

An Analysis of Early Childhood Development in India

*Salma Begum Laskar*¹

*Dr. Umesh Kumar*²

“Be blessed childhood, which brings down something of heaven into the midst of our rough earthliness” - Henri Frederic Amiel

Abstract

The early childhood development is basically the development of right of children from zero to six years. Almost 90% of the brain develops during the age of 5 years. The development of child includes the physical, emotional, social, psychological and the like which are required to have a good and healthy life. If these developments will not take place during the initial years, a person's life will have risk of impaired growth and development. Children during their early childhood shall be given adequate nutrition for their growth, health care facilities regularly like vaccination etc, care and protection and play and learning. If a child receives proper favorable inputs of healthy life, he will grow and prosper in life and if a child receives unfavorable environment, he will be burden to society and the state will have to bear his responsibility throughout his life. Children are the future of our nation and it is the duty of the citizen to give them their required input to have healthy life. The Central as well as the State government initiated several times various policies and schemes to meet the challenges faced by the children for their proper growth and development. Many international conventions and declarations were made to cope up with the problems faced by children in different corners of the world. The judiciary has also framed guidelines and issued directions protecting the best interest of children.

Keywords: *Children, child development, early childhood, health and nutrition.*

I. Introduction

The most rapid growth and development of a human being takes places during his early childhood. It is a period spanning from zero to six (0-6) years.

¹Research Scholar, Department of Law, Assam University, Silchar - 788011

²Assistant Professor, Department of Law, Assam University, Silchar - 788011

Childhood is the most precious and crucial phase of human life where a person develop physically, mentally and emotionally. To achieve these developments, a child should have access to his rights that is right to growth, survival and all other implied rights which are very much needed to make his development possible. A child should be guarded with proper nutrition, protection, affection, play and learning and most importantly health. Childhood is the foundation which makes a person immune for rest of his life. Now a day we see many children with high risk of impaired development. This is because of various disease, malnutrition, unsuitable environment, lack of care and vulnerability. During early childhood, brain development takes place, which if unfavorable tremendously shakes entire human life. Regarded as bud of social development, children are greater promises of tomorrow. There is plethora of legislation dealing with the best interest of child but sometimes that optimistic and wishful legislation seems to be shallow. Due to worse economic condition in developing countries, the goal to implement policies and programs of children became unrealistic. Many children are at greater risk of not developing to their full potential due to poverty, frequent illness, poor nutrition, inequality and inequities surrounding them. Children are the human resources invaluable but vulnerable³.

Early childhood development means development of a child in an environment of nurturing, caring enabling a child to be physically healthy, mentally alert and secured. It is a combination of health and nutrition, infant stimulation, education, sociology, psychology and economics. Our future prosperity and security will be at risk if we do not provide if children are not given proper facilities to build a strong foundation. Maximum vulnerability can affect child development as 90% child's brain develops during early childhood. In the by - gone era, children were not given any special treatment, they were forced to work for their livelihood in the underbellies of hazardous industrial cities. The plight of children of the lower strata was certainly gloomy during British period.

The importance of early childhood development is a matter of lifetime where actual process of brain functioning starts. It is a very crucial stage of a human life. Physical, emotional and mental development takes place during this phase.

³Swapan Kumar Sinha, *Child Labour in Calcutta: A Sociological Study*, Naya Prakash, Calcutta, (1991).

Many children do not get benefits and proper affection due to their family condition. This may be due to financial condition which worsens their conditions and hampers their future. There are also many children who though having strong financial background but they are not getting proper love affection, which is the outmost priority for them then. This actually directly hampers its mind and health. There should be nurturing relationships and rich learning experience which comes from family. As we all know, a small child can learn fast than a grown up person. It is this period where entire development takes place, sense of organs develop also a child can easily grasp whatever he is taught which is a matter of lifetime. He understands good and bad easily. A child will learn to adapt to everyday challenge if he is protected by supportive relations.

The society has a vital stake in its children as childhood is a universal human experience. In every child, foundation of a nation is laid as the nation future is in the hands of today's children. The more strong we will make foundation; the nation will prosper more in future. In historical aspects, the status and rights of children depend solely on customs, traditions and the laws of the country. Children need a conducive and congenial environment to develop into good citizen as the prosperity and progress of the country depends on the quality of its citizen. National laws have given the recognition on the importance of early childhood development and protected against the various odds that inhibit their growth. Childhood knows no artificial boundaries and is universal transcending all nationalities. Family shall provide natural environment for growth and well being of children as it plays a significant role in nurturing them. There are many acts/legislation/statutes/policies/convention for overall development and well being of children. But sometimes all these look mere shallow when we actually encounter a child moving in streets without proper clothes, food and proper nutrition. It looks like some day the nation will mourn the death of children at large and the whole country will suffer from deterioration.

II. Right to Early Childhood Development: Indian Perspective

Our Constitution which is the largest Constitution in the world has provisions for the rights which are of great importance for better future of the children. These rights are much dealt in fundamental rights and directive principles and

also in fundamental duties in the Constitution. Being one of the largest democracies, India has a federal system of government. The states have their own democratically elected governments. The relative jurisdiction of the Central and State government over matters has been indicated in the seventh schedule of the Constitution of India under Union, State and Concurrent list. The survival, protection and development of children fall either in concurrent or in the state list. Article 14 of the Constitution deals in equality before law. It says the state shall not deny to any person equality of law and equal protection of law within the territory of India. Article 15(2) provides nothing can prevent the state from making law specially for children and women.. Article 21 provides that life and personal liberty shall be given with due process of law. Article 21 A inserted by Constitution (Eighty – sixth Amendment Act) 2002 which deals in right to education. Article 23 deals in prohibition of traffic in human beings and forced labour. Article 24 deals in prohibition of employment of children forced to work in hazardous environment. Article 39(e) and (f) deals with the policies to be followed by the state. Article 42 deals in provisions for just and humane condition of work and maternity benefit. Article 45 deals in provision for early childhood development by providing care and education. Article 51 A (K) inserted by Constitution (Eighty – sixth) Amendment Act 2002 deals in fundamental duty of citizen to look after their child giving proper education.

There are plethora of legislations dealing with development of children. But the optimistic provisions look shallow. Many significant changes took place in the last few years amending many provisions in criminal justice system. Bills, Acts, Statutes also the existing laws have been upgraded observing the deteriorating position in the development of children. By the end of nineteenth century, major early childhood traditions emerged that was led mainly by organization of civil society and private sector. Unofficial policies for early childhood services have existed for hundreds of years. Most of the countries now are using integrated approach to formulate their National Early Childhood Development Policy or Policy Framework. Some of the policies are as follows:

i. The National Policy on Education, 1986⁴

This policy focuses on primary education of children which is important factor for human resource development.

⁴ <http://mhrd.gov.in>.

ii. The National Policy for Child, 1974⁵

This policy ensures full protection to children pre and post birth making childhood development strong physically, mentally and socially. The policy mainly focuses on proper nutrition and diet to help them to grow healthy.

iii. The National Nutrition Policy, 1993⁶

The National Nutrition Policy take account of vulnerable children by regulating and proper implementing programme on child health and development.

iv. The National Health Policy, 2002⁷

The National Health Policy deals in schemes designed by government and private organizations for proper growth of children and also give proper protection to other vulnerable groups including women and socio-economic lower classes who are derived of basic necessities.

v. The National Charter for Children, 2003⁸

The Charter of 2003 is adopted with a motive to address the unhealthy growth and issues affecting early childhood. The charter was brought in light so that society could redress the issues and concerns and make their future strong and bright as every child has the right to have better life for their better development.

vi. The National Commission for Protection of Child Rights Act, 2005⁹

The National Commission for Protection of Child Rights Act came into force for providing speedy trial and ensuring full justice to the children against whom offence is done. The Act deals with national and state commission for children along with powers and functions of the members who are appointed by the government ensuring full justice and smooth functioning of the commission. The Act also deals in children courts, finance, accounts and audits and other miscellaneous for proper functioning, implementing policies, enquiring complaints etc.

⁵ <http://childlineindia.org.in>.

⁶ <http://wcd.nic.in>

⁷ <http://childlineindia.org.in>

⁸ www.ispepune.org.in

⁹ <http://wcd.nic.in>

vii. The National Policy for Children, 2013¹⁰

The policy declared children as supremely important asset. The policy stands as a guide to dictates and inform laws, policies and programme. The guiding principles of the policy are as follows:

1. Every child has human rights which are inalienable, universal and indivisible.
2. Every child is important and the right of them is interrelated and interdependent.
3. Right to life, survival, education and overall rights which makes their development sound shall be given to every child.
4. Every child shall be safeguarded from exploitation and their environment shall be safe and sound.
5. Every child shall be given their freedom of speech and stern actions shall be taken if they are unsafe and insecure in any circumstances.

viii. The National Health Policy 2017¹¹

The national health policy aims to inform, clarify, strengthen and prioritize the role of the government in shaping health systems in all dimensions like investing in health, organization of health service, prevention of disease and promotion of good health through cross sectorial sections, access to technologies, developing human resources, encouraging medical pluralism, building knowledge base, developing better financial protection strategies, strengthening and health assurance. The policy envisages attainment of highest level of health and well being for all at all ages through preventive and promotive health care orientation programmes and universal good quality health care services without anyone having to face hardship as a consequence.

ix. The National Education Policy 2019¹²

The National Education Policy 2019 exclusively deals in early childhood care and education. The main objectives of the policy are as follows:

1. Every child from 3 to 5 years of age be ensured free, safe, high quality, developmentally appropriate care and education by 2025.

¹⁰ www.ekalavya.comnationalpolicyforchildren

¹¹ www.cdso.nic.in

¹² <http://mhrd.gov.in>

2. To achieve foundational literacy and numeracy by 2025.
3. To achieve free and compulsory quality education by 2030.
4. To encourage holistic development of child and to minimize rote learning by 2022.
5. To ensure that children are imparted education by qualified and experienced teachers.

The policy mainly focuses on overall development of children from 0 to 6 years by strengthening the pre - school education, better nutrition, investing for early childhood care and education, suggesting early childhood care and education to be an integral part of Right to Education Act, 2009.

x. Law Commission of India on Early Childhood Development¹³

Law Commission in its report on 'Early Childhood Development and Legal Entitlements' have elaborated the rights of early childhood development. The growth and development of child in its initial years of life makes as accelerated development for its entire life. Physical, emotional, socio-economic development takes place during 0 to 6 years. Many researchers have shown that 90% of brain develops during this period. If proper care is not taken during this stage it can lead child's life to maximum vulnerability which has serious impact in overall development of a child. The causes of impaired development are disease, poverty, malnutrition and social exclusion. If a child is given favourable environment it will stabilize child's health and potential to full swing. If child receives negative and unfavorable environment than it will lead to destruction his life finding its life somewhere lost.

There are also strict guidelines given by Hon'ble Supreme Court but it is really very painful to see the implementation. The judiciary has also been very active in ensuring proper justice to children. There are many cases dealing with best interest of children.

In *Bapuji Education Association*, "the Karnataka High Court held that right of an individual to have or to impart education is one of the most valuable rights"¹⁴.

¹³ www.lawcommissionofindia.nic.in

¹⁴ AIR 1986Kant119

In *B.M.M V. Union of India*, “the court held that it may not be possible to compel the state through courts to make provision by statutory enactment for ensuring basic essential to live with human dignity but where such enactment exist the state can be obliged to ensure observance of such legislation”¹⁵.

In *Maneka Gandhi V. Union of India* and *Francis Coralie Mullin V. Union Territory of Delhi*, “the court held that Article 21 included the protection of health and strength of workers, men, women and tender age of children against abuse”¹⁶.

In *Unnikrishnan V State of A.P.*, “the court held that the fundamental purpose of education is same at all times and in all places, it is to transfigure human personality into a pattern of perfection through a synthetic process of the development of body, the enrichment of the mind, the sublimation of emotion and the illumination of spirit. Education is a preparation for living life, here and hereafter”¹⁷.

In *University of Delhi V. Ramnath*, “the Supreme Court held that education seeks to build the personality of the pupil by assisting his physical, intellectual, moral and emotional development”¹⁸.

In *Ashok Kumar Thakur V. Union of India*, “the court held that the government in partnership with state has made tenuous effort to provide universal and quality education to children for their development”¹⁹.

In *Sheela Barse V. Union of India*, “the Supreme Court held that child is a national asset and it is the duty of the state to look after the child with a view to assuring full development of its personality”²⁰.

In *Laxmikant Pandey V. Union of India*, “it was held that equal opportunities for development for all children during the period of growth should be the aim

¹⁵ AIR1984 SC82

¹⁶ AIR 1978 SC 597 , (1981) 1 SCC P. 608

¹⁷ AIR1993 SC 2178

¹⁸ AIR 1962 SC 1873

¹⁹ (2008) 6 SCC 1

²⁰ (2008) 6 SCC 1

of the state for this would serve large purpose of reducing inequality and social justice”²¹.

III. International Perspective of Right to Early Childhood Development

Right to early childhood development gained importance in recent past earlier there were conventions of general nature related to children. The Universal Declaration of Human Rights²² is the first international declaration globally recognized and provided the right relating to early childhood development. A committee was established after the First World War in 1919 for child welfare and then a historic document Geneva Declaration came into existence pronouncing the rights of children for their development. There are many international instruments relating to childhood development. These are:

i. International Covenant on Civil and Political Rights, 1966.

The International covenant on civil and political rights laid emphasis to provide special protection to children. The convention stress on protection of children from torture, inhuman and degrading treatment²³ and also protect from being discriminated as to sex, religion, race, culture²⁴.

ii. Health for All Declaration, 1978.

The main objectives of this declaration was to promote health care, provide information on development of primary health care, evaluate the present health care, to define the role of government, national and international organization for development of health care organization, to formulate recommendations for development of primary health care²⁵.

iii. Maternity Protection Convention, 2000.

This convention promotes health and safety of children. It also directs the states to take preventive step for breastfeeding and pregnant women are not forced to

²¹ (1993) 4 SCC 204

²² Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy same social protection.

²³ Article 7 of ICCPR, 1966

²⁴ Article 24 of ICCPR, 1966

²⁵ Primary Health Care, Report of the International Conference on Primary Health Care, Alma – ata, UUSR.

work which affects their health. For protecting child's health maternity leave is given for a period of six weeks post birth also working women have the right to breastfeed her child during working hours²⁶.

iv. Education for All Declaration, 1990.

The only provisions relating to childhood development in the declaration is given under Article V which says 'learning begins at birth' which calls for early childhood care and education by families, communities, institutional programmers etc. Early childhood care was given recognition by Jometian Framework of Action by calling 'an expansion of early childhood care and development activities, including family and community interventions, especially for poor, disadvantage and disabled children'²⁷.

v. Moscow World Conference on Early Childhood Care and Education, 2010.

Moscow World Conference on Early Care and Education called the government to make strong policies and legislation on early childhood development. The conference recommended the 'states to develop legal frameworks and enforcement mechanism that are conducive to the implementation of the rights of the children to Early Childhood Care and Education from birth'²⁸ and 'adopt and promote an approach to Early Childhood Care and Education that is both holistic and multi-sectoral to ensure good birth outcomes, neonatal health and nutritional well being, care and education'²⁹.

vi. Convention on the Rights of the Child (CRC), 1989.

This is an important and comprehensive convention which provides clear and interdependent rights for children covering right to life, development, protection and recognition. This convention laid stress on ensuring child's development, child rearing facilities, developmental institution, law and policy development

²⁶ <http://www.ilo.org/dyn/normlex/en/f?pNORMLEXPUB:12100:0::NO::P12100-ILO-CODE:C183>

²⁷ Early Childhood Regional Capacity: Building initiative available at <http://www.unesco.org/education>

²⁸ Article 11(i)(a) of Moscow World Conference on Early Childhood Care and Education, 2010

²⁹ Article 11(I)(9b) of Moscow World Conference on Early Childhood Care and Education, 2010

for better interest of children and most importantly the rights of early childhood development³⁰.

vii. Zero Draft: Sustainable Development Goals.

The convention does not focus on specific definition of 'child', but it targets and set standards to achieve childhood development. The objectives of the zero draft mainly focus on to provide adequate nutrition, end malnutrition and hunger, quality education, achieve food security and implementing and promoting rights of the children.

IV. Conclusion

In order to have a good and peaceful society, there should be personality development. Personality development can be done when we will take care of children in their early childhood. This phase of life is very important as future custodian of our society rest in the hands of children. Tomorrow's eminent person in form of a good teacher, scientist, judges, doctors, politicians and many more comes from today's saving. It will be saving in form of children who in their early childhood if given, proper protection mentally physically and emotionally. A child in his initial years of life needs love and affection of parents, siblings and other family members. They should be given proper education which is fundamental right of every child. Many times we see children deprived of all basic requirements which assure full development of their personality. There are many national and international conventions and legislation which directly and impliedly provides various rights of early childhood development but there is no proper implementation. The government lacks in proper implementation of the programmes relating to early child. All these rights are in ink and paper. There is sufficient economy in India to run the machineries to give effect to early childhood. But these economies are enjoyed by other groups who are sufficiently sound to make their way. The Constitution of India pays no heed to rights of early childhood. It has only given direction to state to ensure early childhood care and protection. There is no specific law

³⁰ Convention on the Rights of Child, General Comment no. 7 (2005), Implementing Child right in Early Childhood ,
<http://www.ohchr.org/english/bodies/crc/docs/AdvanceVersionGeneralComment7Rev1.pdf>.

regarding early childhood only few policies are there. They look good in books and pages but reality is a nightmare when we experience what a homeless child goes through. The time has come to stand up and fight for the rights of children who cannot themselves stand. We, the people, the guardian should take initiative for their overall development as it is our responsibility to protect and ensure our future of the nation. All policies, programmes, rules and regulations at national and international level are showing the concern of all conscious concerned relentlessly working for the welfare of the children. More efforts are needed to protect the early childhood development. There is need to have a legal recognition and protection to this right in India being the second most populous country.