing a far more regulatory regime than has hitherto been the case, and amounting to undue/excessive regulation of private initiative in education.

- v. One major reason why it has not been possible to universalize elementary education all these years is the dysfunctionality of the delivery system. The Committee has therefore attempted to formulate a number of provisions for the proposed legislation, essentially aimed at greater decentralization and accountability, so that the delivery system is able to rise to the challenge.
- vi. Although its terms of reference were confined to free and compulsory education for children between the ages of 6-14 years, the Committee

has considered the main programme for Early Childhood Care and Education (ECCE), viz., Integrated Child Development Services (ICDS), and proposed convergence to the extent possible. While ECCE will continue to be provided (in the State sector) through Anganwadis under ICDS, the Committee has recommended that additional pre-school facilities be provided to children in the age group of 5-6 years wherever necessary.

## **6. Recommendations of the Committee restricted to “essential provisions” of the draft Bill**

Based on the above principles, draft of the **essential provisions of a “Right to Education Bill, 2005”** is enclosed. In the available time, the Committee could discuss only these essential provisions.

In addition to the above essential provisions, the complete Bill will have several other provisions of consequential, ancillary and incidental nature, such as details regarding the National Commission for Elementary Education (e.g., term of office, conditions of service and pay and allowances of Chairperson and Members, powers of the Commission and procedure for transaction of its business, and funds, accounts and audit, etc), Courts competent to try offences under the Act, power to remove difficulties, etc.

These supplementary provisions can be drafted once CABE takes a view on the recommended essential provisions.

## **7. Central v/s State Legislation**

Education being in the Concurrent List, Parliament as well as State legislatures are competent to legislate in pursuance of Art. 21A. Many States already have laws on free and compulsory education, albeit they pre-date the 86<sup>th</sup> Amendment. Once a central legislation is enacted in pursuance of Art. 21A, the position of existing State laws on free and compulsory education would be

governed by the provisions of Art. 254(1), i.e. their provisions would become void to the extent they are repugnant to the provisions of the Central legislation. However, it would be possible to enact State amendments to the Central legislation, or enact fresh State laws on the subject, after following the procedure laid down in Art. 254(2).

## 8. Financial Aspects

### 8.1 Background

Para 11.4 of Part XI (“Resources and Review”) of the **National Policy on Education, 1986 (as revised in 1992)**, had stated as follows:

“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.”

The **National Common Minimum Programme** of the UPA Government had said the following in regard to allocation of resources for Education:

“The UPA Govt. pledges to raise public spending in Education to at least 6% of GDP with at least half of this amount being spent on primary and secondary sectors. This will be done in phased manner.”

**President’s Address to Parliament on 7.6.04**, soon after the last *Lok Sabha* elections, had also, *inter alia*, stated the following:

“21. India’s greatest resource is its people. The full potential of our human resources has yet to be effectively utilized. High priority will,

therefore, be accorded to education. The Government will aim at increasing public spending on education so as to ultimately reach at least 6% of GDP, with half the amount earmarked for primary and secondary education. A cess will be proposed on all central taxes to finance the commitment to universalize access to quality basic education. A National Commission on Education will be set up to allocate resources and monitor programmes.”

In 2003-2004, total government outlay on elementary education was Rs 47,118 crores, which amounted to roughly 2% of GDP. Share of Central and State governments in the total outlay was in the ratio of about 12:88 (*Analysis of Budgeted Expenditure on Education 2001-02 to 2003-04*, Ministry of HRD, 2004). Estimated yield of the 2% Education Cess (imposed in 2004-05) is Rs 6975 crores in 2005-06, and the consequentially enhanced Central Plan allocation for Elementary Education is Rs 12242 crores, which would represent roughly 20-25 percent of the total government outlay on elementary education in the current financial year (as compared to about 12% in 2003-04).

## **8.2 Tentative Estimation of Financial Implications of Committee's Recommendations by NIEPA**

The Committee had requested NIEPA to do an exercise to estimate financial implications of the recommended provisions of the draft Bill, upto the end of the XI Plan period, i.e. upto 2011-12. A Note prepared by NIEPA in response to this request is annexed as Volume II of this Report. On the assumption that 2006-07 would be the first year of implementation of the Act, NIEPA has worked out financial estimates for the period, 2006-12, in four alternative scenarios, based on different assumptions regarding Pupil-Teacher Ratio (PTR) and Teacher salary. Details of the four scenarios and estimated financial implications of each, for the above six year period, are given below:

Scenario	Description	Total Estimated Cost for 2006-12 (Rs Crores)	Figure in Col.3 as % of GDP <sup>1</sup>
1	PTR = 35; Teacher salary as per KVS scales	4,36,459	1.51
2	PTR = 35; Teacher salary as per average State scales	3,93,307	1.36
3	PTR = 40; Teacher salary as per KVS scales	3,46,299	1.20
4	PTR = 40; Teacher salary as per average State scales	3,21,196	1.11

NIEPA 's estimates are tentative in nature, and are based on various assumptions regarding cost/expenditure norms, and progression of various interventions like mainstreaming of out-of school children, appointment of teachers, construction of buildings, etc. Further, they do **not** include estimates of financial implications of entitlements which an appropriate government may prescribe as part of "free education" under Clause 2(1)(m)(ii) of the recommended Bill, except to the extent of giving free textbooks and uniforms to 75% and 50%, respectively, of the enrolled children. NIEPA's estimates would have to be firmed up as the draft Bill assumes a more final shape after discussion in CABE.

As per the exercise done by NIEPA, financial implications are expectedly the highest in the first scenario indicated above. The Committee nevertheless recommends provisioning according to that scenario — in the interest of quality, as also equitable and adequate remuneration to the teacher who is to be the main instrument for providing the Right to Education. However, this Report will have to be examined in detail at the level of Central and State

<sup>1</sup> Annual growth rate of GDP from 1993-94 to 2003-04 at current prices is estimated as 12.2% (Eco. Survey, 2004-05). Based on this, NIEPA has projected GDP at current prices till 2011-12 by fitting a semi-log linear trend regression.

governments. This would include consultation with Finance Ministry and Planning Commission at the Central level, and with corresponding departments at the State level.

The very substantial financial implications of the recommended provisions **may have to be borne almost entirely by the Central government** as financial condition of nearly all State governments is unsatisfactory.

Current spending on Education amounts to about 4% of GDP, with half of it going to Elementary Education. Even if it is raised to 6% by 2006-07 (though such a sharp jump in one year would be difficult), and **half of it continues to be earmarked for Elementary Education alone** (instead of Elementary and Secondary sectors together, as mentioned in the policy pronouncements quoted in para 8.1), this would imply a possible additional outlay for Elementary Education to the tune of about 1% of GDP. On the other hand, financial implications of the recommended provisions of the Bill, for the six year period 2006-12, in the recommended scenario, amount to an average of Rs 72,678 Crore per annum, or about 1.5% of GDP over the six-year period - and even in the most conservative scenario, amount to an average of Rs 53,467 Crore p.a., or about 1.1% of GDP. Main reason for this would appear to be persistent under-provisioning for Elementary Education in the past, resulting in a large cumulative gap. Be that as it may, an exercise in prioritization of norms and phasing of expenditure would appear to be necessary, with consequential modifications in the provisions of the Bill, so that its financial implications remain within the realm of feasibility. **CABE may like to take a view in this regard.**

## **9. Some Related Issues which the Committee could not address**

The Committee could not, due to paucity of time, address the following important aspects/ collateral issues connected with the Bill:

- Freedom of choice of parents belonging to minorities to educate their children in institutions covered by Articles 29 and 30 of the Constitution which may not necessarily conform to the provisions of the Right to Education Act.
- Amendments necessary in other related Acts, notably,
  - (i) The Child Labour (Prohibition and Regulation) Act, 1986, and
  - (ii) The National Council of Teacher Education Act, 1993.

# **Right to Education Bill 2005**

*An Act to put into effect the Right to Free and Compulsory Education  
to All Children in the Age Group of Six to Fourteen Years*

## **PREAMBLE**

Whereas the Preamble to the Constitution resolves to secure to all citizens of India JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY, assuring the dignity of the individual and the unity and integrity of the Nation;

And whereas, despite the original Article 45 of Directive Principles of the Constitution having made it the duty of the State to provide free and compulsory education to all children up to age fourteen in ten years (1960), the number of out of school children particularly from the disadvantaged groups and those engaged in labour, and those receiving poor quality education has remained very large;

And whereas, the 86<sup>th</sup> Constitutional Amendment Act 2002 has provided for free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right under Article 21A of the Constitution, in such manner as the State may, by law, determine;

And whereas the above Act also provides under Article 45 that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years;

And whereas the above Act further provides under Article 51-A (k) that it shall be a fundamental duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child/ward between the age of six and fourteen years;

And whereas it is considered important and essential to create a humane and equitable society that incorporates the secular values and the ethnic, religious and cultural diversities of India;

And whereas it is recognized that the objectives of democracy, social justice, and equality can be achieved only through the provision of elementary education of equitable quality to all; and

And whereas it is also imperative to improve the present delivery system of elementary education by, *inter alia*, greater decentralization of its management, and making it sensitive to the needs of children, especially of those belonging to disadvantaged groups.

Be it enacted by Parliament in the fifty-sixth year of the Republic as follows:

## Chapter I

### PRELIMINARY

#### 1. Short Title, Extent and Commencement

- (1) This Act may be called the Right to Education Act, 2005;
- (2) It shall extend to the whole of India except the state of J&K;
- (3) Provision of the Act shall be subject to the provision of Articles 29 and 30 of the Court; and
- (4) It shall come into effect from the date of its notification in the Gazette of India.

#### 2. Definitions

- (1) In this Act, unless the context otherwise requires: -

**(a) “Academic Year”**

means a period notified as such by the appropriate government for the transaction of the course of study prescribed for any grade of the elementary stage.

**(b) “Aided school”**

means a school, which receives aid from the government or from local authorities to meet the whole or part of its recurring expenses.

**(c) “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.

Provided that in relation to schools and institutions run by the Central Government, the appropriate government will be the Central Government regardless of their location.

**(d) “Capitation fee”**

means any fee, donation or contribution other than a fee or any payment that an aided/unaided school publicly notifies at the time of announcement for admission as being payable by all children in the event of admission to the school.

**(e) “Child”**

means a person who is not less than six years and not more than fourteen years of age.

**(f) “Competent Authority”**

means an authority designated by the Appropriate Government as a competent authority for the purposes of this Act.

**(g) “Competent Academic Authority**

means an authority designated by the Appropriate Government as a competent academic authority for the purposes of this Act.

**(h) “Child in need of Care and Protection”**

shall have the meaning assigned to it in clause (d), of section 2 of the Juvenile Justice [Care and Protection of Children] Act, 2000 [56 of 2000].

**(i) “Compulsory Education”**

means an obligation on the State to take all necessary steps in terms of this Act to ensure that:

- (i) every child of the age of six years enrolls in a school, participates in it, and completes elementary education.
- (ii) every child over six years, but less than 14 years, who was not enrolled in a school at the commencement of this Act, is enrolled in a school, participates in it, and completes elementary education.

**(j) “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; and shall include such other conditions as may be notified by the competent authority as a disability for the purposes of this Act.

**(k) “Disadvantaged Group”**

means scheduled castes, scheduled tribes, and such other groups disadvantaged due to economic, social, cultural, linguistic, gender, administrative, locational, disability or other factors, and notified as a disadvantaged group in relation to an area, in such manner as may be prescribed.

**(l) “Elementary Education”**

means education at the elementary stage in a school.

**(m) “Elementary Stage”**

means the stage of school education corresponding to Grades I to VIII as per courses of study prescribed by the competent authority.

**(n) “Equitable Quality” in Relation to Elementary Education**

means providing all children opportunities of access to, participation in, and completion of elementary education with the prescribed courses of study in accordance with the provisions of this Act.

**(o) “Free Education”**

means freedom for the child and her parent/guardian from liability to:

- i) pay any fee or charges to the school where his child/ ward is studying, or to any other external body providing any service through the school.
- ii) incur such other expenses, as may be prescribed, which are likely to prevent the child from participating in and completing elementary education.

provided that if textbooks and any other teaching learning material are supplied free to a non-disabled child under this clause, they shall be supplied free to a disabled child in such modified form as would meet her learning needs.

**(p) “First Generation Learner”**

means a child, neither of whose parents has completed elementary education.

**(q) “Fully Aided School”**

means a school, which receives grants from a government or local authority to meet its full recurring expenses.

**(r) “Guardian”, in relation to a Child**

means his natural guardian or any other person having the actual charge or control over the child and recognised by the competent authority as a guardian in course of proceedings before that authority.

**(s) “Juvenile in Conflict with Law”**

means a person who has not completed eighteenth year of age and is alleged to have committed an offence.

**(t) “Local area”, in relation to a Local Authority,**

means the area comprised within the territorial jurisdiction of the authority.

**(u) “Local Authority”**

means

- i) a Panchayat in respect of rural areas,
- ii) a Municipality in respect of an urban area, and
- iii) such other authorities as the appropriate government may, by notification, specify for the areas mentioned therein.

*Explanation: In case of rural areas situated within scheduled areas, the Gram Sabha shall also be a local authority to the extent laid down in the Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996.*

**(v) “Migrant Family”**

means a family that does not reside at any one location for at least such number of days in the calendar year as may be prescribed.

**(w) “Minor Punishment”**

means any punishment other than dismissal, removal or reduction in rank.

**(x) “Neighbourhood”**

means such area around the residence of the child as may be prescribed.

**(y) “Neighbourhood School”, in relation to a Child**

means any school located within the neighbourhood of the residence of the child.

- (z) “Non-educational Purpose”**  
means any purpose not connected with elementary education, or with children's access to, or participation in such education.
- (aa) “Out-of-School Child”**  
means a child who is either not currently enrolled in a school or, though enrolled, is not able to participate therein.
- (bb) “Parent”**  
means the father or the mother of a child and includes an adoptive father or mother.
- (cc) “Participation” in Elementary Education, in Relation to a Child,**  
means her:  
i) regular attendance in school, and  
ii) effective participation in curricular and co-curricular activities of the school throughout the elementary stage.
- (dd) “Pre-primary Section”, in Relation to a School**  
means an establishment, which meets the educational needs, with or without other services, of children before the elementary stage of education, either as a part of a school or as an independent entity collaborating with it.
- (ee) “Prescribed”**  
means prescribed by rules made under this Act.
- (ff) “Pre-School”**  
means a facility provided by a school to meet the educational needs of children at least between the ages of 5 and 6 years.
- (gg) “Recognised”, in relation to a School**  
means recognized by a statutorily empowered authority, or an appropriate government, or by an authority empowered by such government, in accordance with a law, rules, or executive instructions governing recognition of schools.

**(hh) “School”**

means an institution or part of an institution, which imparts education at the elementary stage, or any part of such stage, and is recognised as a School by a competent authority.

**(ii) “Screening Procedure for Admission to a School”**

means any procedure that is used to select one child in preference to another, except in a random manner, for admission to an elementary school or its pre-primary section.

**(jj) “Specified Category”, in relation to State Schools**

means such categories of State schools as may be specified by notification by the appropriate government.

**(kk) “State School “**

means a school run by an appropriate government or a local authority.

**(ll) “Teacher”**

means a person who teaches full time in a school and includes the head teacher of such school.

**(mm) “Unaided School”**

means a school which is neither a state school nor an aided school

**(nn) “Ward”, in relation to a Child**

means a child who is under the guardianship of someone other than a parent.

**(oo) “Weaker Section” in relation to a Child**

means a child in need of care and protection, or a child, the annual income of whose parents or guardians is less than such minimum limit as may be notified by the appropriate government from time to time.

**(pp) “Working Child”**

means a child who:

- i) works for wages, whether in cash or in kind, or
- ii) works for her own family in a manner which prevents her from participation in elementary education.

- (2) The female gender, wherever used in pronouns in relation to a child, includes the male.
- (3) 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

# CHILD'S RIGHT TO FREE AND COMPULSORY EDUCATION OF EQUITABLE QUALITY

### 3. Child's Right to Free and Compulsory Education of Equitable Quality

- (1) Every child who has attained the age of 6 years shall have the right to participate in full time elementary education and to complete it, and towards that end shall have the right to:
- i) Be admitted to a neighbourhood school, and
  - ii) Be provided free and compulsory education in such school, in the manner provided in this Act

Provided that a child who, due to her severe or profound disability, cannot be provided elementary education in a neighbourhood school, shall have the right to be provided education in an appropriate alternative environment as may be prescribed.

- (2) A non-enrolled child who is in the age group 7-9 years, at the commencement of this Act, shall, in addition to the right specified in sub-clause (1), have the right to be admitted to an age appropriate grade in a neighbourhood school within one year from the commencement of this Act.
- (3) A non-enrolled child who is in the age group 9-14 years, at the commencement of this Act, shall in addition to the right specified in sub-clause (1), have the right to be provided special programmes within the neighbourhood school to enable her to join, as early as possible, but in any case within three years from the commencement of this Act, the age appropriate grade.
- (4) A child who, though enrolled, is not able to participate in elementary education, shall, in addition to the right specified in sub clause (1), have the right to be provided with suitable conditions, as may be decided by the appropriate government, to enable her participation.
- (5) No child shall be expelled from a school until she completes elementary education.

Explanation: For the purposes of sub-sections (2) and (3) of this Section, the age appropriate grade for children suffering from mental retardation or mental illness shall be determined keeping in view their mental development also, and not on the basis of their biological age alone.

**4. Right Of Transition Till Completion Of Elementary Education**

- (1) For every child studying in a school which provides education up to a level less than class VIII, the Local Authority shall specify a school, subject to the provisions of Section 13, where such child shall have the right of admission for free education till she completes elementary education
- (2) Any child moving from one school to another, including outside the state shall, for the purposes of seeking admission to another school, be entitled to receive a transfer certificate issued by the Headmaster of the school in which she was last enrolled. Provided further, that the absence of such a transfer certificate shall not constitute grounds for delaying or denying her admission to an appropriate grade in the new school; nor shall such child be subjected to any test whatsoever to determine whether she is to be admitted to the school.

## Chapter III

### RESPONSIBILITY OF THE STATE

#### 5. General Responsibility of the State

It shall be the responsibility of the State:-

- (1) To ensure the availability of a neighbourhood school for every child within a period of three years from commencement of this Act;
- (2) To ensure that every child is provided free education in such school.

Provided that wherever necessary, the State shall ensure that children from areas without schools are provided free education through transportation arrangements to the nearest school or by providing residential schools/facilities.

Provided further, that Parents/guardians who choose to admit their children to a school other than a State school /fully aided school shall not have any claim on the State for providing free education to their children.

- (3) To institute and implement a mechanism for regular monitoring of enrolment, participation and attainment status of every child, and taking corrective steps wherever necessary, so that every child completes elementary education, and to make information in this regard available in the public domain, including on an on-line basis.
- (4) To ensure that children in schools receive education (i) of equitable quality, and (ii) conforming to values enshrined in the Constitution.
- (5) To ensure that economic social, cultural, linguistic, gender, administrative, locational, disability or other barriers do not prevent children from participating in, and completing elementary education.

#### 6. Responsibility of the State Towards the Non-enrolled Child

The appropriate government shall take necessary steps to ensure that: -

- i) All non-enrolled children in the 7-9 age group at the commencement of this Act are enrolled in a neighbourhood school within one year of the commencement of this Act.

All non-enrolled children in the 9-14 age group at the commencement of this Act are enrolled in special programmes in a neighbourhood school, if available, and failing that, in another school to enable them to be admitted to an age appropriate grade as early as possible, but in any case within three years of the commencement of this Act.

**7. Provision Of Facilities For Pre-School Education**

The appropriate government shall endeavour to provide facilities for pre-school education in State and fully-aided schools at least for children between the ages of 5 and 6 years, if such facilities do not already exist through other programmes in proximity to such schools.

**8. Provision of Facilities to Young Persons to Complete Elementary Education**

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 a school at that age, she shall continue to be provided free education in such school till she completes elementary education or attains the age of eighteen years, whichever is earlier.

**9. Responsibility of the Central Government**

Provision of Free and Compulsory education shall be the concurrent responsibility of the Central and appropriate governments, with the Central Government's responsibility consisting of the following:

- i) Provision of financial assistance to state governments in accordance with such formula regarding sharing of costs of implementation of this Act, as the Central Government may determine from time to time in consultation with them.
- ii) Taking action through appropriate bodies to develop a national curriculum framework, and to develop and enforce standards for training and qualification of teachers for elementary education in a participatory and consultative manner
- iii) Provision of technical resource support to the state governments, through appropriate institutions, for promotion of innovations and dissemination of best practices in the field of elementary education and for related research, planning and capacity building
- iv) Monitoring progress of implementation of various interventions, schemes and programmes for achieving the objectives of this Act, and taking appropriate steps in case of default.
- v) Taking such other steps as the President may by order specify.

## **10. Responsibility of the Appropriate Government**

- (1) Responsibilities in connection with provision of free and compulsory education, except those of the Central Government as defined in Clause 9, shall be that of the appropriate Government.
- (2) Without prejudice to the generality of sub clause (1), the appropriate governments shall ensure:
  - i) Provision of financial assistance to Local Authorities in accordance with such formula regarding sharing of costs of implementation of this Act, as the appropriate government may determine from time to time.
  - ii) An exercise is carried out every year to determine the requirement of schools, facilities and their appropriate locations for the implementation of this Act.
  - iii) The additional schools required are established and made functional.
  - iv) Teachers are deployed in schools in accordance with the provisions of this Act.
  - v) The curriculum for elementary education and courses of study for each grade thereof are prescribed and revised periodically.
  - vi) Every State school and fully aided school is provided with a building, teaching aids and learning material of the prescribed specifications in accordance with the Schedule.
  - vii) Elements of free entitlement as defined shall be provided in a timely manner as prescribed.
  - viii) A comprehensive data base is developed and maintained to facilitate the implementation of this Act.
  - ix) Adequate facilities are available/created for training of teachers and other personnel to meet the human resource requirement for the implementation of this Act.

## **11. Responsibility of the Appropriate Government to Augment Teacher Training Capacity Wherever Necessary**

Every appropriate Government shall, within six months of the commencement of this Act, assess the State's requirement of professionally trained teachers as prescribed under this Act, vis a vis the capacity of existing training institutions, and shall in the event of a deficit, take steps to augment such capacity so as to match the requirement within such period not exceeding five years from the commencement of this Act, as the Central Government may notify.

## **12. Responsibility of Local Authorities**

- (1) Subject to the responsibility of the appropriate Government as laid down in Clause 10 the Local Authority shall, if empowered by law, perform the following functions:-
  - i) Maintain the record of all children in its area, who are in the age group of 0-14 years, with special reference to children in each disadvantaged group, in such manner as may be prescribed
  - ii) Ensure that every child in the age group of 6-14 years residing within its jurisdiction is enrolled in an elementary school, participates in it, and is enabled to complete elementary education.
  - iii) Plan, budget and provide for additional schools, teachers, and other facilities that may be required as a result of the gaps identified through the school mapping exercise for ensuring free and compulsory elementary education,
  - iv) Monitor the provisioning of all schools in its area imparting elementary education with prescribed infrastructure, teachers and supporting facilities for free and compulsory education,
  - v) Ensure the sustained education of the children of migrant families through special steps as may be required.
- (2) To the extent the above functions have not been devolved upon local authorities by law, the appropriate government will by rules determine the authorities at various levels, which will perform the above functions for implementation of this Act till such time as such functions are assigned by law.

## **13. Planning For Provision of Free and Compulsory Education**

- (1) Every School Management Committee as constituted under Section 21 shall prepare an annual, medium and long term School Development Plan to cater to the needs of the children residing in its neighbourhood in respect of their education of equitable quality
- (2) School Development Plans, in the aggregate, shall be the basis for the annual, medium and long term plans for every local area, block and district, and metropolitan area.
- (3) Taking into consideration the Plans referred to in (2) above, every appropriate Government and Central Government shall prepare annual, and medium and long term plans for provision of free and compulsory education in the states/UT and the country.
- (4) The plans referred to in sub clause (3) shall be taken into consideration while preparing the annual demands for grants for elementary education presented by the appropriate/Central Government to the respective Legislatures/Parliament.

- (5) The plans referred to in (3) shall also form the basis for monitoring the implementation of this Act, by the National Commission for Elementary Education.

## Chapter IV

### SCHOOLS AND TEACHERS

#### 14. Responsibility of Schools

- (1) All schools shall provide free and compulsory elementary education to children entitled under section 3 in the following manner:
- i) State schools, except schools of specified categories, to all admitted children.
  - ii) Aided schools to at least such proportion of their admitted children as its annual recurring aid bears to its annual recurring expenses subject to a minimum of 25 per cent.
  - iii) State schools of specified categories, and unaided schools, to at least 25% children admitted to class 1 after the commencement of this Act, from among children belonging to weaker sections randomly selected by the school in such manner as may be prescribed.

Provided that if a school belonging to a category mentioned in clauses (ii) and (iii), has a pre primary section, provisions of sub clauses (ii) and (iii) shall apply to the pre primary section also.

Provided further that free seats in any school, shall be offered first to eligible children residing within the neighbourhood and shall be offered to other eligible children only to the extent of vacancies remaining thereafter.

- (2) For every child admitted and educated in pursuance of (iii) of sub-clause (1), the appropriate government shall reimburse to the school at a rate equal to the per child expenditure in state schools/fully aided schools and state funded preschools, or the actual amount charged per student by such school, whichever is less, in such manner as may be prescribed.

Provided that if a school is under obligation to either the Central Government or an appropriate government or any authority/agency representing or acting on their behalf to provide free education to a specified number of children as a consequence of having received land/building/equipment/other facilities either free of cost or at subsidized rates, such school shall not be entitled to reimbursement under the above provision to the extent of such obligation.

- a) All schools shall be obligated to supply to the appropriate government such information as may be necessary for the purposes of Section 5(3).

#### 15. Prohibition of Screening Procedures and Capitation Fees

No child or her family shall be subjected to any screening procedure by a school while deciding about admission to the school at the elementary stage, nor shall the family be required to make any payment in the nature of capitation fee.

**16. Admission to Schools to be Generally done at the Commencement of the Academic Year but not to be Denied at Other Times**

Children shall be admitted to schools as far as possible at the commencement of the academic year, or within such period thereof as may be prescribed:

Provided that a child entitled to be admitted to a neighbourhood school under Section 3 (1), read with Section 14 of this Act, shall not be denied admission to such a school at any time of the academic year.

Provided further that a child admitted under the preceding proviso within four months of the commencement of the academic year shall be enabled to complete the class to which she has been admitted along with the batch of students admitted at the beginning of the session. A child admitted later in the academic year, who has not come on transfer from another school shall complete the class with the next batch of students, unless the school is of the opinion that the child has made sufficient progress in the remaining part of the academic year to merit promotion to the next class along with the regular batch of students.

**17. Norms and Standards for a School**

- (1) No State school shall be established, and no other school shall be recognized, by any competent authority, after the commencement of this Act, unless such school fulfils the norms prescribed in the Schedule.
- (2) All schools, which were recognised at the commencement of this Act, but did not fulfill the norms prescribed in the Schedule at such commencement, shall do so within a period of three years, from the commencement of this Act.
- (3) Responsibility for compliance with the provisions of sub section (2), shall be as follows:
  - i) In case of state/fully aided schools - of the concerned government/local authority (subject to the provisions of clauses regarding financial responsibility)
  - ii) In case of other schools: - of the management of such schools

Provided that the appropriate government may provide financial assistance, in such manner as may be prescribed, to managements of schools mentioned in sub-clause (ii) above to enable them to discharge their responsibility under this sub-section.

**18. Power to amend Schedule**

The National Commission for Elementary Education may, in consultation with the central and appropriate governments, at any time, amend the schedule to this Act either with respect to the country as a whole or any part thereof.

**19. Prohibition of Deployment of Teachers for Non-educational Purpose**

No teacher of a state/fully-aided school shall be deployed for any non-educational purpose except for decennial population census, election to local authorities, State Legislatures and Parliament, and disaster relief duties

**20. Prohibition of Private Tuition by Teachers**

No teacher shall engage in any teaching activity for economic gain, other than that assigned by his employer or supervisor.

**21. School Management Committees**

(1) A School Management Committee (SMC) shall be constituted for every State school and aided school, to monitor and oversee its working, and to plan and facilitate its overall development with such representation of parents, teachers and community and local authority members, as may be prescribed.

(2) The SMC shall exercise such powers and perform such functions, and shall be accountable in such manner, as may be prescribed.

(3) Composition of the School Management Committee shall be so prescribed that:

i) 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 education, and

ii) At least half of its members are parents/guardians of children studying in the school.

(4) All moneys received by a School Management Committee for the discharge of its functions under this Act, shall be kept in a separate account, and shall be utilised in such manner as may be prescribed.

(5) Accounts of money received and spent by the SMC shall be maintained and audited in such manner as may be prescribed.

**22. Teachers' Cadre to be School-based**

(1) After the commencement of this Act, teachers in State schools and fully aided schools, except in State schools of specified categories, shall be appointed for a specific school by such local authority or SMC as may be notified by the appropriate government, and shall not be transferred therefrom.

Provided that an appropriate government may, by Order, direct that selection of teachers for appointment by all local authorities or SMCs situated in a block, district or State, followed by their allocation to various appointing authorities for being appointed as teachers, shall be carried out in such manner as may be specified in the Order.

- (2) All teachers already serving at the commencement of this Act, in State schools and fully aided schools, except in State schools of specified categories, shall be permanently assigned to a specific school in accordance with such procedure as may be prescribed and shall then not be transferred from the school so assigned.

**23. Teacher Vacancies in State Schools/Fully Aided Schools Not To Exceed 10% Of Total Strength**

- (1) It shall be the duty of every appointing authority in relation to every State school/fully aided school, to see that teachers' vacancies in the schools under its control do not at any time exceed 10% of the total sanctioned posts of teachers
- (2) Appropriate governments and local authorities running State schools/ fully aided 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.

**24. Teacher Qualifications and Remuneration**

- (1) After the commencement of this Act, only such persons as possess the qualifications prescribed by the NCTE shall be appointed as teachers;

Provided that in states that do not have adequate pre service training capacity, Central government/NCTE may grant relaxation in this provision for such period, and to such extent, as may be absolutely necessary.

- (2) Teachers serving at the commencement of this Act who do not possess qualifications prescribed by the NCTE shall be enabled by their employer, to acquire the equivalent of such qualifications within such period not exceeding five years from the commencement of this Act, as may be notified by the appropriate government.

Provided that the fees payable by the teacher for acquiring such qualifications, and such other expenses connected therewith, as the appropriate government may notify, shall be borne by the employer.

- (3) Terms and conditions of service, of teachers serving in schools, shall be decided from time to time, by the appropriate government, commensurate with prescribed professional qualifications and experience.

**25. Duties of Teachers**

It shall be the duty of every teacher to:

- (1) Regularly attend school for its full duration
- (2) Transact and complete the curriculum in accordance with the principles laid down in clause 28;
- (3) Transact the curriculum in accordance with the time schedule, decided by the school, subject to general guidelines of the Competent Academic Authority;
- (4) Report every case of non-attendance to the parent or guardian concerned in the first instance, and in case it persists, to the SMC constituted under section 21;
- (5) Regularly assess the learning level of each child, and to provide supplementary instruction needed by the child.
- (6) 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 SMC, in such manner as may be prescribed

**26. Accountability of Teachers Employed in State School/  
Fully Aided Schools**

- (1) Notwithstanding anything contained in any other law, rules, regulation or contract for the time being in force, the following provisions shall apply to every teacher employed in State schools/ Fully aided schools: -
  - i) Power to grant leave to teachers shall vest in the Head Teacher/ School Management Committee (SMC) to such extent and subject to such restrictions as regards nature and duration of leave, and in such manner as may be prescribed;
  - ii) The appropriate government may by rules provide, that salary shall be paid to the teacher through, , the School Management Committee or the Panchayat at the village level, in such manner as may be prescribed;
  - iii) The SMC, Panchayat at the village level, or a municipal body, as the case may be, shall, where it is not itself the Appointing Authority for teachers serving in school(s) falling within its jurisdiction, furnish periodic assessment reports regarding performance of duties stipulated in Section 25 by such teachers, to the concerned Appointing Authority, in such manner as may be prescribed;
  - iv) Unless the State legislature has by law otherwise provided, power to impose minor punishment on a teacher appointed by an authority higher than the authority mentioned in column 2 below, shall vest in the Local Authority having jurisdiction over the rural/urban/metropolitan area in which the school is situated, as specified in column 2 below:-

A	for teachers in rural areas	Panchayat of the intermediate/village level or SMC
B	For teachers in government schools in urban areas –	The municipality
C	For teachers in government school in metropolitan areas-	Such authority as the appropriate government may notify

- (2) When an SMC considers a matter in exercise of its powers under (i) or (ii) of sub clause (1), no teacher other than the Head Teacher, who is a member of the SMC, shall participate in its proceedings, and the Head Teacher shall also not do so when the SMC is considering a matter concerning him.

**27. Redressal of Teachers’ Grievances**

It shall be the duty of the SMC/Local Authority to address teachers’ grievances to the extent possible and to support the teacher in obtaining redressal of such grievances as does not fall within its purview.

## Chapter V

### CONTENT AND PROCESS OF EDUCATION

#### 28. Values, Content and Transaction of Elementary Education

Competent Academic Authorities while prescribing curriculum and evaluation procedures, and schools while transacting them, shall adhere to the following principles:

- (1) They shall conform to the values enshrined in the Constitution,
- (2) All schools shall function in a child friendly and child centred manner, and in particular:
  - i) Allow the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, and allow the views of the child to be given due weight in accordance with the age and maturity of the child.
  - ii) Would build on the child's knowledge, environment and cultural identity, particularly linguistic, and develop the child's personality, talents and mental and physical abilities to their fullest potential.
  - iii) Use the child's mother tongue as the medium of instruction as far as possible, at least during the first five years of the elementary stage.
  - iv) Would rely on activity, discovery, exploration, understanding and problem solving.
  - v) Would be free of fear, trauma and anxiety to the child.
  - vi) Evaluation processes shall be continuous and comprehensive and test the understanding and ability to apply knowledge rather than rote learning.

#### 29. Completion of Elementary Education to be certified by the School

- (1) No child shall be required to appear at a public examination at the elementary stage.
- (2) Every child who completes elementary education shall be awarded a certificate to that effect by the school where she completes it.

#### 30. Prohibition of Physical Punishment

- (1) No child shall be awarded physical punishment in any form in a school.
- (2) Violation of sub-section (1) by a teacher shall amount to professional misconduct, and such teacher shall be liable to be punished in accordance with the disciplinary rules applicable.

**31. Teacher Training and Innovation**

- (1) NCTE while laying down norms, standards and guidelines in respect of pre-service training programmes for elementary school teachers shall be guided by the principles laid down in Clause 28.
- (2) The appropriate Government in respect of teachers in State schools/ fully aided schools, and managements in respect of teachers in unaided schools, shall take all necessary steps, to ensure suitable in-service training and regular academic support, including through ICT, to teachers to enable them to implement the principles laid down in Clause 28. In particular, all teachers shall be provided opportunities for peer interaction and encouraged to engage in innovation.

## Chapter VI

### MONITORING OF IMPLEMENTATION OF THE ACT

#### 32. National Commission for Elementary Education

- (1) Central Government shall, by notification, constitute a body to be known as the National Commission for Elementary Education, to continuously monitor implementation of this Act, recommend corrective measures wherever necessary, and to exercise powers and perform other functions assigned to it under this Act.
- (2) The National Commission for Elementary Education, shall consist of:-
  - (a) A Chairperson, who shall be an eminent person with proven record of service in the field of education;
  - (b) One member each having expertise in the fields of elementary education, development of disadvantaged groups, child development/child rights, finance, and law; and
  - (c) A Member-Secretary having experience/expertise in educational management.
- (3) Chairperson and members of the National Commission shall be appointed by the President, on the recommendation of a committee consisting of the following:-

Prime Minister, Speaker of the Lok Sabha, Minister, Human Resource Development and Leader of the Opposition in Parliament.
- (4) The Commission will perform the following functions, namely:
  - i) To monitor all aspects, including quality, of elementary education.
  - ii) To act as ombudsman for the purposes of this act and to direct appropriate authorities to redress grievances of parents/citizens/civil society members relating to elementary education.
  - iii) To present an annual report to the Parliament on the status of implementation of this act and such other issues pertaining to elementary education as may be prescribed.
  - iv) To issue directions to Ccentral Government/appropriate government/local authorities regarding effective implementation of this act.
  - v) To commission such surveys, studies and research as it considers necessary for the discharge of its functions, especially in regard to

provision of free and compulsory education to disadvantaged groups, and to disseminate their findings.

## Chapter VII

### MISCELLANEOUS

**33. Redressal of Grievances Regarding Non-Implementation of School-related Provisions of This Act**

- (1) Anyone who has a grievance that provisions of Sections 12, 14-17, 19, 20, 25, 28, 30, 34 and the Schedule of this Act, to the extent that they relate to establishment, provisioning, management of schools and conduct of activities therein, are not being complied with, may submit a written representation in that behalf to, as the case may be, the Local Authority or the School Management Committee concerned, which shall take appropriate action on it and inform the applicant within a period not exceeding ninety days from the date of receipt of the representation.
- (2) If the person preferring the representation under sub-section (1) above is not satisfied with the action taken thereon by the Local Authority or SMC as the case may be, he may submit a representation in that behalf to such other authority as may be prescribed, which shall take appropriate action thereon and inform the applicant within a period not exceeding ninety days from the date of receipt of the representation.

**34. Prohibition of Causing Obstruction to Participation in Elementary Education**

No person shall prevent a child from participating in elementary education;

Provided that notwithstanding anything contained in the Child Labour (Prohibition and Regulation) Act, 1986 (No.61 of 1986), no person shall employ or otherwise engage a child in a manner that renders her a working child.

**35. Entry Age for Elementary Education and Procedure for Computing Age of a Child**

- (1) A child shall be admitted to class 1 only after she has attained the age of five years and ten months before the beginning of the academic year.
- (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.

**36. Responsibility of the Parent / Guardian**

- (1) It shall be the responsibility of every parent/guardian to enroll his child or ward, who has attained the age of 6 years and above in a school, and to facilitate her completion of elementary education.
- (2) If a parent/guardian persistently defaults in discharge of his responsibility under sub-clause (1) above, the SMC shall have the power to direct such parent/guardian to provide assistance by way of child care in the school.

**37. 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].

**38. Power of Appropriate Government to Make Rules**

- (1) The appropriate Government may, by notification, make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-
  - (a) notification of disadvantaged groups under clause (k) of sub-section (1) of section 2.
  - (b) courses of study for the elementary stage under clause (m) of sub-section (1) of section 2.
  - (c) expenses under sub-clause (ii) of clause (o) of sub-section (1) of section 2.
  - (d) notification of number of days in the calendar year in relation to migrant families under clause (v) of sub-section (1) of section 2.
  - (e) notification of neighbourhood in relation to a child under clause (x) of sub-section (1) of section 2.
  - (f) prescription and revision of curriculum under clause (v) of sub-section clause (2) of section 10.
  - (g) norms for building, teacher aids and learning materials under clause (vi) of sub-section (2) of section 9.
  - (h) identification and notification of elements of free entitlement under clause (vii) of sub-section (2) of section 10.
  - (i) the form and manner in which record of children shall be maintained by Local authorities under clause (i) of sub-section (1) of section 11.

- (j) reimbursement of expenses to unaided schools and schools of specified categories under sub-section (2) of section 14.
- (k) manner in which financial assistance will be provided by the appropriate government to schools other than state schools and fully aided schools for complying with the provisions of section 17 (2).
- (l) powers and functions of School Management Committees (SMCs) under sub-section (2) of section 21.
- (m) determining representation of sections of the community under clause (i) of sub-section (3) of section 21.
- (n) rules of procedure governing assignment of teachers to specific schools under sub-section (2) of section 22.
- (o) the form and manner in which progress of children shall be reported to their parents/guardians and to the SMC under sub-section (6) of section 25.
- (p) nature and duration of leave and the manner in which it may be granted to teachers under clause (i) of sub-section (1) of section 26.
- (q) payment of salary to teachers under clause (ii) of sub-section (1) of section 26.
- (r) the form and manner in which periodic assessment reports of the performance of teachers shall be provided to the appointing authority under clause (iii) of sub-section 1 of section 26.
- (s) notification of authority competent to impose minor punishment on teachers in government schools in metropolitan areas under clause (iv) of sub-section (1) of section 26.
- (t) the form and manner in which reports relating to implementation of this act and other issues pertaining to elementary education shall be made to Parliament by the National Commission for Elementary Education under clause (iii) of sub-section (4) of section 32.
- (u) the manner in which the age of a child may be computed or determined under sub-section (2) of section 35.
- (v) prescription of curriculum, specifications of classroom, teaching learning equipment, library, and play material and sports equipment under items 1, 4 (vi), 8, 9 and 10 of the Schedule.

## SCHEDULE

### Norms and Standards for a School

S.No.	Item	Norm														
1.	Curriculum	As prescribed by the Competent Academic Authority														
2	Number of teachers:															
	(a) Primary School (Classes 1-5)	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Enrolment</th> <th style="text-align: left; border-bottom: 1px solid black;">No. of teachers</th> </tr> </thead> <tbody> <tr> <td>Up to 60</td> <td>2</td> </tr> <tr> <td>61 - 90</td> <td>3</td> </tr> <tr> <td>91 - 120</td> <td>4</td> </tr> <tr> <td>121 - 150</td> <td>5</td> </tr> <tr> <td>&gt;150</td> <td>5+ 1Head Teacher</td> </tr> <tr> <td>&gt;200</td> <td>Pupil Teacher Ratio (excluding Head Teacher) not to exceed 40</td> </tr> </tbody> </table>	Enrolment	No. of teachers	Up to 60	2	61 - 90	3	91 - 120	4	121 - 150	5	>150	5+ 1Head Teacher	>200	Pupil Teacher Ratio (excluding Head Teacher) not to exceed 40
Enrolment	No. of teachers															
Up to 60	2															
61 - 90	3															
91 - 120	4															
121 - 150	5															
>150	5+ 1Head Teacher															
>200	Pupil Teacher Ratio (excluding Head Teacher) not to exceed 40															
	(b) Upper Primary School (Classes 6-8)	<ul style="list-style-type: none"> <li>• At least one teacher per class such that there is as far as possible at least one teacher each for               <ol style="list-style-type: none"> <li>1. Science and Maths</li> <li>2. Social studies</li> <li>3. Languages</li> </ol> </li> <li>• At least one teacher for every 35 children</li> <li>• As soon as enrolment crosses 100:               <ol style="list-style-type: none"> <li>i. A full time head teacher</li> <li>ii. At least part time instructors for:                   <ul style="list-style-type: none"> <li>• Art Education</li> <li>• Health and Physical Education</li> <li>• Work Education</li> </ul> </li> </ol> </li> </ul>														
3.	Qualifications of teachers	As per clause 22														
4.	Building <ol style="list-style-type: none"> <li>i. Class rooms</li> <li>ii. Toilets (separate for boys and girls)</li> <li>iii. Drinking Water</li> <li>iv. Kitchen (wherever mid day meal is cooked in the school)</li> <li>v. Barrier to free access</li> </ol>	All-weather building consisting of: At least one classroom for every teacher and an office cum store cum head teacher's room in every school														
	vi. Specifications of a classroom**	As may be prescribed														
6.	Minimum number of Working days/instructional hours in an academic year	<ol style="list-style-type: none"> <li>ii. 200 days</li> <li>iii. 800/1000 Instructional hours per academic year for primary/upper primary</li> </ol>														

7.	Minimum number of working hours per week for the teacher	40 (Teaching plus preparation hours)
8.	Teaching learning equipment	As may be prescribed
9.	Library	As may be prescribed
10.	Play material, games and sports equipment	As may be prescribed
11*	Boundary wall or fencing	
12*	Playground/space (with e.g. slides, swings, see saw, gymnastic bars, sand pit etc.)	
<b>B. Desirable</b>		
1.	Facility for pre-school education in accordance with Section 13 (3).	
2.	Electrification, telephone and at least one personal computer.	

\* Exemptions may be permitted in appropriate cases

**CABE Committee on  
Free and Compulsory Education**

**The Right to Education Bill, 2005  
Estimation of Financial Requirements<sup>1</sup>**

1. The scope of the Bill in "real" terms is human capital building on a scale not attempted before. Broadly, the financial estimates visualize a sequence of increasing budget allocations over a given number of years (six in this exercise) that will keep pace with the real sequences of progress in the rate of growth of human capital keeping gender equity and equity between regions, classes, linguistic groups etc. in the forefront. The following target areas may be mentioned amongst others:

- (i) bringing out-of-school children to regular schools;
- (ii) induction of whole-time teachers (in the teacher-pupil ratio of 1:35 or 40);
- (iii) provision of high-quality of training for the inducted teachers;
- (iv) periodic and systematic retraining of all teachers;
- (v) provision of quality education based on a national curricular frame for all children,
- (vi) empowering girls through providing necessary facilities for attending school regularly; and
- (vii) improving the efficiency of school administration and the system of administration as a whole.

It is these sequences in *real* terms that will basically determine and justify the sequence of public expenditure allocated in the budgets on each of these counts (the list is not exhaustive). The regulatory role of the Elementary Education Commission envisaged in the Bill may prove to be absolutely crucial in this respect. In short, therefore, the budgetary exercise projected in this note should not be taken as static targeting in *monetary* terms of only the reception of the out-of-school children into the formal school system and incurring public expenditure on them under the selected list of items.

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<sup>1</sup> Enrolment projection and estimation of financial requirements have been computed by a team consisting of Dr. K. Biswal, Dr.N.K. Mohanty, Dr. P. Geetha Rani, and Sri. A.N. Reddy from National Institute of Educational Planning Administration under the guidance of Prof. Tapas Majumdar and Prof. R. Govinda.

## 2. Financial Estimates for Implementation of the Bill: Alternative Scenarios

Based on the proposed Right to Education Bill 2005, four alternative scenarios have been developed, and accordingly financial estimations, including teacher salary, the cost of additional classrooms, toilets, drinking water, upgradation of school infrastructure and equipment, mainstreaming of out-of-school children, pre-school education, inclusive education, teacher development, incentives and school support materials, maintenance of school infrastructure and equipment, establishment of resource organizations such as DIETs, BRCs and CRCs, monitoring and evaluation, management and other related components, have been made. It is assumed that the Bill will commence from 2006-07. Accordingly, all financial estimations have been done from the year 2006-07. According to the Bill, all out-of-school children need to be mainstreamed in three years from the commencement of the Act. Therefore, while making enrolment projections in alternative scenarios, the number of out-of-school children has been brought down to zero from the year 2009-10. In all alternative scenarios, the financial estimates have been done for six years from 2006-07 to 2011-12, to correspond to the final year of the 11<sup>th</sup> Five Year Plan period. Component-wise financial estimates have been done separately for primary and upper primary levels of education.

**Four alternative scenarios** of financial requirements (from 2006-07 to 2011-12) for implementation of the Act have been considered. These alternative scenarios are based on mainly two parameters, i.e. Pupil-Teacher Ratio (PTR) and average teacher salary. In the financial estimation, mainly the norms of the Bill and the unit costs of various components as specified in the Sarva Shiksha Abhiyan (SSA) have been applied. In case of some of the components like one time grant for providing basic materials in the pre-school classes, provision of Kitchen and utensils in primary schools, salary of part-time art, health, and work education instructors, and pre-school instructor, the estimates have been made based on allocations made under different schemes of the MHRD. The estimated additional financial requirements (from 2006-07 to 2011-12) for implementation of the proposed bill in different alternative scenarios are given in Table 2.

**Table 1: Alternative scenarios for estimation of financial implications for implementation of the proposed Bill 2005**

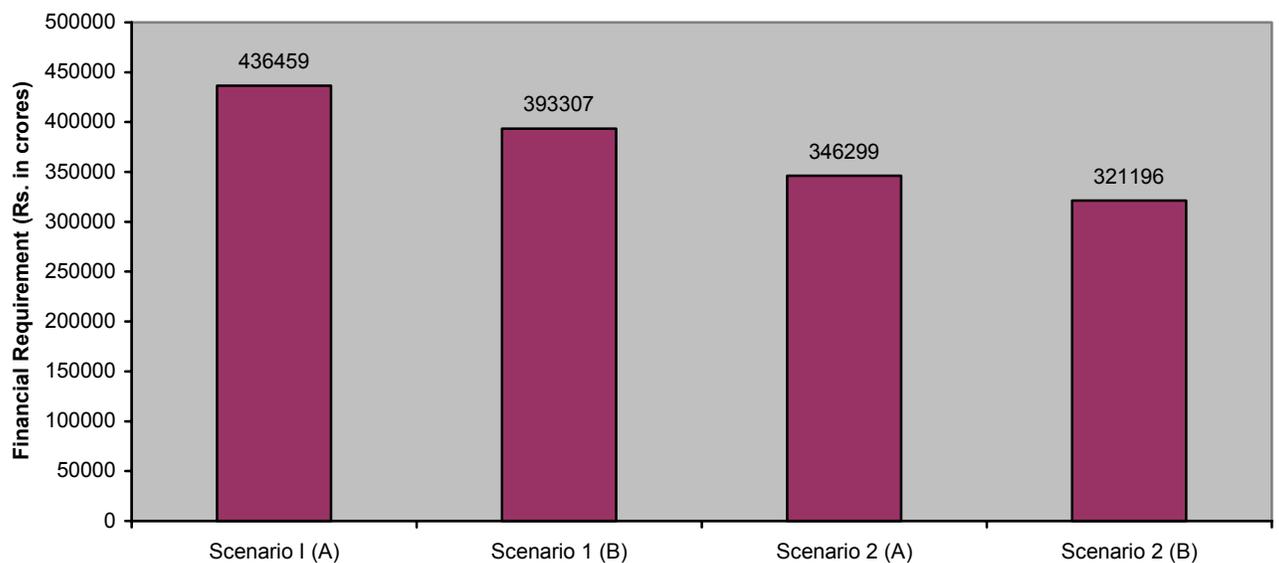
Alternative Scenario	Pupil-Teacher Ratio	Average Teacher Salary
1 (A).	PTR = <b>35:1</b> both at Primary and Upper Primary Levels	<b>Average Teacher Salary = Rs. 7965/-</b> per month [Basis pay of Rs. (4500/- + 50% DP) + 18% DA] with an annual increase of Rs. 800/- (KVS pay scale of non-graduate trained teacher)
1 (B).	PTR = <b>35:1</b> both at Primary and Upper Primary Levels	<b>Average Teacher Salary = Rs. 6,000/-</b> per month (state level average teacher salary) with an increase of Rs. 600/-
2 (A).	PTR = <b>40:1</b> both at Primary and Upper Primary Levels	<b>Average Teacher Salary = Rs. 7965/-</b> per month [Basis pay of Rs. (4500/- + 50% DP) + 18% DA] with an annual increase of Rs. 800/- (KVS pay scale of non-graduate trained teacher)
2 (B).	PTR = <b>40:1</b> both at Primary and Upper Primary Levels	<b>Average Teacher Salary = Rs. 6,000/-</b> per month (state level average teacher salary) with an annual increase of Rs. 600/-

The basic differences between the four alternative scenarios are given in Table 1. The total estimated additional financial requirements (from 2006-07 to 2011-12) for implementation of the proposed Bill in different alternative scenarios are given in Table 2. Chart 1 gives the size of the estimated total cost in various scenarios to implement the Bill.

**Table 2: The total estimated financial requirements (from 2006-07 to 2011-12) in the alternative scenarios for achieving the goal of UEE by 2010**

Scenario	PTR and Average Teacher Salary	Total Estimated Cost (In Crores)
1 (A).	(i) PTR = <b>35:1</b> (ii) Average Teacher Salary = Rs. 7965/- per month (Annual increase of Rs. 800/-)	436459
1 (B).	(i) PTR = <b>35:1</b> (ii) Average Teacher Salary = Rs. 6000/- per month (Annual increase of Rs. 600/-)	393307
2 (A).	(i) PTR = <b>40:1</b> (ii) Average Teacher Salary = Rs. 7965/- per month (Annual increase of Rs. 800/-)	346299
2 (B).	(i) PTR = <b>40:1</b> (ii) Average Teacher Salary = Rs. 6000/- per month (Annual increase of Rs. 600/-)	321196

**Chart 1 Additional Financial Requirement for Free and Compulsory Education Bill, 2005 from 2006-07 to 2011-12**



The details of the general assumptions, and specific norms and unit costs of various components and technical notes on the methodology of estimation have been given in the following sections.

### **3. General Framework for Estimation of Financial Requirement to Implement the Bill**

The estimation of additional financial requirements for implementing the Bill from 2006-07 to 2011-12 are based on the following general assumptions and guidelines:

1. It is assumed that the child population in single ages from 6 to 3 years would grow during 2001 and 2011 at the same as it had grown during 1991 and 2001 censuses.
2. The additional schools required are estimated to ensure the provision of primary schools within one kilometer of every habitation and upper primary schools within three kilometers and at least one upper primary school for every two primary schools.
3. All children will attend regular schools of equivalent standards. All other forms of learning centres established over the last few years shall either come up to minimum standards prescribed in the Schedule 2005 or close down.
4. Residential bridge courses for the 10-14 age group out-of-school children will work in close cooperation of the formal school with a thrust on mainstreaming. Non-residential bridge courses will be provided to 7-9 age group out-of-school children. Additional support to out-of-school 7-9 age group children will be coordinated through the formal school to ensure that children join the formal school.
5. Special teacher development support would be required to bring many teachers/ para-teachers currently teaching in schools to minimum standards as prescribed by the NCTE and special provisions will be made to do so.
6. All support for children with special needs shall be met by the formal school system. For severely disabled children, home-based education would be provided.
7. Provision of teachers in schools will be in line with the norms and standards spelt out in the Schedule to the Right to Education Bill 2005.
8. The data on school facilities are mainly derived from the Seventh All India Educational Survey 2002 supplemented from other sources such as MHRD Annual Reports, DISE, PAB of SSA etc.
9. Submissions before the PAB of SSA and information from DISE would be used to work out the unmet need for CRCs, BRCs, DIETs/ Pre-service Teacher Education in states.
10. Number of existing teachers (as on 30<sup>th</sup> September 2002) have been taken from the 7<sup>th</sup> All India Educational Survey, and updated with developments thereafter, as reported in the PAB of SSA and Annual Reports of the MHRD.
11. Norms and unit costs have been worked out as per the current practice in states and provisions of the Right to Education Bill, 2005 and as per the Sarva Shiksha Abhiyan.
12. The non-salary components have been increased by 5 per cent each year to account for the cost of inflation.

#### 4. Specific Norms and Unit Costs

**Table 3: Specific norms and unit costs for financial estimation for implementing the Bill**

Component	Norm	Unit Costs
<b>Additional Teachers</b>	<ul style="list-style-type: none"> <li>(i) In scenario 1 (A) and (B), PTR = 35 has been taken to estimate additional teachers</li> <li>(ii) In scenario 2 (A) and (B), PTR = 40 has been taken to estimate additional teachers</li> <li>(iii) For every additional pre-school to be opened, one teacher is to be provided</li> <li>(iv) Part-time art, health, physical and work education instructors are to be provided in upper primary schools (3 part-time instructors for three schools)</li> </ul>	<ul style="list-style-type: none"> <li>(i) Salary of non-graduate trained teacher @ Rs. 7965/- per month with an increase of Rs. 800/- per annum (KVS pay scale of non-graduate trained teacher) and state level average salary @ Rs. 6000/- per month plus an increase of Rs.600/- every year</li> <li>(ii) Part-time art, health, physical and work education instructor has been provided to UP schools @ Rs. 3000/- per month as honorarium.</li> <li>(iii) Honorarium of Pre-school instructor @ Rs. 4000/- per month.</li> </ul>
<b>Additional Schooling Facilities and Civil Works</b>	<ul style="list-style-type: none"> <li>(i) For every additional teacher, the provision of an additional classroom has been made.</li> <li>(ii) All existing and additional schools have been provided head teacher/store room.</li> <li>(iii) Drinking water and toilets have been provided to the estimated number of existing schools (based DISE on data) and all new schools.</li> <li>(iv) After considering the number of Anganwadis (180000) operating in the school or close to the school, primary schools have been given pre-primary facility.</li> <li>(v) Based on the DISE data, the number of schools having no pucca building has been provided at least two classrooms.</li> <li>(vi) Existing schools (3 lakh primary and 2 lakh UP schools) are to be provided one time grants @ Rs. 20,000/- per school to upgrade their facilities, so that all schools will be at the same level of facilities as per the Schedule.</li> </ul>	<ul style="list-style-type: none"> <li>(i) @ Rs. 1.5 lakh per additional classroom</li> <li>(ii) @ Rs. 1.5 lakh per office-cum-store-cum head teachers' room</li> <li>(iii) @ Rs. 1.5 lakh per pre-school classroom</li> <li>(iv) @ Rs. 20000/- for drinking water facility and 15000 for toilet (including girls' toilet) facility in schools</li> <li>(v) @ Rs. 3 lakh per school having no pucca building for construction of two classrooms</li> <li>(vi) @ Rs. 20,000/- per school (one-time grant) to upgrade the school furniture and equipment</li> </ul>
<b>School Equipment and Grants including</b>	<ul style="list-style-type: none"> <li>(i) All schools are to be provided equipment/ furniture.</li> <li>(ii) All UP schools are to be provided computers.</li> </ul>	<ul style="list-style-type: none"> <li>(i) Furniture and equipment @ Rs. 10000/- per primary school and Rs. 50000/- per UP school</li> </ul>

<b>grants to SMC</b>	<ul style="list-style-type: none"> <li>(iii) All primary schools (existing and new) and all UP teachers are to be provided a set of workbook/textbooks (5 sets for primary and one set to each UP school teacher)</li> <li>(iv) All primary schools are to be provided Kitchen facility.</li> <li>(v) All primary schools are to be provided utensils for Mid-Day Meals</li> <li>(vi) All pre-school classes are to be provided one-time grants for buying teaching-learning materials and equipments</li> <li>(vii) All schools are to provided grants every year for sports and co-curricular activities</li> <li>(viii) All SMCs are to be provided annual grants</li> <li>(ix) All schools are to be provided annual grants for maintenance of infrastructure and equipment</li> <li>(x) All schools are to be provided annual grant for community based monitoring, research and evaluation</li> </ul>	<ul style="list-style-type: none"> <li>(ii) Computers @ Rs. 30,000/- per UP school.</li> <li>(iii) Textbooks @ Rs. 1500/- per primary school and Rs. 500/- per UP schoolteacher.</li> <li>(iv) Kitchen facility @ Rs 15000/- primary school</li> <li>(v) Utensils @ Rs. 10000/- per primary school</li> <li>(vi) Teaching-learning material and equipment in pre-school classes @ Rs. 5000/- per class (one-time grant)</li> <li>(vii) Grants for sports and co-curricular activities @ Rs. 500/- per school per annum</li> <li>(viii) Grants to SMC @ Rs. 1500/- per SMC per annum</li> <li>(ix) Annual maintenance grant @ Rs. 10000/- per primary school and Rs. 12000/- per upper primary school</li> <li>(x) Monitoring, research and evaluation grant @ Rs. 1500/- per school per annum</li> </ul>
<b>Teacher Grants</b>	All regular and pre-school instructors are to be given annual grants for support material and kit	@ Rs. 500/- per teacher per annum
<b>Mainstreaming Out-of-School Children</b>	All out-of-school children are to be mainstreamed to the formal system through non-residential and residential bridge courses within three years from the commencement of the Bill	<ul style="list-style-type: none"> <li>(i) Residential bridge courses @ Rs. 6800/- per child per annum</li> <li>(ii) Non-residential bridge courses @ Rs. 3000/- per child per annum</li> </ul>
<b>Integrated education for the disabled</b>	<ul style="list-style-type: none"> <li>(i) Children with special needs are to be given education in the regular schools. (2.7 % of all children)</li> <li>(ii) Children with severe disability are to be provided home based schooling (0.3 % of children)</li> </ul>	<ul style="list-style-type: none"> <li>(i) Education of children with special needs in regular schools @ Rs. 2000/- per child per annum (Rs. 1200/- per annum per child in 2006-07)</li> <li>(ii) Children with severe disability @ Rs. 50000/- per child per annum including teacher cost</li> </ul>
<b>Incentives/entitlements under 'free education'</b>	<ul style="list-style-type: none"> <li>(i) 75% of students are to provided free textbooks, workbooks, notebooks and stationery</li> <li>(ii) 50 % of all children are to be provided two sets of school uniforms</li> </ul>	<ul style="list-style-type: none"> <li>(iii) Free textbooks, etc. @ Rs. 300/- per primary school student per annum; Rs. 500/- per UP school student per annum</li> <li>(iv) Free uniforms @ Rs. 200/- per child per annum</li> </ul>
<b>In-service Training and Provisions for Quality Improvement</b>	<ul style="list-style-type: none"> <li>(i) 60 days training is to be provided to 20% of existing teachers in 2006-07 @ Rs. 4200/- per teacher (one-time expenditure)</li> <li>(iii) 20 days training has to be given to 80% of existing teachers in</li> </ul>	<ul style="list-style-type: none"> <li>(i) 60-day in-service teacher training @ Rs 4200/- per teacher per annum</li> <li>(ii) 20-day in-service teacher training @ Rs. 1400/- per teacher per</li> </ul>

	<p>2006-07 and all teachers every year from 2007-08 @ Rs. 1400/- per teacher per annum.</p> <p>(iv) 30 days induction training is to be provided to all newly appointed teachers @ Rs. 2100/- per teacher per annum.</p> <p>(v) All districts, blocks and clusters will be provided DIETs and BRCs and CRCs respectively</p> <p>(vi) All vacancies in the existing DIETs (50 %), BRCs and CRCs are to be filled up</p> <p>(vii) 1000 Non-DIET teacher training institutions in backward states are to be established for pre-service teacher training</p> <p>(viii) Distance education facility for teacher training ware to be provided in all districts</p> <p>(ix) DIETs, BRCs and CRCs are to be provided contingency grant every year</p>	<p>annum</p> <p>(iii) 30-day in-service teacher training @ Rs. 2100/- per teacher per annum</p> <p>(iv) Establishment of new DIETs @ Rs. 1.1 crore per DIET</p> <p>(v) Establishment of new BRC @ Rs. 6.0 lakh per BRC</p> <p>(vi) Establishment of new CRC @ Rs. 2.0 lakh per CRC</p> <p>(vii) Salary of DIET professional, technical and support staff @ Rs. 12,500/- per month per person (average salary)</p> <p>(viii) Salary of BRC staff @ Rs. 15000/- per month per person</p> <p>(ix) Salary of CRC staff @ Rs. 10000/- per month per person</p> <p>(x) Contingency grant to DIET @ 5.5 lakh per DIET per annum</p> <p>(xi) Contingency grant to BRC @ 18000/- per BRC per annum</p> <p>(xii) Contingency grant to CRC @ 3700/- per CRC per annum</p> <p>(xiii) Establishment of non-DIET teacher training institutions in states for pre-service training @ Rs. 80 lakh per institution as non-recurring cost</p> <p>(xiv) Establishment of non-DIET teacher training institutions in states for pre-service training @ Rs. 25 lakh per institution as recurring expenditure</p> <p>(xv) Distance education facility for teacher training @ Rs. 15 crore per district per annum</p> <p>(xvi)</p>
<b>Management</b>	<p>(i) 6% of total recurring cost are to be taken as management cost</p> <p>(ii) National Elementary Education Commission is to be established</p>	<p>(i) 6 % of total recurring costs as management cost</p> <p>(ii) A lump sum of 10 crore is to be given for meeting the expenditure of the National Elementary Education Commission</p>

## **5. Additional Financial Estimates for Implementation of the Bill**

Table 3.1 provides summary of the projected child population, enrolment, additional teachers required and out- of-school children. Table 3.2 gives information on year-wise additional financial requirements (broad component wise) for implementing the Bill. Also see the attached Excel Worksheet for details of the component-wise estimation of additional costs.

**Table 3.1: Projected Child Population, Enrolment and out of School Children, 2002-03 to 2011-12**

Year	Child Population (in Crores)			Net Enrolment (in Crores)			Gross Enrolment including under and over aged children (in Crores)			Enrolment in Bridge Courses (in Crores)			Total Enrolment (includes children came from Bridge Courses) (in Crores)		
	6-10	11-13	6-13	6-10	11-13	6-13	I-V	VI-VIII	I-VIII	6-10	11-13	6-13	6-10	11-13	6-13
2002-03	13.15	7.75	20.90	10.32	3.85	14.17	12.24	4.68	16.92				12.24	4.68	16.92
2003-04	13.37	7.94	21.30	10.86	4.36	15.22	12.84	5.67	18.51				12.84	5.67	18.51
2004-05	13.58	8.13	21.72	11.43	4.93	16.36	13.47	6.33	19.79				13.47	6.33	19.79
2005-06	13.81	8.33	22.14	12.02	5.59	17.61	14.07	7.06	21.13				14.07	7.06	21.13
2006-07	14.03	8.54	22.57	12.65	6.32	18.97	14.70	7.88	22.58				14.70	7.88	22.58
2007-08	14.26	8.74	23.01	13.31	7.16	20.47	15.36	8.80	24.16	0.166	0.500	0.666	15.53	9.30	24.83
2008-09	14.50	8.96	23.46	14.01	8.11	22.11	16.05	9.83	25.88	0.229	0.714	0.943	16.28	10.54	26.82
2009-10	14.74	9.18	23.91	14.74	9.18	23.91	16.77	10.98	27.75	0.296	0.956	1.253	17.07	11.94	29.01
2010-11	14.98	9.40	24.38	14.98	9.40	24.38	16.93	11.10	28.03				16.93	11.10	28.03
2011-12	15.22	9.63	24.86	15.22	9.63	24.86	17.10	11.22	28.32				17.10	11.22	28.32

Year	Gross Enrolment Ratio (%)			Net Enrolment Ratio (%)			Out of School Children (in Crores)			Estimation of Additional Teachers Required (in Lakhs) <sup>23</sup>					
	6-10	11-13	6-13	6-10	11-13	6-13	6-10	11-13	6-13	Scenario 1 (TPR = 1:35)			Scenario 2 (TPR = 1:40)		
										Primary	Upper Primary	Total	Primary	Upper Primary	Total
2002-03	93	60	81	79	50	68	2.83	3.90	6.73	4.84	0.11	4.95	0.47	0.00	0.47
2003-04	96	71	87	81	55	71	2.50	3.58	6.08	4.55	1.43	5.98	0.00	0.00	0.00
2004-05	99	78	91	84	61	75	2.16	3.20	5.35	4.35	1.79	6.15	0.00	0.00	0.00
2005-06	102	85	95	87	67	80	1.78	2.75	4.53	4.07	2.40	6.47	0.00	0.00	0.00
2006-07	105	92	100	90	74	84	1.38	2.21	3.59	5.88	4.74	10.61	0.63	1.92	2.55
2007-08	109	106	108	93	82	89	0.95	1.58	2.54	1.88	2.62	4.51	1.65	2.30	3.95
2008-09	112	118	114	97	90	94	0.49	0.85	1.34	1.97	2.94	4.91	1.73	2.57	4.30
2009-10	116	130	121	100	100	100	0.00	0.00	0.00	2.06	3.29	5.35	1.81	2.88	4.69
2010-11	113	118	115	100	100	100	0.00	0.00	0.00	0.46	0.34	0.80	0.40	0.30	0.70
2011-12	112	117	114	100	100	100	0.00	0.00	0.00	0.46	0.35	0.81	0.41	0.30	0.71

<sup>2</sup> Based on the figures available, it is estimated that 2 lakh teachers at primary and 1.5 lakh teachers at upper primary level have been appointed each year in 2003-4 and 2004-05. It is assumed that the same number of teachers have been appointed in the year 2005-06 as well (see Technical Notes 4.2 in page 16). The additional teachers were estimated after subtracting the appointments (approximately 10.5 lakhs) made during 2003-04 to 2005-06.

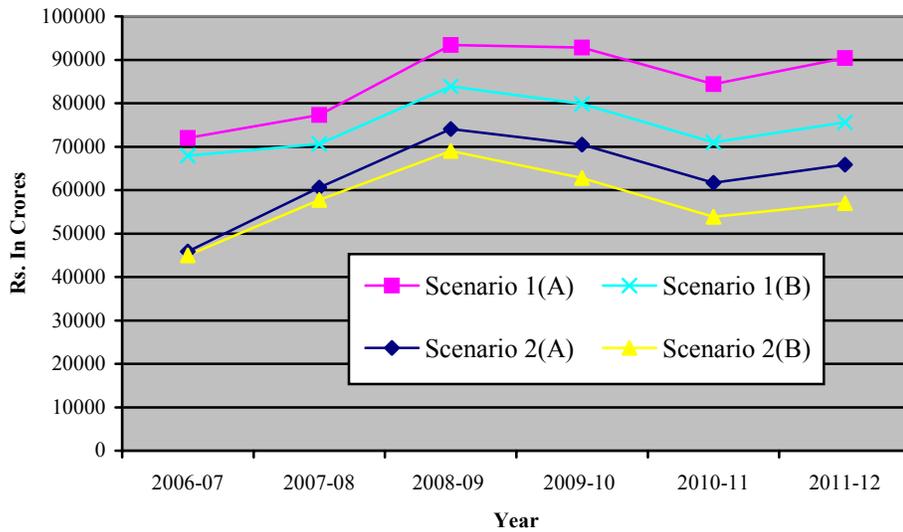
<sup>3</sup> It has been assumed that in 2006-07, all 10.61 or 2.55 lakhs additional teachers required as the case may be are appointed. This will accommodate the backlog of teacher requirement of previous years. Figures of additional teachers required shown against subsequent years 2007-08 to 2011-12, therefore, arise from the additional enrolment occurring in that year only.

**Table 3.2: Year-wise and the total estimated additional costs (2006-07 to 2011-12) for implementing the Bill in different alternative scenarios (Rs. In crore)**

Scenario	Year	Teacher Salary	School Infrastructure and Civil works	Other Components	Grand Total	% share of Teacher Salary	% share of Cost of school infrastructure	% share of other components	Additional Financial Requirement as a % of GDP <sup>4</sup>
1(A).	2006-07	11297	27779	27313	66389	17.0	39.9	39.2	1.88
	2007-08	20166	18431	30645	69242	29.1	25.4	42.2	1.75
	2008-09	29169	18185	34973	82327	35.4	21.0	40.5	1.85
	2009-10	38637	10557	29001	78195	49.4	12.9	35.3	1.57
	2010-11	38745	1254	28069	68068	56.9	1.8	39.3	1.22
	2011-12	42451	1280	28506	72238	58.8	1.7	37.6	1.15
	<b>Total</b>	<b>180466</b>	<b>77486</b>	<b>178506</b>	<b>436459</b>	<b>41.3</b>	<b>16.9</b>	<b>39.0</b>	<b>1.51</b>
1(B).	2006-07	8732	27779	27155	63666	13.7	41.6	40.6	1.80
	2007-08	15720	18431	30369	64519	24.4	27.2	44.8	1.63
	2008-09	22773	18185	34574	75533	30.2	22.9	43.6	1.70
	2009-10	29897	10557	28456	68910	43.4	14.6	39.3	1.38
	2010-11	29970	1254	27521	58746	51.0	2.0	44.6	1.05
	2011-12	32752	1280	27901	61933	52.9	2.0	42.9	0.99
	<b>Total</b>	<b>139844</b>	<b>77486</b>	<b>175976</b>	<b>393307</b>	<b>35.6</b>	<b>18.8</b>	<b>42.6</b>	<b>1.36</b>
2(A).	2006-07	3588	15076	26594	45258	7.9	31.7	56.0	1.28
	2007-08	10863	17543	29869	58275	18.6	28.7	48.8	1.47
	2008-09	18238	17219	34080	69537	26.2	23.6	46.7	1.56
	2009-10	25880	9502	27979	63362	40.8	14.3	42.1	1.27
	2010-11	25332	1097	27011	53440	47.4	2.0	48.1	0.95
	2011-12	27931	1120	27376	56427	49.5	1.9	46.2	0.90
	<b>Total</b>	<b>111832</b>	<b>61558</b>	<b>172909</b>	<b>346299</b>	<b>32.3</b>	<b>16.9</b>	<b>47.6</b>	<b>1.20</b>
2(B).	2006-07	2925	15076	26556	44557	6.6	32.2	56.8	1.26
	2007-08	8714	17543	29738	55995	15.6	29.8	50.6	1.41
	2008-09	14545	17219	33852	65616	22.2	25.0	49.1	1.47
	2009-10	20297	9502	27632	57432	35.3	15.8	45.8	1.15
	2010-11	19878	1097	26673	47648	41.7	2.2	53.3	0.85
	2011-12	21830	1120	26998	49947	43.7	2.1	51.5	0.80
	<b>Total</b>	<b>88190</b>	<b>61558</b>	<b>171449</b>	<b>321196</b>	<b>27.5</b>	<b>18.3</b>	<b>50.8</b>	<b>1.11</b>

<sup>4</sup> The annual growth rate of GDP from 1993-94 to 2003-04 in current prices is estimated as 12.2% (Economic Survey, 2004-05). This is estimated by fitting a semi-log linear trend regression. This is used to project the GDP at current prices till 2011-12.

**Chart 2: Year Wise Additional Financial Requirements to Implement Right to Education Bill 2005**



**Table 3.3: Estimated Additional Finances Required during 2006-07 to 2011-12 to implement the Bill-Broad Category Wise (Primary + Upper Primary) (Rs. In Crores)**

Sl. No.	Broad Category of Items	Scenario 1 (A)	Scenario 1 (B)	Scenario 2 (A)	Scenario 2 (B)
1	Teacher salary, excluding salary of DIET, BRC and CRC	178727	138106	110093	86451
2	Civil Work	72542	72542	57372	57372
3	School Equipments and Grants, including Grants to SMC	32938	32938	32928	32928
4	Teacher Grants and Support Material	768	768	488	488
5	Mainstreaming Out-of-school Children	16831	16831	16831	16831
6	Integrated Education for the Disabled	31922	31922	31922	31922
7	Incentives/entitlements under 'free education' to Children	61164	61164	61164	61164
8	In-service Training and Provisions for Quality Improvement	8816	8816	7962	7962
9	Teacher Training Facilities (Non DIET)	2000	2000	2000	2000
10	Management Cost (includes NEEC)	18645	16208	14458	13040
11	Cost of Inflation	12106	12013	11081	11039
	<b>GRAND TOTAL</b>	<b>436459</b>	<b>393307</b>	<b>346299</b>	<b>321196</b>

**Table 3.4: Component-wise estimated additional total costs (2006-07 to 2011-12) for implementing the Bill in different alternative scenarios (Rs. In crore)**

S. No.	Major Component	(Primary and Upper Primary)			
		Scenario I (A)	Scenario I (B)	Scenario 2 (A)	Scenario 2 (B)
<b>1</b>	<b>Teacher salary, excluding salary of DIET, BRC and CRC</b>				
1.1	Additional teacher salary	154476.5	116249.1	86819.6	65330.1
1.2	Bringing Salary levels of para teachers to regular teachers	1804.64	1338.75	1804.64	1338.75
1.3	Salary of additional teachers required once OSC are mainstreamed (may be considered as project teachers)	7815.3	5887.2	6838.3	5151.3
1.4	Salary of Part-time art and work education Instructors in upper primary schools	579.4	579.4	579.4	579.4
1.5	Salary of Instructors for Pre-school Education	14051.2	14051.2	14051.2	14051.2
<b>2</b>	<b>Civil Work</b>				
2.1	Construction of pucca school buildings	3247.74	3247.74	3247.74	3247.74
2.2	Additional classrooms	40497.86	40497.86	25327.88	25327.88
2.3	Office-cum-store-cum head teacher's room	15496.10	15496.10	15496.10	15496.10
2.4	Kitchen shed (including utensils) in primary schools	1506.34	1506.34	1506.34	1506.34
2.5	Toilets	1085.20	1085.20	1085.20	1085.20
2.6	Drinking water	664.47	664.47	664.47	664.47
2.7	Electricity	775.00	775.00	775.00	775.00
2.8	Telephone	103.31	103.31	103.31	103.31
2.9	Construction of additional pre-primary classrooms (Balwadis)	9166.41	9166.41	9166.41	9166.41
<b>3</b>	<b>School Equipments and Grants, including Grants to SMC</b>				
3.1	School equipment and furniture	979.44	979.44	979.44	979.44
3.2	Provision of textbooks, workbooks for primary and upper primary schools	283.31	283.31	273.48	273.48
3.3	Provision of computers in upper primary schools	932.24	932.24	932.24	932.24

3.4	One-time grant for teaching learning material and equipment in pre-primary class	146.37	146.37	146.37	146.37
3.5	Grants for sports and co-curricular activities	961.79	961.79	961.79	961.79
3.6	Annual maintenance grants to schools	27352.01	27352.01	27352.01	27352.01
3.7	Annual grants to schools for community based monitoring, research and evaluation	961.79	961.79	961.79	961.79
3.8	Grants to SMC	320.60	320.60	320.60	320.60
3.9	Bringing all schools to the same level in terms of furniture and equipment as per the Schedule	1000.00	1000.00	1000.00	1000.00
<b>4</b>	<b>Teacher Grants and Support Material</b>				
4.1	Annual grant to pre-school instructors' training and support material	146.37	146.37	146.37	146.37
4.2	Annual grant to all primary and upper primary school teachers for support material and kits	621.74	621.74	341.86	341.86
<b>5</b>	<b>Mainstreaming Out-of-school Children</b>				
5.1	Non-residential bridge courses	2075.86	2075.86	2075.86	2075.86
5.2	Residential bridge courses	14755.15	14755.15	14755.15	14755.15
<b>6</b>	<b>Integrated Education for the Disabled</b>				
6.1	Integrated education for the disabled	8130.08	8130.08	8130.08	8130.08
6.2	Home-based education for the severely disabled	23791.52	23791.52	23791.52	23791.52
<b>7</b>	<b>Incentives/entitlements under 'free education' to Children</b>				
7.1	Provision of textbooks, workbooks, notebooks and stationery for children	45204.70	45204.70	45204.70	45204.70
7.2	Provision of free uniforms	15959.01	15959.01	15959.01	15959.01
<b>8</b>	<b>In-service Training and Provisions for Quality Improvement</b>				
8.1	In-service training of primary and upper primary school teachers	7536.28	7536.28	6681.85	6681.85
8.2	Distance education facility for teacher training	90.00	90.00	90.00	90.00
8.3	Establishment of additional DIETs, BRCs and CRCs	166.26	166.26	166.26	166.26
8.4	Salary of DIET, , Non-DIET, BRC and CRC staff	538.82	538.82	538.82	538.82

8.5	Contingency grant to DIET, Non-DIET, BRC and CRC	484.89	484.89	484.89	484.89
<b>9</b>	<b>Teacher Training Facilities (Non DIET)</b>				
9.1	Capital Costs of Opening Teacher Training Facilities (Non-DIET)	800.00	800.00	800.00	800.00
9.2	Recurring Costs Teacher Training Facilities (Non-DIET)	1200.00	1200.00	1200.00	1200.00
<b>10</b>	<b>Management Cost</b>				
10.1	6% of recurring expenditure as management cost	18585.0	16147.7	14398.3	12979.7
10.2	Recurring expenditure of the National Elementary Education Commission	60.00	60.00	60.00	60.00
	Cost of Inflation	12105.9	12013.4	11080.9	11039.3
	<b>GRAND TOTAL</b>	<b>436458.5</b>	<b>393307.3</b>	<b>346298.9</b>	<b>321196.2</b>

## **6. Technical Notes on Population and Enrolment Projection and Financial Estimation**

### **6.1 Projection of Child Population and Enrolment**

1. Prior to the projection of the enrolment (6-10 and 11-13 age groups), the single age population has been estimated for 1991 and 2001 census years applying the Sprague Multiplier Software. The average annual growth rates of single age population have been estimated separately for males and females during 1991-2001.
2. Based on the average annual growth rate, single age population has been projected up to the year 2011. The relevant single age projected population figures have been added to find out population in age groups 6-10 and 11-13 from 2002-03 to 2011-12.
3. It has been assumed that the underage children in Grade I will be reduced to zero by 2007-08 with the stabilization of the entry age, and all underage children coming to school will be accommodated in pre-school classes.
4. The share of overage children in the total enrolment at primary and upper primary level will go down consistently during 2003-4 and 2011-12, and even in the year 2011-12, the GER will be more than 100% because of presence of overage children due to repetition and mainstreaming of out-of-school children.
5. Primary and upper primary level gross enrolment as given in the 7<sup>th</sup> AIES, 2002-03 has been used, and the % share of under and overage children (separately for boys and girls) as found in DISE for 2002-03 and 2003-04 has been applied to find out the net enrolment at primary level (6-10 age group) and upper primary level (11-13 age group) for the year 2002-03.
6. Projected population in age groups 6-10 and 11-13 in 2009-10 has been taken as total net enrolment respectively at primary and upper primary level in 2009-10 for boys and girls separately. Accordingly net enrolment was interpolated from 2003-04 to 2008-09.
7. The share of under and over age children in the total enrolment in 2002-03 and 2003-04 has been taken from DISE. Based on the trends in the % share of overage children in total enrolment in primary and upper primary levels, a declining trend in the % share of overage children in total enrolment has been assumed.
8. Applying the share of over and under age children in the total enrolment, the net enrolment in primary level (6-10 age group) and in upper primary level (11-13 age group) has been adjusted to estimate the gross enrolment (i.e. including under and overage children) at primary and upper primary level from 2003-04 to 2010-11.
9. From 2010-11 to 2011-12, total age group population (6-10 and 11-13) has been adjusted by applying the share of overage children to project the gross enrolment at primary and upper primary levels respectively.

10. The gross enrolment at primary and upper primary levels form the basis for estimation of major components such as teachers, teaching learning materials, incentives, classrooms, etc.

## **6.2 Estimation of Additional Teachers' Salary**

1. Enrolment data are available by stages and by institutions from Selected Educational Statistics as well as AIES for the year 2002-03. The enrolment data by stages consists of enrolment corresponding to each level of education in all schools, viz. primary, upper primary, high and higher secondary schools. Enrolment data by institutions consists of the enrolment at a particular level of institution irrespective of the stage for which the children are enrolled. The data on teachers are available only by institutions and not by stages. Therefore, teachers data by stages have been estimated with the limited information available for an earlier period in the following way. Based on the sixth AIES, the proportion of enrolment at primary and upper primary by different institutions – upper primary, high and higher secondary schools, were computed. According to the sixth AIES, 63 per cent of enrolment in upper primary institutions, 18 per cent in high schools, 10 per cent in higher secondary schools were found to be at lower primary stage. The corresponding proportions for upper primary stages were 37 %, 47% and 33%, respectively. These proportions were used to apportion the teachers working in upper primary, high and higher secondary schools to primary and upper primary stages. These proportions may have to be revised as and when relevant data from seventh AIES are available.
2. According to MHRD Annual Reports, PAB of SSA and sources from MHRD, 2 lakh teachers at primary and 1.5 lakh teachers at upper primary level have been appointed each year in 2003-4 and 2004-05. Accordingly it is assumed the same number of teachers might have been appointed in the year 2005-06 as well.
3. It is assumed that 30 per cent of all new teachers appointed during the period 2003-04 to 2005-06 are para teachers. Their salary levels were brought to the regular teachers' scales in each scenario by assuming Rs.2,500 as the para teachers' present salary.
4. Additional teachers required to mainstream out-of-school children has been estimated separately and their salary levels were taken as per the salary of regular teachers.
5. Three part-time art, health, physical and work education instructors have been provided for every three upper primary schools on the assumption that these schools will share the instructors. These instructors would be paid an honorarium of Rs. 3000/- per month.
6. All pre-school classes have been provided separate instructors at a monthly honorarium of Rs. 4000/-.
7. The financial estimates include the salary of cumulative additional teachers from 2006-07 to 2011-12.

### **6.3 Additional Schooling Facilities and Civil Work**

1. The existing schools as reported in the 7<sup>th</sup> AIES has been taken as base year figure, and based on the number of un-served habitations, it has been proposed to establish 1,20,000/- new primary schools and 90,000 new upper primary schools during the period 2006-07 to 2009-10.
2. No separate financial estimate for constructing new schools has been made, as the cost of construction of these schools is included in the cost of additional classrooms.
3. Percentage share of schools having no drinking water and toilet facilities as found in DISE data for 2003-04 has been applied to find out the number of schools to be provided this facility.
4. While making the provision of pre-school facility in primary schools, it has been estimated that around 1,80,000 schools have Anganwadis either located in the school or closer to it. The rest of the existing and new primary schools have been given pre-primary facility.
5. Based on the 7<sup>th</sup> AIES, number of schools having no pucca building has been estimated and every such school has been provided two classrooms.
6. 5,00,000 (3 lakh primary and 2 lakh upper primary schools) have been given one-time grant @ Rs. 20,000/- for up-gradation of facility so as to bring them at par with other schools as specified in the Schedule.

### **6.4 School Equipment and Grants, including Grants to SMCs**

1. 25% existing schools and all new schools have been considered for provision of school equipment/furniture.
2. 90% of existing and all new UP schools have been considered for provision of computers.
3. 75% of existing and all new primary schools have been considered for Kitchen facility for Mid-day Meals.
4. 75% of existing and all new primary schools have been provided utensils for Mid-Day Meals.
5. All existing and new pre-school classes have been provided one-time grant for teaching learning material and equipment.

### **6.5 Teacher Grants**

All regular teachers in primary and upper primary schools and instructors pre-primary classes have been taken for estimation of annual teacher grants.

### **6.6 Mainstreaming Out-of-school Children**

1. It has been assumed that the Bill will commence from April 2006. As per the Bill, at the primary level, all 7-9 age group out-of-school children (from 2006-07 to 2008-09) will be mainstreamed by 2009-10.

2. At the upper primary level, all out-of-school children in the age group 11-13 plus the share of 10-year-olds in the out-of-school children in the age group 6-10 (from 2006-07 to 2008-09) will be mainstreamed by 2009-10.
3. Accordingly, the share of 7-9 age group children in the total projected population (age group 6-10) has been estimated, and the same has been applied to the out-of-school children at primary level to get the number of OSC in 7-9 age group. The OSC thus estimated has been used for financial estimates for non-residential bridge course.
4. The share of 10-year old children in the total projected population (age group 6-10) has been estimated, and the same has been applied to the out-of-school children at primary level to get the number of 10-year-old out-of-school children. The OSC (10-year old + 11-13 age group) thus estimated has been used for financial estimates for residential bridge course. The number of 10-year old OSC is then added to the out-of-school children at upper primary level (11-13 age group).
5. It has been assumed that mainstreaming of the out-of-school children will start from 2007-08 and continue up to 2009-10, and bridge courses for mainstreaming the OSC will be organized from 2006-07 to 2008-09..
6. Given the huge number, mainstreaming of OSC will swell the size of the elementary education system at least for four to five years, beginning from 2007-08. Thereafter, the size of enrolment in the elementary education will come down and stabilize. At this stage, the system will have the problem of surplus teachers, and related provisions. To overcome this problem, the teacher requirements for mainstreaming the OSC has been estimated separately, and the estimated teachers have been assumed to be project teachers for 3 years, providing them with all the benefits of a regular teacher.

### **6.7 Integrated Education for the Disabled**

2.7% of gross enrolment has been taken for estimating the number of disabled children, who can be provided integrated education. 0.3% of the gross enrolment has been taken for estimating the number of severely disabled children for home-based education.

### **6.8 Incentives/entitlements under 'free education' to Children**

1. 75% of the gross enrolment has been taken for estimating the cost of free textbooks, workbook, notebooks and stationery.
2. 50% of the gross enrolment has been taken for estimating the cost of two sets of free school uniforms.
3. Any other incentives/entitlements under 'free education' which an appropriate government may prescribe under section 2 (1) (m) of the Bill have not been costed here.

### **6.9 In-service Teacher Training and Provisions for Quality Improvement**

1. 50 more DIETs are to be established; 5% of existing BRCs and CRCs has been taken as new BRCs and CRCs to be opened from 2006-07

2. As per MHRD Sources at least 50% of professional, technical and support staff (i.e. about 18 positions per DIET) are lying vacant in existing DIETS and necessary financial requirements to fill these vacancies have made.
3. All new DIET's will have 37 staff including technical and support staff.
4. All new BRCs are to be given 5 staff members each; and all new CRCs will be given one staff each.
5. All existing teachers will be given 20 days training every year.
6. Training to 20% of existing teachers who are considered to be untrained or under-trained will be provided at estimated cost of Rs. 10000/- per teacher in 2006-07 to upgrade their skills.
7. 20 days training has to be given to 80% of existing teachers in 2006-07 and all teachers from 2007-08.
8. 30 days induction training is to be provided to all newly appointed teachers.
9. 1000 teacher education institutions (non-DIET) will be established to provide pre-service teacher training.
10. A lump sum amount per annum has to be given to each district to promote distance education for teacher training.

#### **7.10 Management Cost**

1. 6% of total recurring cost has been taken as management cost per annum.
2. A lump sum of 10 crore per annum has been provided for meeting the expenditure of the National Elementary Education Commission.