

Bill No. XX of 2010

THE NATIONAL COUNCIL FOR TEACHER EDUCATION
(AMENDMENT) BILL, 2010

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BILL

to amend the National Council for Teacher Education Act, 1993.

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

1. (1) This Act may be called the National Council for Teacher Education (Amendment) Act, 2010. Short title and commencement.

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

73 of 1993. **2.** In the National Council for Teacher Education Act, 1993 (hereinafter referred to as the principal Act), in the long title, after the words "in the teacher education system", the words "including qualifications of school teachers" shall be inserted. Amendment of long title.

Amendment of section 1. **3.** In section 1 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Save as otherwise provided in this Act, the provisions of this Act shall apply to—

(a) institutions; 5

(b) students and teachers of the institutions;

(c) schools imparting pre-primary, primary, upper primary, secondary or senior secondary education and colleges providing senior secondary or intermediate education irrespective of the fact, by whatever names they may be called; and 10

(d) teachers for schools and colleges referred to in clause (c)."

Insertion of new section 12A. **4.** After section 12 of the principal Act, the following section shall be inserted, namely:—

Power of Council to determine minimum standards of education of school teachers. "12A. For the purpose of maintaining standards of education in schools, the Council may, by regulations, determine the qualifications of persons for being recruited as teachers in any pre-primary, primary, upper primary, secondary, senior secondary or intermediate school or college, by whatever name called, established, run, aided or recognised by the Central Government or a State Government or a local or other authority: 15

Provided that nothing in this section shall adversely affect the continuance of any person recruited in any pre-primary, primary, upper primary, secondary, senior secondary or intermediate schools or colleges, under any rule, regulation or order made by the Central Government, a State Government, a local or other authority, immediately before the commencement of the National Council for Teacher Education (Amendment) Act, 2010 solely on the ground of non-fulfilment of such educational qualifications as may be specified by the Council." 20 25

Amendment of section 32. **5.** In section 32 of the principal Act, in sub-section (2), after clause (d), the following clause shall be inserted, namely:—

"(dd) the qualifications of teachers under section 12A;".

STATEMENT OF OBJECTS AND REASONS

The National Council for Teacher Education Act, 1993 has been enacted to provide for the establishment of a National Council for Teacher Education with a view to achieving planned and co-ordinated development of teacher education system in the country and the regulation and proper maintenance of norms and standards in the said system and for matters connected therewith.

2. Clause (d) of section 12 of the aforesaid Act empowers the Council to lay down guidelines in respect of minimum qualifications for a person to be employed as a teacher in schools or in recognised institutions. The object of this provision is to ensure quality of teachers, and thereby, teaching in schools uniformly across the country. In pursuance of this provision, the Council has framed Regulations which are binding on all State Governments in the matter of appointment of school teachers.

3. The Hon'ble Supreme Court in the case of *Basic Education Board, U.P. vs Upendra Rai and others* [Appeal (Civil) 8034 of 2001] has held that the Act does not deal with educational institutions like primary schools, etc. Hence, the qualifications for appointment as teacher in the ordinary educational institutions like the primary schools cannot be prescribed under the aforesaid Act, and the essential qualifications are prescribed by the local Acts and Rules in each State.

4. The purpose of regulating the teacher education system is to ensure quality of teachers in the education system. In view of the aforesaid judgment, the minimum qualification for appointment of teachers in schools laid down by the Council has become redundant.

5. In the circumstances, it is considered necessary to amend the Act to clarify that the Act applies to schools, school teachers and the minimum qualifications for appointment of school teachers, so as to have uniform standards of teaching in schools in the country.

6. The Bill seeks to achieve the above objects.

NEW DELHI;
The 12th March, 2010.

KAPIL SIBAL.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill seeks to insert a new section 12A in the National Council for Teacher Education Act, 1993 so as to empower the National Council for Teacher Education to make regulations determining the qualifications of persons for being recruited as teachers in any pre-primary, primary, upper primary, secondary, senior secondary or intermediate school or college, by whatever name called, established, run, aided or recognised by the Central or State Government or other authorities.

2. Sub-section (1) of section 32 of the Act empowers the Council to make regulations not inconsistent with the provisions of the Act and the rules made thereunder generally to carry out the provisions of the Act. Sub-section (2) of the said section enumerates the matters in respect of which the Council may make regulations. Clause 5 of the Bill seeks to amend sub-section (2) of the said section 32 so as to enumerate that the Council may make regulations in respect of the teacher education qualification under the new section 12A sought to be inserted *vide* clause 4 of the Bill.

3. The matters in respect of which regulations may be made by the Council are matters of detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE NATIONAL COUNCIL FOR TEACHER EDUCATION ACT, 1993

(73 OF 1993)

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An Act to provide for the establishment of a National Council for Teacher Education with a view to achieving planned and co-ordinated development of the teacher education system throughout the country, the regulation and proper maintenance of norms and standards in the teacher education system and for matters connected therewith.

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32. (1) * * * * * Power to make regulations.

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

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RAJYA SABHA

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to amend the National Council for Teacher Education Act, 1993.

(Shri Kapil Sibal, Minister of Human Resource Development)