

Bill No. 194 of 2019

THE RIGHT TO PLAY SPORTS BILL, 2019

By

DR. KIRIT PREMJI BHAI SOLANKI, M.P.

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BILL

*to confer right to play sports on every child as enshrined in the United Nations
Convention on the Rights of the Child and for matters
connected therewith.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Right to Play Sports Act, 2019.

(2) It extends to the Union territories only.

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

Definitions.

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

(a) "child" means a person who has not attained the age of eighteen years;

(b) "local authority" means the body which is vested with general executive powers under any law for the time being in force; or any authority at district level or local level including Municipal Corporation, a Municipal Council, an improvement Board, a Sanitary Board or a Notified Area Committee or a Town Board or a Resident Welfare Association constituted under any law for the time being in force and such other authority as may be specified by the Central Government;

(c) "play" means any freely chosen recreational activity with or without predefined rules; and

(d) "school" means any public or private school under the jurisdiction of local authority.

Right of child to play sports.

3. Every child shall have the right to—

(a) participate in sports at a level commensurate with his ability;

(b) play freely in local areas, parks, green spaces, sport clubs, community centers and Government owned spaces;

(c) get coaching by individuals who are well trained in sport-specific safety and monitored by athletic health care team members; and

(d) participate in sporting activities in safe and healthy environment, both indoor and outdoor.

Central Government to ensure right of child to play sports.

4. The Central Government shall—

(a) ensure that the institutions, services and facilities necessary for the care and protection of children conforms with the standards established by the competent authority in the area of playing sports activities and other recreational activities;

(b) promote and develop sports at the regional level as part of the decentralization process;

(c) provide adequate financial, material and administrative support to regional sports organizations; and

(d) encourage the development of indigenous and traditional sports such as wrestling country-wide.

Right to play in schools.

5. It shall be the responsibility of every school to,—

(a) make sports as an intrinsic part of the fundamental Right to Education;

(b) undertake 'Play-led' Learning Approach to deliver early years learning in schools from a play perspective;

(c) ensure children are provided with an interesting playing environment for breaks during the school day;

(d) provide playing opportunities for specified duration during school hours, weekends and holiday periods with open access to school grounds and use of premises for activities;

(e) provide morning, lunch time and afternoon play breaks;

(f) include sports compulsory in educational curriculum from elementary to higher education;

(g) provide for well trained physical education and sports teachers; and

(h) provide adequate sporting facilities including sports equipment.

6. (1) The local authority shall assess the sufficiency of playing opportunities under its jurisdiction for children in accordance with provisions of this Act. Responsibilities of local authority.

(2) In performing its duties under sub-section (1), the local authority shall—

49 of 2016. 5 (a) consider the needs of children who are disabled persons (within the meaning of Rights of Persons with Disabilities Act, 2016);

(b) consider needs of children of different ages;

(c) take steps to provide opportunities to children to play within its jurisdiction;

(d) provide safe environment to play; and

10 (e) consult the children, their parents and the local community for ensuring sports activities.

7. (1) The local authority shall develop an action plan and a sports agenda enumerating associated costs, targets, priorities and milestones to achieve play sufficiency under its jurisdiction. Action Plan.

15 (2) While formulating an action plan under sub-section (1), the local authority shall taken into account:—

(a) national environment and geography of the area;

(b) built environment and characteristics of the communities;

(c) demography of the area;

(d) existing play opportunities and provision; and

20 (e) existing organizational structures.

8. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall make rules and regulations for the purpose of providing equitable access to children to open space, both on public or private land, to play and practice recreational activities free of charge. Accessibility to open space.

25 (2) The open play fields and playgrounds inside the premises of private sports clubs and sports complexes shall be made accessible free of charge for two hours every day.

(3) No child shall be evicted from an open space where he is indulging in playful activity.

30 **9.** If any private entity fails to abide by the provisions of section 8, such entity shall be liable to a fine which may extend upto rupees twenty-five thousand. Penalty.

10. The Central Government shall ensure that a National Play Day is celebrated to create public awareness about the benefits of playing sports. National Play Day.

35 **11.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty: Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

40 **12.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.

13. (1) The Central Government may, by notification published in the Official Gazette make rules to carry out the provisions of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which

may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation. 5

STATEMENT OF OBJECTS AND REASONS

Article 24 of the United Nations Declaration on Human Rights confer the right to rest and leisure and article 31 of the Convention on Rights of Child recognizes the right of the child to rest and leisure, to engage in play and recreational activities. Right to play sports is an inseparable and intrinsic part of the fundamental right to education.

The need is to realize the provision of quality spaces and time for play to children and young adults for their physical, social and mental development. The need is also to make the Government responsible to make available a conducive environment where children can grow up in conditions where they can exercise their right to play.

With the rise of urbanization, mechanization and dwindling of public spaces, accessibility to public outer spaces has been made a priority through which children from different social backgrounds have open, free and equitable access to the playground. To bring inclusivity of all children, no child shall remain excluded because of issues such as different levels of ability, language, caste or gender. Playing sports may reduce inequalities among children living in families with different background.

One should be able to indulge in play. It is also required to make physical education and sports accessible and guaranteed within the educational system and in holistically making play part of the social life. Sports may not necessarily be an end in itself but a means by which other end such as gender equality, racial equality, health promotion, education development and social cohesion can be achieved and may eventually help in realization of human rights and development goals. Right to Play Sports will elevate the status of physical education, games and sports to a dignified height.

Hence this Bill.

NEW DELHI;
June 27, 2019.

KIRIT PREMJBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the Central Government to ensure availability of adequate financial, material and administrative support for ensuring right of every child to play sports. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum from the Consolidated Fund of India.

No non- recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Dr. Kirit Premjibhai Solanki, M.P.)