

Bill No. XXVI of 2023

THE RIGHT TO EARLY CHILDHOOD CARE BILL, 2023

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BILL

to provide for the right to early childhood care to all children in the country and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Right to Early Childhood Care Act, 2023.

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 case of a State, the Government of that State and in all other cases, the Central Government;

(b) "child" means any child living within the territory of India under the age of six
10 years;

(c) "early childhood care" means proper nutritious food, healthcare, play and early education within a protective and enabling environment to ensure proper growth, scientific upbringing and proper mental and physical wellbeing and development of the child.

(d) "local authority" means a Municipal Corporation or Municipal Council of Zila Parishad or Nagar Panchayat, by whatever name called, and includes such other authority or body having administrative control or empowered by, or under any law for the time being in force to function as a local authority in any city, town or village;

(e) "parent" means either the natural or step or adoptive father or mother or a guardian who has legal custody of the child and who is responsible for bringing up and caring for a child or a group of children; and

(f) "prescribed" means prescribed by rules under this Act.

Right to early
childhood
care.

3. (1) Every child shall have the right to early childhood care.

(2) No parent shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from accessing the benefits of universal early childhood care for his/her child.

Special
provisions for
differently-
abled children.

4. The appropriate Government shall while ensuring universal access to early childhood care to all children, take special measures to address the special needs of and provide special facilities to the differently-abled children.

Universal
access to early
childhood care.

5. The access to early childhood care should be designed in such a way that no child is left out of the ambit of its benefit due to income inequality, social inequity or information asymmetry.

Central
Government
to provide
funds.

6. (1) The Central Government shall have the primary responsibility for providing funds for carrying out the purposes of this Act.

(2) The Central Government shall provide funds to the State Governments, to meet such percentage of expenditure as may be prescribed, in consultation with the State Governments, as grants-in-aid of revenues, to enable them to carry out the purposes of this Act.

Duties of
appropriate
Government
or local
authority.

7. It shall be the duty of the appropriate Government or local authority, as the case may be, to—

(a) ensure free early childhood care to every child;

(b) ensure that no child is discriminated against and/or prevented from accessing early childhood care;

(c) notify or establish, where it is not so established, a well-equipped early childhood care centre, within such area or limits of neighbourhood, as may be prescribed; and

(d) provide necessary infrastructure for the care centres including building, equipments and well-trained staff.

Power to
make rules.

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

(2) Every rule made by the Central Government under this section 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 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 section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

STATEMENT OF OBJECTS AND REASONS

Early childhood refers to the formative stage of the first six years of life, which is the period of most rapid growth and development and critical for survival of a child. Deficiencies during this stage will have substantive and cumulative adverse impact on human development. As children are the future of our country, it is imperative to accord priority attention to early childhood care including proper nutrition, health care, play and early learning within a protective and enabling environment.

2. Child malnutrition is one of the most serious problems being faced by our country today. Stunted growth and malnutrition are affecting our children and we are lagging behind many nations in this regard. This is an issue which needs to be addressed soon.

3. The Central Government shall take it up as statutory responsibility backed by sound legislation to ensure right to early childhood care to all children of India.

The Bill seeks to achieve this objective.

V. SIVADASAN

FINANCIAL MEMORANDUM

Sub-clause (2) of Clause 3 of the Bill provides that no parent shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from accessing the benefits of universal early childhood care for his/her child.

Clause 4 provides that the appropriate Government shall take special measures to address the special needs of and provide special facilities to the differently-abled children.

Clause 6 provides that the Central Government shall have the primary responsibility for providing funds and shall provide funds to the State Governments, to meet such percentage of expenditure, as may be prescribed, as grants-in-aid of revenues, to enable them to carry out the purposes of this Bill.

Clause 7 provides that it shall be the duty of the appropriate Government or the local authority, as the case may be, to notify or establish, a well-equipped early childhood care centre, within such area or limits of neighbourhood, as may be prescribed and also provide infrastructure including building, equipments and well-trained staff.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is, however, not possible at this stage to estimate the expenditure involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government and the State Governments 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.

RAJYA SABHA

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(Dr. V. Sivadasan, M.P.)