

**HIMACHAL PRADESH EARLY CHILDHOOD CARE AND EDUCATION CENTRES
(ESTABLISHMENT AND REGULATION) BILL, 2016.**

An Act to provide for establishment and regulation of Early Childhood Care and Education Centres (ECCE) in the State for the children below 6 years of age and for matters connected therewith or incidental thereto.

WHEREAS, the 86th Constitutional Amendment Act of 2002, Article 45 of the Directive Principles of State Policy states that “the State shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years”.

AND WHEREAS, section 11 of the Right to Education Act, 2010 provides that “with a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children”.

AND WHEREAS, Ministry of Women & Child Development has formulated the National Early Childhood Care and Education (ECCE) Policy, 2013 with the objective to provide integrated services for holistic development of all children, along the continuum, from the pre-natal period to six years of age so that sound foundation for survival, growth and development of children can be laid down. This policy focus on making necessary arrangement for providing pre-school education to all children by involving both organized and un-organized sectors like non-Governmental channels which are largely supported by trusts, societies, religious groups or international funding agencies and these channels suffers from issues of equitable access, uneven quality and growing commercialization.

AND WHEREAS, in the State of Himachal Pradesh there is no such legislation in place for regulating Early Childhood Care and Education Centres .

AND WHEREAS, it is expedient to enact the Himachal Pradesh ECCE Centres (Establishment and Regulation) Act, 2016 to ensure delivery of quality pre school education to children below 6 years of age. The Act further provides for requiring the proposed ECCE Centres to obtain approval from State Government and also provides for intervention of the State Government in certain circumstances while at the same time giving considerable freedom to the private institutions/organizations.

BE it enacted by the Legislative Assembly of Himachal Pradesh as follows:-

1. Short title, extent and commencement.—(1) This Act may be called the Himachal Pradesh Early Childhood Care and Education Centres (Establishment and Regulation) Act, 2016.

(2) It extends to the whole State of Himachal Pradesh.

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

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

- (a) “Area” means village/ward/hamlet/locality where Centre has to be set up.
- (b) “Appendix” means the Appendix appended to this Act.
- (c) “Competent Authority ” means an authority competent as prescribed in the Rules.
- (d) “Centre” means Early Childhood Care and Education Centre.
- (e) “Children” means children under 6 years of age. However, this definition shall not be applicable to the Children With Special Needs(CWSNs).
- (f) “Director” means Director, Women & Child Development, H.P.
- (g) “District” means jurisdiction of District Programme Officer.
- (h) “Early Childhood Care & Education Centre” means Centres like crèches, play schools, day care centres, kindergarten for 0-3 years children; nursery schools/ balwadis for 3-6 years children.
- (i) “Employee” means any person/teaching staff appointed by the organization for running of Centre.
- (j) “Fee” means monetary collection made by the Organization or Individual , as the case may be, from the parents or community by whatever name it may be called, which is not refundable;
- (k) “Government” means Government of Himachal Pradesh.
- (l) “Institution” means the agency which intends to open Early Childhood Education Centre.
- (m) “ PTA” means Parents and Teacher Association constituted in an Early Childhood Care and Education Centre.
- (n) “Notification” means a notification published in the Official Gazette;
- (o) “Official Gazette” means the Rajpatra of Himachal Pradesh;
- (p) “Organisation” means voluntary /Non-Government organisations/Trust/Society or any other agency registered under the Societies Registration Act, 1860 (21 of 1860); H.P. Societies Registration Act, 2000; which is running an institution defined under section 2 (k) of this Act, Public Trust registered under the Indian Trusts Act, 188 (22 of 1882) or under the relevant laws of State; or a company registered under section 25of the Companies Act, 1956 (1 of 1956).
- (q) “Policy” means National Early Childhood Care and Education Policy, 2013.
- (r) “Prescribed” means prescribed by rules made under this Act;
- (s) “Rules” means rules made under this Act.
- (t) “Schedule means the Schedule annexed to this Act.
- (u) “Section” means a section of this Act;

- (v) “Secretary” means Secretary, Social Justice & Empowerment, H.P.
- (w) “State Council” means State ECCE Council set up in the State under National ECCE Policy, 2013.
- (x) “Statutes”, “ordinances” and “regulations” mean respectively, the statutes, ordinances and regulations of the Government made under this Act;
- (y) “Teacher” means a Worker, Teacher, Instructor, Educator or any other person appointed to impart Early Childhood Education to the children .
- (z) “Union Government” means Government of India.

3. *The objectives of the establishment of Early Childhood Care and Education centres .—*
The objectives of establishment of Early Childhood Care and Education centres shall be:

- (a) Promotion of inclusive, equitable and universal opportunities for optimal and active development of all children below 6 years of age;
- (b) Laying of sound foundation for survival, growth and development of children with focus on early learning for every child and at the same time ensuring that there is no physical or mental burden inflicted on the child..
- (c) Ensuring the right of every child to universal and quality pre-primary education.
- (d) Preparation of children above the age of 3 years for elementary education and provision of early childhood education for all children until they complete the age of six years.
- (e) Ensuring following basic quality standards of Early Childhood Care and Education :-
 - (i) An ECCE programme of at least 3-4 hours duration.
 - (ii) Classroom with indoor and outdoor space as prescribed in the Rules.
 - (iii) Appropriately trained staff, having a minimum basic qualification of graduation. Preference shall be given for higher academic education and specialized courses like Nursery Teachers’ Training (NTT)/ ECCE Diploma for teaching staff in addition to provision of regular upgradation of skills and knowledge of the entire staff (teaching as well as non-teaching).
Provided that in case of Anganwadi Workers/Mini Anganwadi Workers minimum educational qualification shall be as per guidelines notified by the State Government from time to time.
 - (iv) Every centre shall have an age appropriate child centric curriculum in line with the National ECCE Policy, 2013 and the State guidelines/notifications/directions issued from time to time.
 - (v) Provision of minimum toys and learning material as prescribed in the Rules.
 - (vi) Safe building having easy approach and clean surrounding area.
 - (vii) Provision of safe drinking water facility.
 - (viii) Provision of separate child friendly toilets for girls and boys and hand wash facilities, as prescribed in the Rules.
 - (ix) Immediate health services in terms of first aid/medical kit.

- (x) An adult child ratio of 1:20 for 3 to 6 year old children and 1:10 for under three year old children.
- (f) Addressing various facets of care , education and development of children under 6 years of age and ensuring the right of the child in early childhood to Integrated Child Development.
- (g) Regulating institutions providing Early Childhood Care and Education for children under six years of age in a congenial atmosphere.

4. *Permission for Establishment or running of Early Childhood Care and Education Centre(s)--On or after the date of the commencement of this Act;*

- (a) After the expiry of 6 months from commencement of this Act, no Early Childhood Care and Education centre in existence, other than Centres established under Integrated Child Development Services scheme (ICDS), shall function, without obtaining a certificate of registration from the competent authority.
- (b) After the commencement of this Act, no new Early Childhood Care and Education Centre shall be established, without the permission of the competent authority and except in accordance with the terms and conditions specified in such permission.

5. *Process for establishment of Early Childhood Care and Education Centre(s).—*

(A) Submission of Application

(1) The head of every Early Childhood Care and Education Centre in existence on the date of the commencement of this Act and every Early Childhood Care and Education centre proposed to be established on or after that date, shall make an application, to the District Programme Officer of her/his area, for seeking permission to run such centre or to establish such centre, as the case may be.

(2) Every such application shall be on the prescribed format and shall contain documents/details as prescribed in the Rules to this Act.

(B) Fees

(1) The fees levied by the organisation/institution/ head of centres shall adhere to the broad guidelines as prescribed by the Government/State Council from time to time.

(2) The Centre shall abide by the provision of section 13 of Right to Education Act, 2009, wherein it has been provided that “ No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardians to any screening procedure”.

(3) The Centre shall abide by the admission system/formula as prescribed in the Rules.

(C) Infrastructure

(1) The organisation/institution/ Head of Centre shall adhere to the guidelines/ instructions with regard to infrastructure as prescribed in the Policy and approved by State Council or as notified by the State Government from time to time.

(2) The Centre shall ensure that no child shall be abused or exploited by any person, staff member or outsiders within the premises of the centre or in any area or facility related to it.

(D) Basic requirements

(1) The organisation/institution/ Head of Centre shall adhere to the basic requirements for establishment of Early Childhood Care and Education Centre as prescribed in Section(3) of this Act.

(E) Admissions

(1) Admission in an Early Childhood Education Centre shall be given to children without any discrimination on caste, creed, religion, sex and disability assuring the right of the child to early childhood education.

(2) No child shall be subjected to admission test , written or oral assessment for granting admission in an Early Childhood Care and Education Centre.

(3) Every child below 5 years of age shall be enrolled only in an ECCE Centre.

(4) Any institution, other than an ECCE centre, admitting a child below 5 years of age in Nursery/Pre-nursery/KG/Upper KG or Class-I shall be liable to a fine of rupees twenty five thousand and in case of continuing contraventions, to a fine of five thousand rupees for each day during which the contravention continues.

(F) Examinations

(1) No exam/test shall be taken but only prescribed grading parameters be followed to assess growth/development of a child as prescribed under Rules.

(G) PTA

(1) Each Centre shall constitute a Parents Teacher Association within one month of its registration.

(2) PTA shall constitute of 75 % parents and 25 % teachers. Out of 75% parents, 50 % shall be mothers.

(3) The tenure of PTA shall be one year. Every year new PTA shall be constituted by giving representation to parents in rotation.

(4) Meetings of PTA shall be conducted every month and proceedings of meetings shall be recorded.

(5) The minimum and maximum members in a PTA shall be as prescribed in the Rules.

(H) Safe and Secure Environment

(1)The management of Centre shall ensure safety and security of children and shall appoint preferably female staff.

(2)The management of Centre shall ensure that no child in a Centre shall be subjected to any physical punishment or mental harassment.

(3) The management of Centre shall ensure that staff of Centre is appointed after proper Medical Examination and Police verification.

(4) The management of Centre shall ensure protection of Rights of Children and also ensure that children are not abused or exploited by any staff member or person within the premises of the centre or in any area/facility related to it.

(5) The management of Centre shall ensure that all facilities provided in the Centre are child friendly and conducive for children, including Children With Special Needs (CWSNs).

(6) The management of Centre shall ensure that in the centre and in the facilities related to it, there are no harmful devices, sharp edged furniture or anything harmful or dangerous within the reach of children.

(7) The Centre shall display the telephone No. of CHILDLINE (1098) and provisions of Prevention of Children from Sexual Offences (POCSO) Act, 2012 at prominent places in its premises and shall also orient the parents and staff about it.

(8) The management of Centre shall ensure that no child shall be subjected to any kind of discrimination on grounds of caste, creed, race, sex, religion, mental or physical shortcomings or on socio-economic status of family.

(9) The management of Centre, in addition to above, shall adhere to all directions/notifications issued by the State Government in this regard from time to time.

(10) In case any violation of the above provisions or any untoward incident occurs in the Centre or in any facility related to the Centre, the Head and Management of the Centre shall also be held responsible, in addition to the perpetrator of the crime/untoward incident.. They shall also be booked under the concerned sections of various Acts in place for dealing with acts of negligence and offences committed against children.

(11) The State Commission for Protection of Child Rights can examine and review the safeguards provided by or under this Act and recommend measures for their effective implementation.

6. *Grant of Permission*

(1) After scrutinising the received application as per provisions of Section 5 within 30 days of receipt of applications the District Programme Officer shall notify the same in at least one daily newspaper having wide circulation in the District /State and shall upload the proposal on Department website/portal for seeking the views of the general public on the proposal within 30 days of receipt of the application.

(2) The complete applications and the project report as received under Section 5 shall be considered by the Committee consisting of District Programme Officer, Block Education Officer (of concerned block) and CDPO (of concerned Project) and shall be sent to the Director alongwith its recommendations within a period of two months from the date of its receipt.

Provided that while computing the period of two months, the period commencing from the date on which requisition for any information under sub-section 5(3) is issued and ending on the date on which requisite information is submitted to the District Programme Officer shall be excluded.

(3) After the receipt of the proposal/ recommendations of the District Programme Officer, if the Director is satisfied that proposal for registration fulfils the objects laid down under Section -3, she or he;

(a) may issue a Registration Certificate to establish an Early Childhood Care and Education Centre in accordance with the provisions of the National ECCE Policy, 2013 for 3 years on prescribed FORMAT at APPENDICES to Act..

Provided that Registration Certificate can be cancelled by the Competent Authority if the same has been obtained by fraud, misrepresentation or suppression of material/facts or where after obtaining the Registration Certificate, the management of a Early Childhood Care and Education Centre fails to rectify the defects pointed out by inspecting authority appointed under Section 7 of the Act.

(4) The Registration Certificate of ECCE Centre shall be renewed/revalidated only if the Centre fulfils all the basic requirements mentioned in Section 3 (e) of the Act and has upgraded the skills of the Teaching staff by way of refresher courses/orientation after registration.

(5) In case of refusal of registration or denial of renewal/revalidation of registration certificate to a centre, for the information of public/parents/guardians of children, District Programme Officer concerned shall give advance information alongwith reasons by displaying the notice at prominent places.

7. Inspections:(1) The officers/ officials of District Administration and Department of Women and Child Development are authorised to visit and inspect the Centre during their visits to the area and record their observations in inspection/visitors registers.

(2) A Committee consisting of following members of Parents Teacher Association(PTA) of Early Childhood Care and Education centre, concerned ward member of Panchayat, NAC/MC and circle_Supervisor shall inspect the Centre once in a year.

- | | |
|--|---|
| (i) Senior PTA member in terms
of qualification and experience, | Chairperson |
| (ii) Supervisor (ICDS) of concerned circle | Member Secretary |
| (iii) Head/Principal of Centre | Member |
| (iv) One Teacher of Centre | Member |
| (v) $\frac{3}{4}$ parents of PTA | Members (out of which 50 %
should be mothers). |
| (vi) Ward Member of Panchayat /NAC/MC | Member |

(For meetings quorum of 50% members shall be necessary).

- (3) The Committee shall have the right to inspect its building, rooms, kitchen, store, equipments and record of the ECCE centre.
- (4) On the basis of inspection, by giving detailed reasons, the Committee shall recommend further continuation/renewal or closure of the Centre, as the case may be.
- (5) The Child Development Project Officer shall convene a meeting after every 6 months to review every visit and inspection done of ECCE Centre in her/his jurisdiction during the period.
- (6) District Programme Officer shall be responsible for the proper running and management of ECCE Centres in her/his District through inspections and review meetings.
- (7) The institution/ organization/Head of Centre shall be duty bound to rectify the defects, if any, found at the time of inspection and shall carry out directions given by the committee within such time as may be fixed by the committee and District Programme Officer.

8. Annual List of Early Childhood Education centres to be published.—(1) The annual list of private Early Childhood Care and Education centres shall be prepared and published in the Official Gazette and also uploaded on Department website for wide publicity by Director after approval of State Council on or before the first day of April in each year. The list shall include among other matters, the names of all Early Childhood Care and Education centres which have been registered under section 6 of the Act during the year and list of Early Childhood Care and Education centres in relation to which such permission has been cancelled during the aforesaid period.

9. Annual accounts and audit.—(1) Separate annual accounts of Early Childhood Care and Education Centres shall be maintained by the organization/institution/Head of Centre under the directions of the District Programme Officer. The annual accounts shall be audited at least once in every year by the auditors appointed by the organization for this purpose.

(2) Copies of annual accounts and balance sheet prepared under sub-section (1) shall also be presented to the Director through District Programme Officer for approval of State Council.

10. Powers of the Director in certain circumstances.—(1) If it appears to the Director that the organization has contravened any of the provisions of this Act or the Rules/Policy, statutes or ordinances made there under or has contravened any of the directions issued by it under this Act or has ceased to carry out any of the undertakings given in Schedule to the Act, under section 5 or a situation of financial mis-management or mal-administration has arisen in the organisation, she/he shall order an enquiry into the matter.

(2) If the enquiry report suggests any violation as per section 10 (1) of the Act, the Director shall issue a notice requiring the organization to show cause within 30 days as to why an order of its Registration should not be revoked.

(3) If the Director, on receipt of reply of the organization, is satisfied that the organisation has violated all or any of the provisions of this Act or the rules, statutes or ordinances made there under or of contravening directions issued by it under this Act or of ceasing to carry out the undertaking given in Schedule to the Act under section 5 or of financial mis management or mal-administration, she/he shall issue orders for:

- (i) debarring the organization to run such Early Childhood Care and Education Centre;
- (ii) order seizures of all assets equipment created for running of Early Childhood Care and Education Centre from grants/donations/fee
- (iii) impose penalty as prescribed in the Rules or; may
- (iv) cancel Registration of such Early Childhood Care and Education Centre.

11. Appeals: Any Individual/Organisation/Institution aggrieved by any decision of the Director under any of the provisions of this Act may within one month from the date of the receipt of the decision by him/her, prefer an appeal against such decision to Secretary.

Provided that the appellate authority may exercise her/his discretion and condone any delay for preferring any such appeal, if she/he is satisfied that the appellant has sufficient reasons for not preferring the appeal in time.

12. Power to make rules.—

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

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters, namely:—

(a) The manner of making proposal to establish an Early Childhood Care and Education Centre, the fees payable, infrastructure, basic requirements and examination under Section 3 (e) (ii)(v), (viii) - 5 (A) (2), 5(B) (1), (3), 5 (C) (1) 5 (D) (1) and 5 (F)(1) and (G) (5) ;

(b) Other matters which are required to be, or may be, prescribed by rules under this Act.

(3) All the rules made under this Act shall be laid, as soon as may be after they are so made, before the State Legislative Assembly, while it is in session, for a period of not less than ten days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which they are so laid or of the session immediately following, the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules 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 there under.

13. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislative Assembly.

The SCHEDULE

(See section 5 (A)(2) of the Act)

- (a) The details of the Institution/Organization along with the copies of its registration certificate, constitution and bye-laws;
- (b) The information regarding financial resources of the Institution/Organization along with latest audited accounts;
- (c) The name, location, areas of operation of the proposed Early Childhood Care and Education centre;
- (d) The objectives of the Early Childhood Care and Education Centre;
- (e) Justification regarding the necessity of establishment of the proposed Early Childhood Care and Education Centre;
- (f) The nature and syllabus of childhood care and education to be imparted from the Early Childhood Care and Education Centre and their relevance to the development goals and local needs of the ECCE Policy;
- (g) The details of accommodation/ buildings, infrastructure facilities available for running the Early Childhood Care and Education centre;
- (h) The experience and expertise in the concerned field;
- (i) The proposed fee structure with reference to the details of expenditure on unit cost basis.
- (j) The schemes for the generation of funds internally through fees from parents/guardians of children, donations and other anticipated income to be specified;
- (k) The system proposed to be followed for appointment of employees;
- (l) Details of playgrounds and other facilities available or proposed to be created for games, sports and extra curricular activities;
- (m) The arrangements proposed to be made for accounts//auditing;
- (n) Undertaking to appoint teaching staff at least one month before commencement of centre;
- (o) Undertaking to conduct Early Childhood Care and Education as per curricula/ designed by State /Centre Government from time to time;
- (p) Undertaking that admission in an ECCE centre shall be given to all children of 0-5 years age without any discrimination on caste, creed, religion, sex, disability (mental or physical) and socio-economic status of family of a child.
- (q) Undertaking that no child shall be subjected to admission test and written or oral assessment for granting admission.
- (r) Undertaking to give preference to local females in the employment ;
- (s) Undertaking that children attending Early Childhood Care and Education Centre shall be provided safe and secure environment as envisaged under Section 5 (H) of the Act and no child shall be subjected to any corporal or mental punishment and child shall not be abused or exploited in the centre and facilities related to it, by any staff member/ outsiders.

- (t) Undertaking that Centre shall fulfil such other conditions and provide such other information as may be prescribed by the Centre/State Government or any other statutory body established by the law of the Central or the State Government from time to time.

APPENDIX

Form for Registration of an Early Childhood Care and Education Centre.
OFFICE OF DIRECTOR, WOMEN & CHILD DEVELOPMENT, H.P. SHIMLA

No.

Dated

The _____

Subject: Registration Certificate for the Early Childhood Care and Education Centre under Section 6 (3) (a) of Early Childhood Education Centre Act—

Dear Sir/Madam

With reference to your application dated _____ and subsequent correspondents with District Programme Officer _____ in this regard, Early Childhood Education Centre _____ (name and address of Centre) is registered for 3 years under Section 6 (3) (a) of the **Himachal Pradesh Early Childhood Care and Education Centres (Establishment and Regulation) Act, 2016** w.e.f. _____ to _____

The above registration is subject to fulfilling of following conditions:-

1. The Early Childhood Education Centre shall be run strictly in accordance of the provisions contained in Himachal Pradesh Early Childhood Education Centre (Establishment and Regulation) Act, 2016 and Rules made there under.
 2. The Early Childhood Education centre shall has provision of:
 - (i) Adequate and trained staff ;
 - (ii) Safe building having having easy and safe approach and clean surroundings. Having adequate and separate provision of kitchen, store , outdoor space, safe drinking water facilities and child friendly toilets.
 - (iii) Medical/first aid kit availability/ facilities.
 - (iv) Adequate play and learning material.
 - (v) Care giver: child ratio 1:20 for 3-6 years children and 1:10 for under 3 years children.
 - (vi) Duration of running the centre for 3-4 hours daily.
 - (vii) The organization/Institution/Individual running the Early Childhood Education centre shall charge fee from the children as fixed by State Government from time to time.
 - (viii) No capitation fee shall be charged from the parents/children.
 - (ix) In the Early Childhood Education centre curricula by State and Union Government from time to time shall be followed.
 - (x) No interview/test of child shall be taken for admission.
 - (xi) No annual/ monthly exam/test of children shall be taken. Only grading/assessment of children shall be done.
 - (xii) Admission shall not be denied to children on the grounds of religion, caste, race, region, sex and disability.
 - (xiii) No child shall be subjected to physical and mental punishment.
 - (xiv) In the centre, no child shall be abused or exploited by any staff member outsiders within the premises of the Centre or in any area/facility related to it.
- (15) It shall be ensured that all facilities provided in the Centre are child friendly, having provision of proper railings, safety devices and it shall be ensured that there is no harmful sharp edges objects/furniture in the vicinity of Centre.

- (16) In appointment of staff preference shall be given to females.
- (17) The Early Childhood Education centre shall be open for inspection to officers of Women and Child Development Department, H.P. and State Government Officers and Committee constituted under Section 7 (2) of the Act.
- (18) The organization/Institution/Individual running the Early Childhood Education centre shall abide by the suggestions/advise given by inspecting Committee and State Government officers during their visit/inspection.
- (19) Separate annual accounts of Early Childhood Education Centre shall be maintained by the organization under the directions of the District Programme Officer.
- (20) The annual accounts shall be audited at least once in every year by the auditors appointed by the organization for this purpose.
- (21) The Early Childhood Education centre shall abide by the instructions/directions issued by State Government/Director Women & Child Development and District Programme Officer__from time to time.
- (22) The Registration Code number of your Early Childhood Education centre is__which may please be noted and quoted for further correspondence.

Yours faithfully,

Director
Women & Child Development
Himachal Pradesh

