

Bill No. 70 of 2024

THE PLAY SCHOOLS (REGULATION) BILL, 2024

By

SHRI JANARDAN SINGH 'SIGRIWAL', M.P.

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BILL

to regulate the functioning of play schools and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Play Schools (Regulation) Act, 2024.

(2) It extends to the whole of India.

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

Short title,
extent and
commencement.

Definitions.

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

(a) “appointed day” means the date of the commencement of this Act;

(b) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) “authority” means the Play Schools Education Authority constituted by appropriate Government under section 3; 5

(d) “play school” means an elementary school or formal centre or institution including private schools imparting pre-school or nursery education to children before their enrolment in the first standard; and

(e) “prescribed” means prescribed by rules under the Act. 10

Constitution of
the Play Schools
Education
Authority.

3. (1) With effect from the appointed day, the appropriate Government shall, by notification in the Official Gazette, constitute an authority to be known as the Play Schools Education Authority to regulate within its territorial jurisdiction, the functioning of play schools and conditions of service for teachers working in such schools. 15

(2) The authority shall consist of—

(a) a Chairperson to be appointed by the appropriate Government; and

(b) a maximum of twelve members to be appointed by the appropriate Government:

Provided that the number of members shall, in no case, be less than six. 20

(3) The Chairperson and other members referred to in sub-section (2) shall be chosen from amongst the persons who have special knowledge and at least twenty years of experience in the field of education.

(4) The term of office and conditions of service of the Chairperson and the other members shall be such as may be prescribed. 25

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

Functions of the
Authority.

4. (1) It shall be the duty of the authority to regulate the functioning of play schools and conditions of service of teachers, under its jurisdiction.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the authority may,— 30

(a) fix the student-teacher ratio;

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

(c) fix the hours of duty of teachers;

(d) monitor the funds collected by the schools; 35

(e) suggest the type of infrastructure to be maintained and the safety conditions to be ensured;

(f) prescribe curriculum;

(g) require setting up of a grievance redressal mechanism;

(h) recommend to the appropriate Government the mechanism for registration and recognition of play schools; and 40

(i) perform such functions as may be prescribed.

5. (1) The Authority may, with the previous approval of the appropriate Government, make regulations consistent with this Act for regulating the minimum qualifications for recruitment and the conditions of service of teachers of play schools. Power to make regulations.
- (2) Subject to any regulation that may be made in this behalf, no teacher of a play school shall be dismissed or removed nor shall his service be otherwise terminated except with the prior approval of the authority.
6. The salary, allowances, medical facilities, pension, gratuity, provident fund and other benefits of the teachers of play school shall not be less than those of the teachers of the corresponding status in schools run by the appropriate Government. Salary, allowances and other benefits to teachers.
7. No play school shall charge a tuition fee or collect other charges or receive payments, in excess of the amounts specified by the authority: Fee and other charges.
- Provided that every play School shall obtain prior approval of the authority for charging tuition fee or collecting other charges or receiving payments, exceeding the amounts specified by the authority.
8. If the appropriate Government, on receipt of a report from the authority, is satisfied that the managing committee of any play school has neglected to perform its duties imposed on it by or under this Act or any rules or regulations made thereunder and it is expedient in the interest of the school education to close down such school, it may, after giving reasonable opportunity of being heard to the managing committee of the school, order closing down of such school for such period as it may consider appropriate: Closing down of play schools.
- Provided that if the school is a recognized play school, the appropriate Government may also withdraw its recognition.
9. 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. Act not to be in derogation of other laws.
10. (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: Power to remove difficulties.
- 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.
11. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act. Power to make rules.
- (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 successive sessions aforesaid, both Houses 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 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 non-formal schooling and early childhood care is predominantly in private sector. The play schools have mushroomed all over the country, especially in urban areas. They are being governed by laws relating to Establishment of Shops of the concerned States. The early days of kids are spent in these schools as many parents are now putting their kids in these schools as early as one year of age. Foundation of mental and physical development of little children is laid in play schools. Play school now-a-days has become a big business opportunity. In the absence of any legislative check, complaints of parents and non-Governmental Organisations are not addressed by these schools. As play schools are laying foundation of a child's future, they should not be governed by any business Act but by an education Act.

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

Hence this Bill.

NEW DELHI;
July 9, 2024.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall, within its territorial jurisdiction, constitute Play Schools Education Authority to regulate the functioning of the play schools. 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 sum of rupees one crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees ten lakh is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Authority to make regulations for regulating the minimum qualifications for recruitment and conditions of service of teachers of play schools. Clause 11 empowers the appropriate Government to make rules for carrying out the purposes of the Bill. The matters in respect of which rules and regulations may be made are matters of administrative details and procedure and, as such, the delegation of legislative powers is of a normal character.

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(Shri Janardan Singh 'Sigriwal', M.P.)