

THE FREE AND COMPULSORY EDUCATION BILL, 2004

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

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

CHAPTER I: PRELIMINARY

1. Short Title, Extent and Commencement

(1) This Act may be called The Free and Compulsory Education Act, 2004.

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

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of the Act, and for different parts of the country.

2. Definitions

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

(a) 'academic year' means a period notified as such by the appropriate government;

(b) "appropriate government" means

(i) the state Government in the case of territory comprised in a State,

(ii) the Government of a Union Territory , in the case of a Union Territory having its own legislature, and

(iii) the Central Government, in the case of other Union Territories ;

(c) "approved school" means a school, which

(i) is under the management of the Central Government or a State Government or a local authority or under the management of a body controlled by the Central Government, a State Government or a local authority, or

(ii) being under any other management, is recognized by the competent authority for the purposes of this Act and receives substantial aid from the Government or local authority, or both;

(iii) but does not include:-

(A) schools run by the Central Government, its organizations including defence forces, and central public sector undertakings, either primarily for the education of children of their employees, or for other special purposes, e.g. schools run by the Kendriya Vidyalaya Sangathan, the Navodaya Vidyalaya Samiti, Sainik Schools, and such other schools, or category of schools as the Central Government may, by notification, specify, and

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

(d) “child” means a boy or girl who is not less than six years and not more than fourteen years of age;

(e) “child in need of care and protection”, “guardian” in relation to a child, and, “juvenile in conflict with law”, shall have the meanings respectively assigned to them in clauses (d), (j) and (l) of section 2 of the Juvenile Justice [Care and Protection of Children] Act, 2000 [56 of 2000], so however that reference in this Act shall be to a child of the age group specified in clause (d) above of this sub-section;

(f) “child with special needs” means a child with a disability or a learning disability, or both;

(g) “class” in relation to the elementary stage means a sub-stage corresponding to one academic year;

(h) “Competent Academic Authority” means an authority empowered by law or by the Central or an appropriate government, or recognized by such government, for prescribing syllabus, essential levels of learning, mode of examination, and such other academic matters for the elementary stage, for being followed in schools under academic control of, or affiliated to such authority;

(i) “Competent Authority” means an officer or authority empowered by law or by the Central or an appropriate government, or recognised by such government, for the purpose of granting recognition to schools;

(j) “completion of elementary education” means attainment at least of the essential levels of learning laid down for the elementary stage;

(k) “compulsory education” means imparting of elementary education to children in such a manner that the educational status and progress of every child is compulsorily and constantly monitored, and all necessary steps taken to ensure that every child enrolled in a recognized school, attends it at least with such minimum regularity as may be prescribed, and, as far as possible, completes elementary education;

(l) “disability” shall have the meaning assigned to it in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full

Participation) Act, 1995;

(m) "District Institute of Education and Training" and "District Resource Centre" mean institutions established by these generic names under the centrally-sponsored scheme of Teacher Education;

(n) "Education Guarantee Centre" and "alternative school" mean schools of these generic names run under a scheme framed or approved by the Central Government or an appropriate government under section 27;

(o) "elementary education" means education at the elementary stage;

(p) "elementary stage" means the stage of school education corresponding to Classes I to VIII as per syllabus prescribed by a Competent Academic Authority;

(q) "essential levels of learning" means competencies laid down as being essential for the elementary stage or its sub-stages in accordance with sub-section (3) or sub-section (4) of section 30 of this Act;

(r) "family below the poverty line" means a family identified as such for purposes of the public distribution scheme of the appropriate government;

(s) "fee-charging recognized school" means a recognized school, in which elementary education is not free, but does not include:-

(A) schools run by the Central Government, its organizations including defence forces, and central public sector undertakings, either primarily for the education of children of their employees, or for other special purposes, e.g. schools run by the Kendriya Vidyalaya Sangathan, the Navodaya Vidyalaya Samiti, Sainik Schools, and such other schools, or category of schools as the Central Government may, by notification, specify, and

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

(t) "free education" means imparting of elementary education to children in such a manner that the child or her parent or guardian does not have to incur any expenditure by way of tuition or any other fees or charges payable to the school, and may include, subject to rules made in this behalf, freedom for the parent or guardian from liability to incur expenditure, wholly or partly, on text books, stationery, uniforms, public transport, school meal, and such other items connected with elementary education of the child as may be prescribed;

(u) "habitation" means:-

(i) in a municipal area, the ward, or such smaller unit as the appropriate government may, by Order published in the official gazette, specify, and

(ii) in rural areas, the village, or such smaller unit (e.g. a hamlet) as the appropriate government may, by Order published in the official gazette, specify;

(v) “instructor” means a person who teaches in a transitional school whether on full-time or part-time basis;

(w) “learning disability” means dyslexia, attention deficit disorder, autism, Down’s Syndrome, and such other conditions as the NCERT may notify as a learning disability;

(x) “local area” means:-

(i) in case of urban areas, a municipal area, and

(ii) in case of rural areas:

(A) in States having panchayats at the intermediate level, the territorial area of a Panchayat of such level, and

(B) in other States, such territorial unit as the appropriate government may, by notification, specify as the ‘Local area’, for purposes of this Act;

(y) “local authority” means a Panchayat or a Municipality and such other authorities as the appropriate government may, by notification, specify;

(z) “National-level Resource Institutions’ means the institutions known at the commencement of this act, as NCERT, NIEPA, NCTE, IGNOU and NIOS, and such other institutions as the Central Government may, by notification, designate as a national-level resource institution for the purposes of this Act;

(aa) “non-attendance” means omission of a child to attend the school in which she is enrolled with such minimum regularity as may be prescribed;

(bb) “non-educational purpose” means any purpose not connected with elementary education, or with children’s access to or participation in such education;

(cc) “parent” means the father or mother of a child and includes an adoptive father or mother;

(dd) “prescribed” means prescribed by rules made under this Act;

(ee) “recognized school” means a school recognized by the Central or an appropriate government, or by a competent authority;

(ff) “school” means an institution or part of institution which imparts instruction at the elementary stage, or any part of such stage, and includes a transitional school;

(gg) “secondary stage” means the stage of school education corresponding to Classes IX to XII as per curriculum prescribed by a Competent Academic Authority;

(hh) “State/UT-level Academic Authority” means the authority which is the Competent Academic Authority in respect of approved schools of the State/UT;

(ii) “substantially aided”, in relation to a school, means a school which meets at least seventy five percent of its annual expenditure through funds received as loan or grant either individually from the Central Government or a State Government or a local authority, or collectively from two or all of them;

(jj) “teacher” means a person who teaches in a recognized school, and includes the Head Teacher of such school, by whatever name called;

(kk) “transitional school” means an EGS Centre or an Alternative School;

(ll) “ward”, in relation to a child, means a child who is under the guardianship of someone other than a parent;

(mm) the female gender, wherever used in pronouns in relation to a child, includes the male.

(2) Words and expressions used but not defined in this Act, and defined in the Constitution shall have the meaning assigned to them in the Constitution.

CHAPTER II: BASIC PROVISIONS REGARDING FREE & COMPULSORY EDUCATION

3. Duty of appropriate government to provide free and compulsory education

(1) The appropriate Government shall, through the Authorities and mechanisms provided in Chapter III and otherwise, provide free and compulsory education to all children not enrolled in fee-charging recognized schools in the manner hereinafter provided.

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

a) girls,

b) Scheduled Castes, Scheduled Tribes and Other Backward Classes,

c) families below the poverty line,

d) families affected by migration, calamities, etc.,

- e) inhabitants of urban slums and rural areas, especially remote rural areas,
- f) first generation learners,
- g) children with special needs,
- h) children in need of care and protection, and
- i) juveniles in conflict with law.

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

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

4. Duty of appropriate government to establish facilities for free and compulsory education

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

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

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

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

the case may be.

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

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

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

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

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

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

5. Education in approved and transitional schools to be free and compulsory

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

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

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

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

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

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

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

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

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

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

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

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

(b) such other particulars as may be prescribed,

(3) If there is no approved school located within the vicinity prescribed under section 6 from the place of residence of a child but a transitional school is so located, provision of sub-sections (1) and (2) above shall apply in respect of such transitional school as if it were an approved school.

8. Duty of parents & guardians

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

(i) enrol his child, or, as the case may be, ward in a recognized school,

(ii) cause the child to attend such school with at least such minimum regularity as may be prescribed; and

(iii) provide the child full opportunity to complete elementary education.

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

(i) non-availability of an approved or transitional school within the distance prescribed under sub-section(1) of Section 4;

(ii) the child suffering from a disability or disease which prevents her from attending school;

(iii) such other reasons as may be prescribed.

9. Duty of Recognized Schools, teachers and instructors

(1) It shall be the duty of every recognized school to ensure, along with parents and guardians, compulsory education of all children enrolled in the school.

(2) Without prejudice to the generality of sub-section (1), it shall be the duty of teachers in every approved School to:

(a) report every case of non-attendance to the parent or guardian concerned in the first instance, and to the HEEA constituted under section 16 in case it persists,

(b) regularly assess the learning level of each child, and to provide supplementary instruction to children who are slow learners, and

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

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

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

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

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

10. Prohibition of deployment of teachers for non-educational purposes

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

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

11. Recruitment of teachers to be done in a fair and objective manner

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

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

12. Transfers and deployment of teachers to be in accordance with declared policy & norms

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

(2) The policy referred to in sub-section (1) shall be a public document, and shall be so framed as to minimize scope for arbitrariness.

(3) Transfers and postings of teachers who are employees of an appropriate government or a local authority shall be effected in accordance with the policy declared under sub-section (1).

(4) Appropriate governments and local authorities running approved schools shall ensure that teachers and their sanctioned posts are deployed in schools in accordance with norms specified in the Schedule, and are not over-deployed in urban areas at the cost of rural areas.

13. Procedure for computing age of a child

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

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

(2) Ordinarily the birth certificate and, in its absence, a declaration by the parent or guardian shall be treated as prima facie proof of the age of a child, unless the admitting authority has reason to disbelieve it. In case it is disbelieved, the authority shall determine the child's age after making an enquiry in such manner as may be prescribed.

14. All schools to seek recognition

(1) All approved and transitional schools shall be deemed to be recognized schools for the purposes of this Act.

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

(3) Every application preferred under sub-section (2) shall be disposed of by the Competent Authority within three months, and if it is not so disposed of, recognition shall be deemed to have been granted to the applicant school for such period for which it is normally granted in the first instance under the rules.

(4) New schools shall be established after commencement of this Act only after obtaining recognition from a competent authority.

(5) All schools which were already recognized at the commencement of this Act shall fulfil such norms as may be prescribed, within such period as may be notified by the appropriate government.

(6) All new schools shall be granted recognition by the competent authority only on fulfilment of such norms as may be prescribed.

(7) The norms referred to in sub-sections (5) and (6) shall not be less than the minimum norms specified in Schedule I.

(8) It shall be the duty of every recognized school to furnish such information and statistics about its facilities, students and all other matters, as the appropriate government or an officer or authority empowered by it, may seek from time to time.

(9) A child receiving instruction in a school which is not recognized, shall not have a right to be admitted to a recognized school in a class for studying in which she may be certified as fit by the un-recognized school.

CHAPTER III: BODIES AND MECHANISMS FOR ACHIEVING FREE AND COMPULSORY EDUCATION WITH PEOPLE'S PARTICIPATION

15. List of habitations

(1) The appropriate government shall cause to be drawn up within three months from the commencement of this Act, a complete list of habitations in the State/Union Territory in such manner as it may think proper.

(2) The appropriate government shall cause the list prepared under sub-section (1) to be updated at least once a year at such time and in such manner as may be prescribed.

(3) Habitation shall be the basic unit for planning and implementation of all programmes connected with provision of free and compulsory education.

16. Habitation-level Elementary Education Authority (HEEA)

(1) The appropriate government shall cause to be constituted for every habitation, a Habitation-level Elementary Education Authority (HEEA) with such name and composition, and in such manner as may be prescribed.

(2) The HEEA referred to in sub-section (1) shall be in the nature of a Parent-Teacher or Mother-Teacher Association, or a School Management Committee, or

(a) in municipal areas, a Ward Education Committee, and

(b) in other areas, a Village or Hamlet Education Committee, or such other body as may be prescribed.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the appropriate government may for the purposes of this Act, designate as HEEA:

(a) Village Panchayats or their Sub-Committees on Education, for rural habitations,

(b) Ward Committees of Municipalities, for municipal areas,

(c) grass-roots level education committees constituted under any other law for the time being in force,

for areas to which such law applies.

(4) In case the HEEA is not a body designated under sub-section (3), its composition shall be so prescribed that:-

(a) it has adequate representation of all sections of the community, including parents, teachers, scheduled castes, scheduled tribes, other backward classes, and persons/ bodies working for universalisation of elementary education (UEE),

(b) at least half of its members, other than ex officio members, are women, and

(c) in the case of rural habitations located in a scheduled area, it is constituted in accordance with the wishes of the Gram Sabha.

(5) The HEEA shall be responsible for ensuring proper implementation of this Act and for achieving free and compulsory education in the habitation, in the shortest possible time, and shall, towards that end, perform the following functions, in such manner as may be prescribed, namely:

(i) Preparation of a list of all children residing in the habitation, three months

before the commencement of the academic year, with children belonging to disadvantaged groups of the kind referred to in sub-section (2) of Section 3 being separately listed under appropriate categories;

(ii) Preparation of an annual plan, with full participation of the community, for ensuring free and compulsory education of all children included in the list prepared under sub-clause (i) above, specially keeping in view the needs of children belonging to disadvantaged groups;

(iii) Mobilisation of resources for the plan from the community to the maximum extent possible, submission of the plan to the Local Elementary Education Authority two months before the commencement of the academic year for obtaining funds to the extent they cannot be locally mobilised, and implementation of the plan with resources mobilised locally and those provided by the LEEA and the appropriate government;

(iv) Ensuring that all children included in the list prepared under sub-clause (i) above are enrolled at the beginning of the academic year in a recognised school;

(v) Continuous monitoring of attendance of every child enrolled in an approved or transitional school, and ensuring that every such child attends school with at least such minimum regularity as may be prescribed;

(vi) In every case of non-attendance, taking action to end it and ensuring regular attendance in future;

(vii) Monitoring achievement levels of every child enrolled in an approved and transitional school, and taking timely steps to ensure that, as far as possible, every child attains at least the essential levels of learning appropriate for his class;

(viii) Exercising control over every approved and transitional school within the habitation, with a view to ensuring that such School(s) functions regularly and properly;

(ix) Maintenance, upkeep and improvement of building, premises and facilities of the approved and transitional school(s) in the habitation;

(x) Implementation of rules and guidelines notified under sub-section (3) of section 3;

(xi) Submission of an annual report to such authority or authorities as may be prescribed, including necessarily to the Gram Sabha in the case of habitations located in Scheduled Areas, on the status of implementation of free and compulsory education in the habitation during the preceding academic year, and

(xii) such other functions as may be prescribed;

(6) The HEEA shall meet as often as necessary but at least once every month.

(7) Wherever the HEEA is a body other than one designated under sub-section (3), term of office of its members, other than ex officio members, their entitlement of allowances, if any, for participation in meetings, and procedure for transaction of business by the HEEA shall be such as may be prescribed.

(8) The HEEA shall constitute an Attendance Committee and such other Committees as may be prescribed and as it may deem fit.

(9) The Attendance Committee of the HEEA shall consist of the Chairperson of the HEEA, all teachers of approved and transitional schools located in the habitation, and other members of the HEEA in such number and chosen in such manner as may be prescribed, so however that at least half of its members, other than the Chairperson and the teachers, are women.

(10) The Attendance Committee shall meet as often as necessary but at least once every fortnight. In every such meeting, the approved and transitional schools located in the habitation shall place before the Committee lists of children enrolled with them but not attending it with prescribed regularity.

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

(a) enrolment of every child in the habitation in a recognized school, and

(b) regular attendance of every child enrolled in an approved or transitional school, ascertain reasons for each instance of non-enrolment and non-attendance, attempt to redress the situation which is preventing the parent or guardian from sending the child to school, especially by implementation of rules and guidelines notified under sub-section (3) of section 3, and in case the non-enrolment or non-attendance persists, take such other corrective action as may be prescribed.

17. Local Elementary Education Authority (LEEA)

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

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

(3) In case the LEEA is not a body designated under sub-section (2), its composition shall be so prescribed that:-

(a) it has adequate representation of all sections of the community, including parents, teachers, scheduled castes, scheduled tribes, other backward classes, and persons/ bodies working for UEE, and

(b) at least half of its members, other than ex officio members, are women.

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

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

(ii) raising of public awareness, and mobilization of resources for achieving free and compulsory education within its jurisdiction,

(iii) collation and scrutiny of habitation-level annual plans received from HEEAs under clause (ii) of sub-section (5) of section 16, sanctioning them as per its priorities, to the extent of its delegated powers, and submitting the remaining components, after scrutiny and with its recommendations, to the DEEA constituted under section 18, or, as the case may be, to the MEEA constituted under Section 19,

(iv) promotion of, and support to innovations for achieving free and compulsory education in the local area,

(v) monitor implementation of rules and guidelines notified under sub-section (3) of section 3, and take appropriate corrective action, wherever necessary;

(vi) such other functions as may be prescribed

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

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

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

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

intermediate level.

18. District Elementary Education Authority (DEEA)

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

(2) Notwithstanding anything contained in sub-section (1), the appropriate government may designate an existing body established by or under an Act, and having jurisdiction over the whole district, to be the DEEA for the district.

(3) In case the DEEA is not a body designated under sub-section (2), its composition shall be so prescribed that:-

(a) it has adequate representation of all sections of the community, including parents, teachers, scheduled castes, scheduled tribes, other backward classes, and persons/ bodies working for UEE, and

(b) at least half of its members, other than ex officio members, are women.

(4) The DEEA shall be responsible for ensuring proper implementation of this Act and for achieving free and compulsory education in the District or, as the case may be, in the area of its jurisdiction in the shortest possible time, and shall towards that end, perform the following functions, namely:

(i) support LEEAs in performing various functions assigned to them under section 17,

(ii) raising of public awareness, and mobilisation of resources for achieving free and compulsory education in the District,

(iii) scrutiny and sanction, as per its priorities, of those components of habitation-level plans as may be submitted to it by the LEEA under sub-section (4) of section 17, and allocation of resources accordingly,

(iv) promotion of, and support to innovations for achieving free and compulsory education in the district,

(v) monitor implementation of rules and guidelines notified under sub-section (3) of section 3, and take appropriate corrective action, wherever necessary;

(vi) disposal of representations received under sub-section (2) of section 26 of this Act, and

(vii) such other functions as may be prescribed.

- (5) The DEEA shall meet as often as necessary but at least twice a year.
- (6) Wherever the DEEA is a body other than one designated under sub-section (2), term of office of its nominated and co-opted members, their entitlement of allowances for participation in meetings, and procedures for transaction of business by the DEEA shall be such as may be prescribed.
- (7) The DEEA may constitute such sub-committees for the more convenient transaction of its business as it may think fit.
- (8) The DEEA shall present an annual report on the local area-wise status of implementation of this Act, and of progress towards free and compulsory education in the district to the SEEA/ UTEEA constituted under section 20, and to the District Planning Committee, in such manner and at such time as may be prescribed.

19. Metropolitan Elementary Education Authority (MEEA)

- (1) The appropriate Government shall constitute for every metropolitan area, a Metropolitan Elementary Education Authority (MEEA) with such name and composition and in such manner as may be prescribed.
- (2) Notwithstanding anything contained in sub-section (1), the appropriate government may designate an existing body established by or under an Act, and having jurisdiction over the entire metropolitan area, to be the MEEA for such area.
- (3) In case the MEEA is not a body designated under sub-section (2), its composition shall be so prescribed that:-
- (a) it has adequate representation of all sections of the community, including parents, teachers, scheduled castes, scheduled tribes, other backward classes, and persons/ bodies working for UEE, and
- (b) at least half of its members, other than ex officio members, are women.
- (4) The MEEA shall be responsible for ensuring proper implementation of this Act and for achieving free and compulsory education in the metropolitan area in the shortest possible time, and shall, towards that end, perform the following functions, namely:
- (i) support LEEAs working in the metropolitan area in performing various functions assigned to them under section 17;
- (ii) raising of public awareness, and mobilisation of resources for achieving free and compulsory education in the metropolitan area;
- (iii) scrutiny and sanction, as per its priorities, of those components of habitation-

level plans as may be submitted to it by the LEEA under sub-section (4) of section 17, and allocation of resources accordingly;

(iv) promotion of, and support to innovations for achieving free and compulsory education in the metropolitan area;

(v) monitor implementation of rules and guidelines notified under sub-section (3) of section 3, and take appropriate corrective action, wherever necessary;

(vi) disposal of representations received under sub-section (2) of section 26 of this Act; and

(vii) such other functions as may be prescribed.

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

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

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

(8) The MEEA shall present an annual report on the local area-wise status of implementation of this Act, and of progress towards free and compulsory education in the metropolitan area to the SEEA/ UTEEA constituted under section 20, and to the Metropolitan Planning Committee, in such manner and at such time as may be prescribed.

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

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

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

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

(3) In case the SEEA/ UTEEA is not a body designated under sub-section (2), its composition shall be so prescribed that:-

(c) it has adequate representation of all sections of the community, including parents, teachers, scheduled castes, scheduled tribes, other backward classes, and persons/ bodies working for UEE, and

(d) at least half of its members, other than ex officio members, are women.

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

(i) Aid and advise the appropriate government in the discharge of its responsibility under sub-section (1) of section 3, and exercise such powers and discharge such functions in this behalf as the appropriate government may delegate to the SEEA/UTEEA,

(ii) support DEEAs and MEEAs in performing various functions assigned to them under sections 18 and 19, respectively,

(iii) formulation of policy, laying down of priorities, raising of public awareness, and mobilisation and allocation of resources for free and compulsory education at the State level,

(iv) promotion of, and support to innovations and research for achieving free and compulsory education in the State/UT,

(v) monitor implementation of rules and guidelines notified under sub-section (3) of section 3, and take appropriate corrective action wherever necessary;

(vi) promotion of use of information technology and distance education in various programmes connected with free and compulsory education, and

(vii) such other functions as may be prescribed.

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

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

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

(8) The SEEA/UTEEA shall submit to the appropriate government, for each academic year, an annual report on the district-wise status of implementation of

this Act and of progress towards free and compulsory education, in such manner and at such time as may be prescribed. The report shall be placed by the appropriate government, along with its comments, before the legislature concerned within six months of completion of the academic year.

21. Responsibilities of Central Government and National-level Resource Institutions

(1) Central Government may render financial and other assistance to State Governments and SEEAs/UTEEAs in the discharge of their functions under this Act.

(2) National-level resource institutions shall render technical assistance to appropriate governments and SEEAs/UTEEAs in the discharge of their functions under this Act, subject to general guidelines, if any, of the central government and requests of appropriate government.

(3) Central Government shall present an annual report to Parliament on the State/UT-wise of implementation of this Act and of progress towards free and compulsory education.

22. Technical Assistance to State, District, Metropolitan, Local and Habitation-level Elementary Education Authorities.

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

(2) The District Institute of Education & Training or the District Resource Centre established for the district, shall render technical assistance to the DEEA and MEEA in the discharge of their functions under this Act.

(3) The appropriate government shall establish Resource Centres for rendering technical assistance to LEEAs and to groups of HEEAs in the performance of functions assigned to them under this Act, supporting and monitoring the work of approved and transitional schools located in their jurisdiction, and for performing such other functions as may be prescribed.

(4) Subject to such guidelines as the appropriate government may lay down, the DEEA and the LEEA shall designate, for each LEEA and HEEA respectively, a Resource Centre mentioned in sub-section (2) or some other appropriate institution for rendering technical assistance to such LEEA/HEEA in the discharge of its functions under this Act.

23. Funds, accounts & audit

(1) All moneys received by every Authority constituted under section 16, 17, 18, 19 or 20, for the discharge of its functions under this Act, shall be kept in a separate account, and shall be administered in such manner as may be prescribed.

(2) Financial powers of various authorities for different items of expenditure shall be such as the appropriate government may, by Order, determine from time to time.

(3) Accounts of money, referred to in sub-section (1), shall be maintained by the authority concerned, and shall be audited, in such manner as may be prescribed.

24. Social Audit

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

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

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

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

(2) If a non-government organization, including a public sector undertaking, wishes to take upon itself the responsibility enjoined upon an appropriate government under sub-section (1) and (2) of section 3, and section 4 of this Act, in relation to a habitation or an area, such organization may submit a detailed proposal in this behalf to the appropriate government in such manner as may be prescribed. The appropriate government may, after examining such a proposal, by order, assign to the applicant organization, [hereinafter, referred to as the "assigned organization"], its duties under the said provisions of this Act in relation to such area or habitation, for a period not exceeding three years at a time, and subject to such terms and conditions as may be specified in the order, which may include, if so requested by the assigned organization, exemption from the provisions of sections 16-19 of this Act for such area or habitation.

(3) Notwithstanding anything contained in sub-section (2), the appropriate government shall continue to have ultimate responsibility of complying with the provisions of sections 3 and 4 of this Act, in respect of the habitation or area for which it may pass an order under sub-section (2).

(4) Every school established by an assigned organization shall conform to the

norms prescribed for an approved or, as the case may be, a transitional school, and shall be deemed to be an approved or, as the case may be, a transitional school for the purposes of this Act.

26. Grievance redressal mechanism

(1) Anyone who has a grievance that provisions of section 4-6 and 9-12 of this Act are not being complied with, may submit a written representation in that behalf to the LEEA which shall take appropriate action on it and inform the applicant within a period not exceeding two months from the date of receipt of the representation.

(2) If an applicant is not satisfied with the action taken by the LEEA under sub-section (1), he may submit a representation in that behalf to the DEEA or, as the case may be, to the MEEA, which shall take appropriate action thereon and inform the applicant within a period not exceeding two months from the date of receipt of the representation.

CHAPTER IV: MEASURES FOR CHILDREN BELONGING TO CERTAIN CATEGORIES

27. Transitional arrangements for education of children living in areas with poor access and out-of-school children

(1) The Central Government or an appropriate Government may frame schemes for setting up Education Guarantee Centres or Alternative Schools [to be collectively known as “transitional schools”] as an interim or transitional arrangement for providing free and compulsory education to children living in habitations with poor access, and out-of-school children, till such time as they are provided such education in an approved school.

(2) The appropriate Government may also approve a scheme framed by any person, body or institution for setting up transitional schools for the purpose mentioned in sub-section (1) above.

(3) Every child studying in transitional school shall be enabled by the appropriate government to study in an approved school as early as possible, but in any case within three years from the commencement of this Act;

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

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

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

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

29. Children with special needs

(1) The HEEA and LEEA shall promote integration of children with special needs in normal schools.

(2) Where there does not exist an approved school within the distance prescribed under sub-section (1) of section 3 from the residence of a child with disability, the LEEA shall have the power to direct any nearest recognized school to admit such a child if her disability is such that her education in a normal school is possible. On such direction, the recognized school shall admit such a child and provide free and compulsory education to her, as if it is an approved school within the meaning of section 6.

(3) If there is in existence a special school within the prescribed distance from the residence of a child with such special needs as prevent his or her integration in a normal school, the LEEA may, if it is satisfied that the child is not receiving elementary education in some other manner considered by it to be satisfactory, by order, require the special school to admit such child. On such direction, the special school shall admit such a child and provide free and compulsory education to her as if it is an approved school within the meaning of section 6. Further, it shall be the duty of the parent or guardian of such child to cause her to attend such special school unless there be a valid reason for her non-attendance within the meaning of section 8.

CHAPTER V: CONTENT & PROCESS OF ELEMENTARY EDUCATION

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

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

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

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

(a) a State/UT curricular framework for elementary education comprising a common core along with other components that are flexible, and

(b) indicative or recommended essential levels of learning for the elementary stage, and its sub-stages.

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

(a) the syllabus for elementary education, and

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

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

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

(5) The documents notified under sub-sections (3) and (4) shall be followed in all approved and transitional schools in the district, or as the case may be, the State/UT, except those which are required to be governed by an alternative system either by law or in accordance with article 30 of the Constitution.

(6) All curricular frameworks and syllabi referred to in sub-sections (1) to (5) shall strictly conform to the ideals, values and principles enshrined in the Constitution, especially as articulated in its Preamble, and shall aim to develop children into citizens fully cognizant of their fundamental duties as specified in Article 51-A thereof.

(7) Documents notified under sub-sections (1), (2), (3) and (4) shall be reviewed and revised, in such manner as may be prescribed, at intervals not exceeding five years;

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

31. Process of elementary education

Subject to any general or special directions given by the appropriate government

and by SEEA/ UTEEA, the State/ UT -level Academic Authority shall, from time to time, issue guidelines for being followed in recognised schools regarding

(i) modalities of curriculum transaction so as to make the learning process interesting, motivating and effective for the child,

(ii) modalities of learner evaluation, and of remedial instruction in appropriate cases, and

(iii) class upto which a child may be promoted automatically without being detained.

32. Prohibition of physical punishment in recognized schools

(1) No child shall be awarded physical punishment in any recognized school.

(2) Violation of sub-section (1) by a teacher shall amount to professional misconduct, and shall be liable to be punished in accordance with the disciplinary rules applicable to him.

(3) If a recognized school other than an approved school, fails to take action against a teacher as provided in sub-section (2) above, it shall be liable to forfeit its recognition or State grant or both, in such manner as may be prescribed.

CHAPTER VI: TRIAL AND PUNISHMENT FOR OFFENCES UNDER THE ACT

33. Penalty for contravention of Section 7

(1) If any person contravenes the provisions of Section 7, he shall be punishable with a fine which may extend to One Thousand Rupees and in case of continuing contravention, with an additional fine not exceeding Rs 50/- for each day during which such contravention continues after conviction for the first of such contraventions.

(2) No court shall take cognizance of an offence under this Act except on the complaint of an HEEA or any person authorized in this behalf by an LEEA by general or special order.

34. Courts competent to try offences under the Act

(1) Courts competent to try offences under Section 33 of this Act shall be the following-

a) In case of rural areas The Panchayat Adalat - by whatever name called, in respect of offences committed within their jurisdiction;

b) In case of urban areas and where there are no Panchayat Adalats, by whatever name called, an executive magistrate empowered by the District Magistrate for

the purpose.

(2) Any offence triable by the Panchayat Adalat shall be tried in the manner provided for the trial of criminal cases by the concerned Panchayat Raj Act, and any offence triable by a magistrate shall be tried in a summary way.

CHAPTER VII: MISCELLANEOUS

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

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

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

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

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

(2) Children to be admitted in a school under sub-section (1) shall be chosen by the LEEA of the local area in which the school is situated, in the manner determined by the appropriate Government, from among children belonging to families below the poverty line living in the local area.

(3) On receipt of directions under sub-section (1), the school concerned shall admit students selected under sub-section (2), and shall provide free education to them upto class VIII or such lower class upto which education is imparted in the school, subject to the students satisfying such conditions as may be prescribed.

(4) If any school fails to carry out a direction given under sub-section (1), read with sub-section (3) above, then the appropriate government or the competent authority shall take such action, including withdrawal of recognition, against the school and in such manner as may be prescribed.

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

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

provisions of sub-section (1) of section 21.

(2) Manner of assessment, collection, recovery, custody, appropriation, allocation, utilisation and accounting of the surcharge levied under sub-section (1) shall be such as may be prescribed by rules notified by the Central Government.

(3) Every notification issued under sub-section (1) and all rules notified under sub-section (2) shall be laid before Parliament as soon as after its issue or, as the case may be, notification as possible.

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

(1) If a young person has, for whatever reason, been unable to complete elementary education by the age of fourteen years but is continuing her education in an approved or transitional school at that age, she shall continue to be provided free education in such approved or transitional school till she completes elementary education or attain the age of eighteen years, whichever is earlier.

(2) If a young person between the age of fourteen and eighteen years, who is out of school and has not been able to complete elementary education, wishes to be enrolled in an approved or transitional school, she shall be admitted and provided free elementary education in such school till she completes elementary education or attains the age of eighteen years, whichever is earlier, provided this does not adversely affect the right of children under section 6.

(3) Provisions of sub-section (1) and (2) shall remain in effect for a period of ten years from the commencement of this Act, unless the period is extended beyond that limit by the appropriate government through notification.

(4) The Central and appropriate governments shall establish, and promote establishment of, facilities, including facilities of distance education, open schools & evening schools, to enable young persons who have not been able to complete elementary education by the age of fourteen years, and can no longer study in a school, to complete such education as soon after that age as possible.

38. Control

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

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

(3) If an authority under section 16, 17, 18 or 19 of this Act consistently defaults in the performance of its duties and functions under this Act, and in achieving satisfactory progress towards free and compulsory education, its constitution or,

as the case may be, designation, may, notwithstanding anything contained in this act or rules made thereunder, be rescinded, and a fresh constitution or designation carried out simultaneously, in such manner as may be prescribed.

39. Certain persons to be public servants

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

40. Protection of action taken in good faith

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

41. Power to amend Schedules

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

42. Delegation of Powers

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

(2) An authority constituted or designated under section 16-20 of this Act may, by general or special order and subject to any general guidelines of the appropriate Government, authorize any officer or authority subordinate to it to exercise all or any of the powers conferred on such authority by or under this Act.

43. Power to exempt

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

(2) Central Government may, on the request of an appropriate government, by an Order published in the Official Gazette, exempt any State, Union Territory or area from the application of any provision of this Act, for such period as may be specified in the Order, if it is satisfied that in the specific circumstances of the

State, UT or area, such provision is not conducive to achievement of free and compulsory education.

(3) Every Order passed under sub-section (1) or sub-section (2) shall be laid, as soon after it is passed as possible, before each House of Parliament.

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

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

44. Power to remove difficulties

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

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

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

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

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

46. Power of appropriate government to make Rules

(1) The appropriate Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(to be drafted)

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

47. Repeal & Savings

(1) As from the day this Act come into effect in the National Capital Territory of Delhi, the Delhi Primary Education Act, 1960, shall stand repealed.

(2) Any act done or purported to have been done under the Delhi Primary Education Act, 1960, prior to its repeal under sub-section (1), shall be deemed to have been done under this Act.