



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्रधिकार से प्रकाशित

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

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi the June, 2012 Jyaistha 30, 1934 (Saka)*

The following Act of parliament received the assent of the President on the 19<sup>th</sup> June, 2012, and is hereby published for general information:-

### THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) ACT, 2012

[No. 30 OF 2012]

{19<sup>th</sup> June, 2012}

An Act to amend the Right of Children to Free and Compulsory Education

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:-

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

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

2. In the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act), in section 1, after sub-section (3), the following sub-sections shall be inserted, namely:-

“(4) Subject to the provisions of articles 29 and 30 of the Constitution, the provisions of this Act shall apply to conferment of right on children to free and compulsory education.”

Transcribed By

Centre for Civil Society, A-69 Hauz Khas, New Delhi 110016

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“(5) Nothing contained in this Act shall apply to Madrasas, Vedic Pathsalas and educational institutions primarily imparting religious instruction.”

THE GAZETTE OF INDIA EXTRAORDINARY

PART II-

Amendment  
of section 2

3. In the principal Act, in section 2,-

(a) in clause (a), after the word “means”, the words “a child with disability or” shall be inserted;

(b) after clause (e) the following clause shall be inserted, namely:-

(ee) “child with disability” includes,-

(A) a child with “disability” as defined clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; 1 of 1996

(B) a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. 44 of 1999

(C) a child with “severe disability” as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. 44 of 1999

Amendment  
of section 3

4. In section 3 of the principal Act,-

(a) for sub-section (1), the following sub-section shall be substituted, namely:-

(1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.

(b) in sub-section (2), the proviso shall be omitted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:-

‘(3) A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall , without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act,1995, and a child referred to in sub-clause (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act,1995: 1 of 1996

Provided that a child with “multiple disabilities” referred to in clause (h) and a child with “severe disability” referred to in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 may also have the right to opt for home-based education’. 44 of 1999

Amendment  
of section 21

5. In section 21 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:-

“Provided that the school Management Committee constituted under sub-section (I) in respect of,-

(a) a school established and administered by minority whether based on religion or language; and

(b) all other aided school as defined in sub-section (ii) of clause (n) of section 2, “shall perform advisory function only”.

Amendment  
of section 22

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6. In section 22 of the principal Act, in sub-section (I), for the words “School Management Committee, Constituted”, the words, “School Management Committee, except the School Management Committee in respect of the school established and administered by minority, whether based on religion or language and an aided school as defined in sub-clause (ii) of clause (n) of section 2, constituted” shall be substituted.

7. In section 25 of the principal Act, in sub-section (I), for the words “Within six months”, the words “within three years” shall be substituted.

Amendment  
of section 25  
Insertion of  
new section  
39.

8. After section 38 of the principal Act, the following section shall be inserted, namely:-

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

Power of  
Central  
Government  
to remove  
difficulties

Provided that no order shall be made under this section after the expiry of three years from the commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 201

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

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V.K. BHASIN,

*Secretary to the Govt. of India.*