

Early Childhood Development Law
(Pyidaungsu Hluttaw Law No. 4/2014)
7th Waxing of Tabodwe, 1375 M.E
(6th February, 2014)
[Updated: 06.06.2018]
Amending Law

The *Pyidaungsu Hluttaw* hereby enacts this law.

Chapter I

Title and definition

1. This law shall be called the Early Childhood Care and Development Services Law.
<Revised 06.06.2018>
2. The following expressions contained in this Law shall have the meanings given herein:
 - (a) **Early child** means a person of a newly born to one who has attained the age of eight years;
 - (b) **Day care centre** means a department, school or services which nurtures the early-children who have attained the age of three years to under six years and the children who have not enrolled to a kindergarten school although having attained the age of give years to obtain the holistic development including physical, intellectual, moral, social, mental, nutrition and health aspect of development;
 - (c) **Preschool** means a department, school or service which nurtures the early-children who have attained the age of three years to under six years and the children who have not enrolled to a kindergarten school

although having attained the age of five years to obtain the holistic development including physical, intellectual, moral, social, mental aspects of development and to obtain the good habit for life;

- (d) **Guideline of caring for children under three years of age** means the guideline issued by the Ministry to obtain holistic development including physical, intellectual, moral, social, mental, nutrition and health aspects of development of children under three years of age;
- (e) **Preschool curricula** means the curricula issued by the Ministry to obtain the holistic development including physical, intellectual, moral, social, mental aspects of development and to obtain good habit for life for children from three years of age to under six years of age;
- (f) **Preschool class** means the preschool class attached and established at the basic education schools according to the services for upgrading education of the Ministry of Education of the Union Government;
- (g) **Community-based services** means the early childhood care and development services carried out with aid or management of private individual and non-governmental organization from local or international in their wards or village by the public;
- (h) **Home-based services** means the early childhood care and development services carried out with aid or management of private individual and non-governmental organization from local or international in an adjacent house by gathering the early children where is created secure place and a good motivated learning environment by a volunteer mother or mothers;
- (i) **Permit for establishment** means the registered permit issued under this Law for allowing to establish the day care centre or preschool;

- (j) **Permission** means the permission issued under this Law allowing for carrying out the community-based services or home-based services;
- (k) **Ministry** means the Ministry of Social Welfare, Relief and Resettlement of the Union;
- (l) **Minister** means the Minister for the Ministry of Social Welfare, Relief and Resettlement;
- (m) **Central Supervision Body** means the Region or State Supervisory Body for the Early Childhood Care and Development Services formed under this Law;
- (n) **Region or State Supervisory Body** means the Region or State Supervisory Body for the Early Childhood Care and Development Services formed under this Law.

<Revised 06.06.2018>

Chapter II

Objectives

3. The objectives of this Law are as follows:
 - (a) to nurture the early child for obtaining the holistic development such as, physical, intellectual, moral, social aspects based on correct awareness on accord with the development standards of the child;
 - (b) to extend the dare care centres, preschools, community-based services and home-based services in the whole country systematically and to provide the technical and administrative support to nurture the early children;
 - (c) to support the human development by permission to establish day care entres and preschools formed by local and international private organizations non-governmental organizations systematically;

- (d) to provide the rights of basic health care, development, protection and participation to the early children with special needs.

Chapter III

Formation of Central Supervision Body

4. The Union Government:

(a) shall form the Central Supervision Body for the Early Childhood Care and Development Services comprising with the following persons:

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|------|---|---------------|
| (1) | Union Minister for Social Welfare Ministry of Relief and Resettlement | Chairman |
| (2) | Deputy Minister, Ministry of Social Welfare, Relief and Resettlement | Vice Chairman |
| (3) | Director General, Department of General Administration, Ministry of Home Affairs | Member |
| (4) | Director General, Department of Education, Planning and Training, Ministry of Education | Member |
| (5) | Director General, Department of Health, Ministry of Health | Member |
| (6) | Director General, Department of Religious Affairs, Ministry of Religious Affairs | Member |
| (7) | Director General, Department of Information and Relation, Ministry of Information | Member |
| (8) | Chairman, Myanmar Maternal and Child Welfare Association | Member |
| (9) | Suitable representatives from volunteer Social-welfare organizations | Member |
| (10) | Director General, Department of Social Welfare, | |

Ministry of Social Welfare, Relief and Resettlement

Secretary

- (11) Deputy Director General, Department of Social Welfare, Social Welfare; Ministry of Relief and Resettlement

Joint Secretary

- (b) may reform the Central Supervisory Body formed under sub-section (a), if it is necessary.
5. The Central Supervisory Body shall exercise and carry out the following functions and powers, including the functions and powers assigned under this Law:
- (a) managing to provide technical assistance and awareness which are related to the early childhood care and development;
 - (b) making arrangement to extend the day care centres, preschools, community-based services and home-based services in the whole country not only in the towns but also up to village level and providing appropriate assistance;
 - (c) cooperating and coordinating the relevant government departments, United Nations organizations, non-governmental organizations and volunteers for the early-childhood development;
 - (d) forming the Region or State Supervisory Bodies for the early childhood care and development services and determining the functions and powers thereof
 - (e) Issuing permits for the establishment for the day care centres and preschools and permission for the community-based services and home-based services to the private individual, and non-governmental organization from local and abroad;
 - (f) supervising and inspecting the day care centres and preschools, the community-based services and home-based services which are

established by the private individual, and non-governmental organization from local and abroad;

- (g) giving guidance and supervising for providing assistance to obtain the rights of basic health care, development, protection and participation to the early children with special needs;
- (h) laying down and carrying out providing of the supplementary mutation services for the early children and giving providing assistance to the twins' mothers and their children;
- (i) supervising the services and allocating the fund established under this Law in early childhood care and development services.

<Revised 06.06.2018>

Chapter IV

Formation of Region or State Supervisory Body

- 6. The Central Supervisory Body coordinating with the Region or State government:
 - (a) shall form the Region or State Supervisory Body for the Early Childhood Care and Development Services with the following persons:
 - (1) One Minister assigned responsibility by the Chief Minister of the Region or State Chairman
 - (2) One representative from the Region or State General Administration Department Member
 - (3) One representative from the Region or State Education Office Member
 - (4) One representative from the Region or State Health Department Member

- (5) One representative from the Region or State Religious Affairs Department Member
 - (6) One representative from the Region or State Information and Relations Department Member
 - (7) One representative from the Region or State Myanmar Maternal and Child Welfare Association Member
 - (8) Representatives from suitable Voluntary Social Organization Member
 - (9) Region or State Social Welfare Director Secretary
- (b) may reform the Region or State Supervisory Body formed under subsection (a), if it is necessary.

7. The Region or State Supervisory Body shall exercise and carry out the following functions and powers, including the functions and powers assigned under this Law:

- (a) managing to provide technical assistance and awareness on early childhood care and development in the Region or State;
- (b) supervising and inspecting the day care centres and preschools, the community-based services and home-based services which are established by the person or organization within the relevant Region or State and private individual and non-governmental organization from abroad coordinated by the Central Supervisory Body;
- (c) receiving and coordinating the suggestions and recommendation of parent, guardian and responsible persons of the community relating to the early childhood care and development services.

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Chapter V

Day Care Centres and Preschools

8.
 - (a) The private individual and non-governmental organization from abroad which desires to establish the day care centre or preschool whether if is for the economical purpose or not, shall apply to obtain the permit for establishment to the Region or State Social Welfare Office in accord with the Stipulations;
 - (b) The private individual and non-governmental organization from local which desires to establish the day care centre or preschool for the economical purpose, shall apply to obtain the permit for establishment to the Region or State Social Welfare Office through Township Social Welfare Office or Township General Administration Office in accord with the Stipulations;
 - (c) The private individual and non-governmental organization from local which desires to establish the day care centre or preschool not for the economical purpose, shall apply to obtain the permit for establishment to the Region or State Social Welfare Office through Township Social Welfare Office or Township General Administration Office in accord with the Stipulations.
<Revised 06.06.2018>
9. The Region or State Social Welfare Office:
 - (a) shall proceed to submit the application with its remarks to the Region or State Supervisory Body after scrutinizing it under sub-section (a) and (b) of section 8;
 - (b) may allow or refuse to issue the permit for establishment after scrutinizing the application under sub-section (c) of section 8. If it is

allowed, shall issue the Permit for establishment in accord with the Stipulations.

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10. After scrutinizing when receiving the application of Region or State Social Welfare Office under sub-section (a) of section 9, the Region or State Supervisory Body:

- (a) shall, if it is the application from private individual and non-governmental organization from abroad, submit with its remarks to the Supervisory Body through the Department of Social Welfare;
- (b) may, if it is the application for the commercial purpose from private individual and non-governmental organization from local, allow or refuse to issue the permit for establishment. If it is allowed, shall issue the Permit for establishment in accord with the Stipulations;
- (c) shall cause to pay registration fees before issuing the permit for establishment under sub section (b);
- (d) shall prescribe registration fees, renewal fees of permit for establishment and other fees with the approval of Region or State Government.

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11. The Central Supervisory Body is:

- (a) may allow or refuse to issue the permit for establishment regarding application under sub section (a) of section 10;
- (b) shall cause to pay the registration fees before issuing, if it is to issue the permit for establishment under sub section (a);
- (c) shall prescribe registration fees, renewal fees of permit for establishment and other fees with the approval of the Union Government.

12. The Central Supervisory Body shall prescribe the permit for establishment to the private individual and non-governmental organization from abroad in accordance with terms and stipulation, if it is allowed to establish the day care centre and preschool.
13. (a) If it is desirous to renew the terms of permit for establishment, private individual and non-governmental organization from local and abroad which has obtained permit for establishment shall apply for renewal to the relevant Regions or States Social Welfare Offices, at least 30 days prior to the expiration of the term of the permit for establishment in accord with the Stipulations;
(b) If it is desirous to renew the terms of permit for establishment. Private individual and non-governmental organization from local which has obtained permit for establishment sub-section (b) of section 9 shall apply for renewal to the relevant Regions or States Social Welfare Office through Township Social Welfare Office or Township General Administration Office, at least 30 days prior to the expiration of the term of the permit for establishment in accord with the Stipulations.
<Revised 06.06.2018>
14. The Region or State Social Welfare Office:
(a) shall submit the application with its remarks to the Region or State Supervisory Body after scrutinizing if under sub-section (a) of section 13;
(b) may allow or refuse to renew the terms of permit for establishment after scrutinizing the application under sub=section (b) of section 13.
<Revised 06.06.2018>
15. After receiving the application under sub-section (a) of section 14 and scrutinizing the submission, the Region or State Supervisory:

- (a) shall, if it is private individual or non-governmental organization from abroad which has obtained the permit for establishment, submit application for renewal of the permit for establishment with its remarks to the Central Supervisory Body through the Department of Social Welfare;
- (b) may, if it is private individual or non-governmental organization from local, allow or refuse the renewal of the permit for establishment;
- (c) shall, if it is allowed the renewal under sub section (b), cause to pay the renewal fees before such renewal is allowed.

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16. The Central Supervisory Body:

- (a) may allow or refuse the renewal of the term of permit for establishment after scrutinizing the application under sub section (a) of section 15;
- (b) shall issue the renewal of permit after causing to pay the renewal fees, if it is allowed the renewal under sub section (a).

Chapter VI

The Stipulations for the Day Care Centre and Preschools

17. In establishing a day care centre:

- (a) the headmaster in-charge shall have been attained the age of 25 years, and obtained any degree or diploma relating to child expertise or, fulfilled the education qualification accepted by the Department of Social Welfare in accord with the relevant local situation;
- (b) the headmaster in-charge and at least one teacher shall be the persons who have attended and completed the training course on care

of the children under three years of age opened by the Department of Social Welfare or accepted as suitable by the said Department;

- (c) the early child shall be cared in accord with the specific directives in addition to the guidance on care of children under three years of age.
- (d) appropriate place to sleep and materials to play for the children under one year of age and appropriate place and material for the children under three years of age shall be arranged and kept;
- (e) it shall have three children under two years of age per one teacher and six children from two years of age to three years of age per teacher;
- (f) the building to be operated as the day care center shall be 18 square feet per one early child;
- (g) it shall be in conformity with the facts stipulated from time to time by the Department of Social Welfare.

18. In establishing the preschool:

- (a) the headmaster in-charge shall have been attained 25 years of age and obtain any degree or diploma certificate relating to child expertise or, according to the relevant local situation, fulfilled the educational qualifications accepted by the Department of Social Welfare;
- (b) the headmaster in-charge and at least one teacher shall be the person who have been attended and completed the preschool teacher training course supervised and opened by the Department of Social Welfare or accepted as it is suitable by the said Department;
- (c) it shall be nurtured and care to the early child in accord with the curricula on the holistic development of children, teacher's moral and specific directives;
- (d) it shall have one teacher for fifteen children from three years of age to five years of age;

- (e) the building to be operated as the preschool shall be at least 18 square feet per one early child;
- (f) it shall be in conformity with the facts stipulated from time to time by the Department of Social Welfare.

Chapter VII

Community-based Services and Home-based Services

19. (a) The private individual and non-governmental organization from abroad which desires to establish the community-based services or home-based services whether it is for the economical purpose or not, shall apply to obtain the permit for the establishment to the Region or State Social Welfare Office in accord with the Stipulations;
- (b) The private individual and non-governmental organization from local which desire to establish the community-based services or home-based services for economical purpose, shall apply to obtain the permit for establishment to the Region or State Social Welfare Office in accord with the Stipulations;
- (c) The private individual and non-governmental organization from local which desire to establish the community-based services or home-based services not for the economical purpose, shall apply to obtain the permit for establishment to the Region or State Social Welfare Office through Township Social Welfare Office or Township General Administration Office in accord with the Stipulations.

<Revised 06.06.2018>

20. The Region or State Social Welfare Office:

- (a) shall proceed to submit the application with its remarks to the Region or State Supervisory Body after scrutinizing it under sub section (a) and (b) of section 19;
- (b) may allow or refuse to issue the permit for establishment after scrutinizing the application under sub section (c) of section 19. If it is allowed, shall issue the Permit for establishment in accord with the Stipulations.

<Revised 06.06.2018>

21 The Region or State Supervisory Body:

- (a) after receiving the application and scrutinizing the submission under sub section (a) of section 20 by the Region or State Social Welfare Office:
 - (1) shall submit it to the Supervisory Body through the Department of Social Welfare with its remarks, if the application is submitted from private individual and non-governmental organization from abroad;
 - (2) may allow or refuse to issue the permit for establishment in accord with the Stipulations, if the application is submitted from local private individual and non-governmental organization which is desired to establish for the economical purpose;
 - (3) shall cause to pay the annual fees for permission, if it is allowed to issue the permission under sub section (2).
- (b) shall prescribe the annual fees for permission with the approval of the Region or State Government.

<Revised 06.06.2018>

22. The Central Supervisory Body:

- (a) may allow or refuse to issue the permission by prescribing the terms of permission and conditions, after scrutinizing the application submitted by private individual and non-governmental organization from abroad under clause (1) of sub section (a) of section 21;
- (b) shall cause to pay the annual fees, if it is allowed to issue the permission under sub section (a);
- (c) shall prescribe the annual fees for the permission with the approval of the Union Government.

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23. (Deleted)

<Revised 06.06.2018>

- 24. (a) If it is desirous to renew the terms of permit for establishment, private individual and non-governmental organization from local and abroad which has obtained permit for establishment under clause (2) of sub section (a) of section 21 and sub section (a) of section 22, shall apply for renewal to the relevant Regions or States Social Welfare Office, at least 30 days prior to the expiration of the term of the permit for establishment in accord with the Stipulations;
- (b) If it is desirous to renew the term of permit for establishment, private individual and non-governmental organization from local which has obtained permit for establishment sub section (b) of section 20 shall apply for renewal to the relevant Regions or State Social Welfare Office through Township Social Welfare Office or Township General Administration Office, at least 30 days prior to the expiration of the term of the permit for establishment in accord with the Stipulations.

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25 The Region or State Social Welfare Office:

- (a) shall submit the application with its remarks to the Region or State Supervisory Body after scrutinizing it under sub section (a) of section 24;
 - (b) may allow or refuse to renew the terms of permit for establishment after scrutinizing the application under sub section (b) of section 24.
<Revised 06.06.2018>
- 26. The Region or State Supervisory Body, after receiving the application submitted under section 25 and scrutinizing it:
 - (a) shall submit the application submitted by the private individual or non-governmental organization from abroad to the Central Supervisory Body through the Department of Social Welfare with its remarks;
 - (b) may allow or refuse the submitted application by private individual and non-governmental organization from local the renewal of the permission;
 - (c) shall cause to pay the renewal fees before expiration of the term of the permission if it is allowed the renewal under sub section (b).
<Revised 06.06.2018>
- 27. The Central Supervisory Body:
 - (a) may allow or refuse the renewal of the term of permission after scrutinizing the application under sub section (a) of section 26;
 - (b) shall cause to pay the renewal fees, if it is allowed the renewal under sub section (a).
- 28. In operating the community-based services or home-based services:
 - (a) the services of nurturing and training services by focusing on the early childhood care and development in community shall be carried out;

- (b) the person who has undertaken shall be passed at least the basic education of middle level;
- (c) the child cared place or home shall be neat and secure the appropriate area in the community;
- (d) it shall have the clean and hygienic toilet;
- (e) it shall be in conformity with the facts stipulated from time to time by the Department Social Welfare.

Chapter VIII

Taking Administrative Action

- 29. If the Region or State Supervisory Body found that the private individual and non-governmental organization from local which has been obtained the permit for establishment or permission has failed to abide by any relevant Stipulations contained in section 17, 18 and 28, or any terms and condition relating to the prescribed services in the permit for establishment, may pass the following any administrative order:
 - (a) warning and imposing a fine as stipulated;
 - (b) suspending the permit for establishment or permission for a limited period;
 - (c) cancelling the permit for establishment or permission.
- 30. If the Central Supervisory Body found that the private individual and non-governmental organization which has obtained the permit for establishment or permission from abroad has failed to abide by any relevant stipulation contained in section 17, 18 and 28, or any term and condition relating to prescribed services in the permit for establishment, may pass the following any administrative order:
 - (a) warning and imposing a fine as stipulated;

- (b) suspending the permit for establishment or permission for a limited period;
- (c) cancelling the permit for establishment or permission.

Chapter IX

Appeal

- 31. (a) A person who dissatisfied with an order or decision of the Central Supervisory Body under section 29 in respect of day care centre, preschool or the community-based services and housing-based services carried out by the private individual or a non-governmental organization from local may file an appeal to the Central Supervisory Body in accord with the Stipulations within 30 days from the date of receipt of such order or decision;
- (b) In filing an appeal under sub section (a), the Central Supervisory Body may confirm, receive or cancel the order or decision of the Region or State Supervisory Body.
- 32. (a) A person who dissatisfied with an order or decision of the Central Supervisory Body under section 30 in respect of day care centre or preschool, or the community-based services or home-based services carried out by the private individual or a non-governmental organization from abroad may file an appeal to the minister in accord with the Stipulations within 30 days from the date of receipt of such order or decision;
- (b) In filing an appeal under sub section (a), the Minister may confirm, revise or cancel the order or decision of the Central Supervisory Body. The decision of the Minister shall be conclusive.

Chapter X
Offenses and Penalties

33. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term not exceeding six months or with fine or with both:
- (a) establishing the day care centre or preschool which is required to apply the permit for establishing under sub section (c) of section 8, without a permit for establishment;
 - (b) establishing the day care centre or preschool during the period in which the permit for establishment issued under sub section (b) of section 9, which is revoked for a limited period, or after being cancelled.
- <Revised 06.06.2018>
- 33-a. Whoever commits any of the following acts shall, on conviction, be punished with fine not exceeding Kyat Five Lakhs:
- (a) establishing the day care centre or preschool which is required to apply the permit for establishment under sub section (c) of section 8, without a permit for establishment;
 - (b) establishing the day care centre or preschool during the period in which the permit for establishment issued under sub section (b) of section 9, which is revoked for a limited period, or after being cancelled.
- <Revised 06.06.2018>
34. Whoever commits any of the following acts shall, on conviction, be punished with fine not exceeding Kyats Ten Lakhs:

- (a) carrying out the community-based services or home-based services which is required to apply the permission under sub section (a) and (b) of section 19, without permission;
- (b) carrying out the community-based services or home-based services during the period of the permission issued under clause (2) of sub-section (a) of section 21 and sub section (a) Of section 22, which is revoke for a limited period, or after being cancelled.

<Revised 06.06.2018>

34-a. Whoever commits any of the following acts shall, on conviction, be punished with fine not exceeding Kyats Three Lakhs:

- (a) carrying out the community-based services or home-based services which are required to apply the permit for establishment under sub section (c) of section 19, without a permit for establishment;
- (b) carrying out the community-based services or home-based services during the period in which the permit for establishment issued under sub section (b) of section 20, which is revoked for a limited period, or after being cancelled.

<Revised 06.06.2018>

Chapter XI

Establishment, Maintaining and Using of Fund

35. The Central Supervisory Body:

- (a) shall establish a fund with the following income for the development of the day care centre preschool, community-based services and home-based services:

- (1) registration fees, renewal fees of permit for establishment, fine and other fees in accord with administrative order under this Law;
 - (2) donated fund by the United Nations, Regional organization and non-governmental organization and well-wishers local and abroad.
- (b) may use a fund established under sub-section (a) with the consent of the Minister.

<Revised 06.06.2018>

36. The Central Supervisory Body shall apply necessary financial rules, regulations and procedures regarding to the maintenance, disposing, compiling the data, auditing and fund in accordance with Stipulations after consulting with the Union Auditor General's Office.

Chapter XII

Miscellaneous

37. The Central Supervisory Body shall use effectively donated fund, materials and techniques from the United Nations, regional organization and non-governmental organizations, donors from local and abroad in accord with the project activities for development of the day care centre, preschool, community-based services and home-based services;
38. The person who has established the day care centre or preschool which was recognized as the registration under the existing Child Law by the Department of Social Welfare is desirous to continue to establish his day care centre or preschool shall apply for the permit for establishment in accord with the provisions of this Law within 30 days from the date of its enactment.

39. The offenses under this Law shall have been the right to prostitute at the relevant Court with the prior sanction only of the Head of the Region or State Social Welfare Office.
40. In implementing the provisions of the Law:
- (a) The Ministry may issue Rules with the approval of the Government;
 - (b) The Central Supervisory Body and Department of Social Welfare may issue Notifications, Orders, Directives and Procedures as may be necessary.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

(Sd) Thein Sein

President

The Republic of the Union of Myanmar