

Bill No. 53 of 2020

THE PRE-SCHOOL REGULATORY AUTHORITY BILL, 2020

By

SHRI MANOJ KOTAK, M.P.

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BILL

to provide for constitution of a Pre-School Regulatory Authority to regulate the functioning of pre-schools in the country and for matters connected therewith.

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

1. (1) This Act may be called the Pre-School Regulatory Authority Act, 2020.

Short title and commencement.

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

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

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases' the Central Government;

(b) "Authority" means the Pre-School Regulatory Authority constituted under
10 section 3;

(c) "pre-school" means any elementary, kindergarten, nursery, pre-primary, play School or formative centre or institution including private School imparting early childhood education before their enrolment in the first standard; and

(d) "prescribed" means prescribed by rules under the Act.

Constitution
of the Pre-
School
Regulatory
Authority.

3. (1) With effect from such day as the appropriate Government may appoint, the appropriate Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Pre-School Regulatory Authority to regulate the functioning of pre-schools within its territorial jurisdiction. 5

(2) The Authority shall consist of a Chairperson and such number of members as may be appointed by the appropriate Government in such manner as may be prescribed. 10

(3) The appropriate Government shall appoint such number of officers and staff to assist the Authority, as it considers necessary, for its efficient functioning.

(4) The salary and allowances payable to, and other terms and conditions of service of the Chairperson, members, officers and staff of the Authority shall be such as may be prescribed. 15

Functions of
the Authority.

4. (1) It shall be the duty of the Authority to regulate the functioning of pre-schools under its jurisdiction.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Authority may,— 20

(a) put a ceiling on the monthly tuition fee and other charges;

(b) provide for a mechanism to maintain coordination between school administration and the parents;

(c) enquire into the complaints from the parents in regard to fee or other charges, lack of facilities, safety measures for children by the pre-schools and submit a report in this behalf to the appropriate Government; and 25

(d) perform such functions as may be prescribed.

De-recognition
of Pre-Schools

5. If the appropriate Government, on receipt of a report from the Authority under clause (c) of sub-section (2) of section 4, is satisfied that the management of any pre-school has neglected to perform its duties under this Act, it may, after giving reasonable opportunity of being heard to the management of the school, de-recognise or de-register such school for such period as it may consider appropriate. 30

Act not to be
in derogation
of other laws.
Power to
remove
difficulties.

6. The provisions of this Act shall be in addition to and not in derogation of any other law or rules made thereunder for the time being in force.

7. (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 this Act, as may be necessary for removing the difficulty: 35

Provided that no order shall be made under this sub-section after the expiry of the two years from the appointed day.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament. 40

Power to
make rules.

8. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(2) Every rule made under this act by the Central Government 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 45

successive sessions aforesaid, both House agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule 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
5 done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The first six years of childhood are the most important, because during this time mental development of children takes place at the most rapid pace. In this phase of development, not only is the quality of health, nutrition and care is necessary, but the environment given along with to the child is also important. The impact of this age experiences is visible for many years to come. The first three years of life are most important in the development of language and vocabulary.

The high quality Early Childhood Care and Education (ECCE) programs in which children are given language related activities also help in secondary and higher education. Despite ample benefits of pre-school education, there are still shortcomings in such educational institutions in our country. The Government has set rules and regulations for every small task, but there is no rule of any kind for pre-school centers (also called play schools) mushroomed everywhere in India. Whatever one wants, wherever one wants, one can run this school arbitrarily. Not only this, what will be the fees, what facilities will the children get, what are the measures for the safety of children there is no mechanism to regulate. The effect of all these is clearly visible at the facilities provided in Pre-School Centers.

The annual fees in these schools range from rupees twenty-five thousand to thirty-five thousand. Apart from this, at the time of admission of the child, rupees ten to fifteen thousand are taken from the family in one go. There is so much earning in such schools but there are no rules to regulate them. Most of the schools are being run in residential areas. There are rooms of very small size, extremely poor quality furniture and nothing substantial exist in the name of toys in such schools.

Even today in India, only 1.1 *per cent.* children get enrolled in pre-school while in countries such as France and Scotland this number is up to one hundred *per cent.*

Prof. James Heckman (Nobel Prize winner for Economics) has stated that "..Every single dollar invested in the field of early childhood care and education produces better education, health, social and economic outcomes...".

Surprisingly, there are rules to regulate the functioning of pre-school centres for small children.

The Bill, therefore, seeks to regulate the functioning of pre-schools in the country not only to ensure quality education and guidance in pre-schools, but also to protect the parents from unnecessary exploitation.

Hence this Bill.

NEW DELHI;
January 30, 2020.

MANOJ KOTAK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall constitute Pre-School Regulatory Authority to regulate the functioning of pre-schools within its territorial jurisdiction. The expenditure relating to the States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees Eight hundred crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees Two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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(Shri Manoj Kotak, M.P.)