

AS INTRODUCED IN THE RAJYA SABHA
ON THE 15TH DECEMBER, 2017

Bill No. XXXV of 2017

THE PLAY SCHOOLS (REGULATIONS) BILL, 2017

A

BILL

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

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

1. (1) This Act may be called the Play Schools (Regulations) Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

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

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

Definitions.

(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;

(d) "play school" means any elementary or kindergarten school or formative centre or institution including private schools imparting pre-school or nursery education to children before their enrolment in the first standard; and 5

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

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 of teachers and other staff working in such schools. 10

(2) The authority shall consist of,—

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

(b) a maximum of ten members to be appointed by the appropriate Government: 15

Provided that the number of members shall, in no case, be less than six at any given time.

(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 ten 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. 20

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

Function 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 and other staff, under its jurisdiction. 25

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

(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 and other staff; 30

(d) monitor the funds collected by the schools;

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

(f) prescribe curriculum and extra-curricular activities;

(g) require setting up of a grievance redressal mechanism; and 35

(h) perform such other functions as may be prescribed.

Power to
make
regulation.

5. The Authority may, with the previous approval of the appropriate Government, make regulations consistent with this Act for regulating minimum qualifications for recruitment and the conditions of service of teachers of play schools.

Salary,
allowances
and other
benefits to
teachers.

6. The salary, allowances, medical facilities, pension, gratuity, provident fund and other benefits of teachers of play school shall not be less than those of teachers of corresponding status in schools run by the appropriate Government. 40

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, exceeding the amounts specified by the authority.
- 5 **8.** If the appropriate Government, on receipt of a report from the authority, is satisfied that the managing committee of any play school has failed 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
10 such school for such period as it may consider appropriate. Closing down of Play Schools.
- 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
15 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 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.
- 20 **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
25 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
30 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 pre-schooling and early childhood care is predominantly prevalent in the private sector. The play schools have mushroomed all over the country, especially in urban areas. Foundation of mental and physical development of little children is laid in play schools. In the absence of any regulatory framework, complaints of parents and non-Government organisations are not addressed by these schools. As play schools are laying foundation for the child's future, they should be governed by an appropriate legislation.

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 guardians from unnecessary exploitation.

Hence this Bill.

DR. T. SUBBARAMI REDDY

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. It is estimated that sum of rupees two crores will be involved as recurring expenditure per annum from the Consolidated Fund of India. A non-recurring expenditure to the tune of rupees fifty lakh is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Play Schools Education Authority to regulate the minimum qualifications or recruitment and conditions of teachers and other staff of play schools. Clause 11 empowers the Central 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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(Dr. T. Subbarami Reddy, M.P.)