

ECED Brief - 4

RIGHT TO EARLY

CHILDHOOD DEVELOPMENT

A COMPREHENSIVE FRAMEWORK





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Abstract

In India, currently there is a strong and justified advocacy for making ECD a fundamental right for every child. The objective of this paper is to understand and convey the complexity and multi-dimensionality of “Right to Early Childhood Development”. Given the Early Childhood Development (ECD) is a multidimensional concept covering health, nutrition, care and early stimulation etc. In context of the debates towards a rights based approach in ECD it becomes all the more important to first understand as to what constitute the right to ECD.

It calls for probe and unpacking of the entire gamut of rights, needs and interests ranging from prenatal period to 8 years of age. The paper aims to establish a clear and comprehensive framework on the ECD continuum and to understand the operational implications of making ECCD a fundamental right. The expected output is a set of concrete recommendations based on this review that can inform any planning initiated by the government to make ECD a fundamental right of every child below 8 years.

INTRODUCTION

The delineations of early childhood vary in different countries and regions, according to local tradition and culture. However, early childhood is a period ranging from conception to 8 years has been globally accepted, since the first 8 years of the life are considered to be the most critical years for lifetime development. Similarly, the early childhood period takes account of all young children: at birth and throughout infancy; during the preschool years; as well as during the transition to formal school.

“In early childhood you may lay the foundation of poverty or riches, industry of idleness, good or evil, by the habits to which you train your children. Teach them right habits then, and their future life is safe.”

- Lydia Sigourney



The early years of a child's life are the most significant in terms of their overall well-being, socio-emotional and intellectual development, and physical growth. Children grow at different paces and have diverse needs to be fulfilled for hale and hearty development. The major learning takes place during the first six to eight years of age, when learning and development, both happens at instant rate. Early years are the foundation on which children build their lives. Although, it is also a preparation for adolescence and adulthood, it has an importance in itself.

It is well established scientifically that the early years are critical in the foundation of development of intelligence, personality, and social behaviour. Recent research in the field of neuroscience shows that early experiences determine whether a child's developing brain architecture provides a strong or weak foundation for all future learning, behaviour, and health. The brain is composed of billions of highly integrated sets of neural circuits (i.e., connections among brain cells) that are "wired" under the interactive influences of genetics, environment, and experience. Genes determine when the circuit are formed, but a child's experiences shape how that formation

unfolds (A Science-Based Framework for Early Childhood Policy: Using Evidence to Improve Outcomes in Learning, Behaviour, and Health for Vulnerable Children, 2007). Early years are the foundation on which children build their lives.

Similarly, the brain development takes place at more rapid and extensive rate during early years. The months immediately after birth are critical in terms of brain development as during this period the number of synapses and the connections take place that allow learning.

Evolving Concepts Vis-À-Vis Early Childhood Period

Given that, early childhood development has been defined in various ways in acts, policies and programmes, however the age group from birth to 6 years has always been the major priority while discussing about early years. Moreover, there are different terminologies and delineations used to define the early childhood period. The taxonomy includes Early Childhood Education (ECE) which includes 'early childhood education programmes' aimed at 3-6 year olds through crèches, nursery schools, kindergartens etc.



Early Childhood Care and Education (ECCE) take account of the care and early stimulation for birth to 3 year olds, through crèches, day care centres and playschools. Then, Early Childhood Development (ECD) and Early Childhood Care and Development (ECCD) address the all-round development of the child. However, ECCD lays emphasis on the component of care discretely, together with holistic component of development. In contrast, ECD give prominence to the holistic development of the child which take account of early stimulation, care, health, nutrition, early learning, and education in accord.

Early Childhood Development in National and International Framework

Child development in India has been addressed through a range of legislations, policies and schemes.

International Agenda

With the identification of gainful social and economic returns through research, world has witnessed a global movement to address the issues and needs in the field of Early Childhood Development. At the international level, besides

International Human Rights Law, there are important frameworks in the field of early childhood care and education (ECCE). India is a signatory to United **Nations Convention on the Rights of the Child (UNCRC), 1989**, which has set of measures intend to ensure and protect the well-being of the child.

Moreover, at the international level, the most significant landmarks in the area of early childhood are Education For All (EFA) Goals and Millennium Development Goals (MDG) The Dakar Framework for Action on **Education for All** (2000) listed ECCE as the first goal to be aimed for, 'Expand and improve comprehensive early childhood care and education, for girls and boys, especially for the most vulnerable and disadvantaged children'. The EFA has given a prominent importance to early childhood care and education (ECCE). It considered ECCE as a crucial input for healthy development and lifelong learning of a child. There is strong and growing evidence that high-quality care in the early years can act as a foundation for success in school. The UN adopted the **Millennium Development Goals** in 2000, setting out its commitment to improving health and education and regenerating the environment in the world's poorest countries, achieving primary education



and eliminating gender disparities at all levels of education by 2015.

National Agenda on ECCE

At the national level, ECCE has been addressed through a range of initiatives taken by Government of India.

Constitutional provisions, statutes, policies and programmes provide the broad framework for operationalizing the early childhood care and education services. In India, the early childhood education has been a rapidly growing part of the education sector for the past few years as due to expansion of private pre-schools, increasing demand for school preparation programmes manifested as downward extension of schooling, greater need to focus on developmental issues and outcomes for children, emphasis on strengthening early development and education components in child care.

a. Constitutional Provisions

At national level, the early years of childhood were addressed in the Article 45 under Part IV of Directive Principles of State Policy and held that the State shall endeavour to provide early childhood care and education to children upto the age of six years. On the other hand, the RTE (2009) omitted the children below 6 years completely from its ambit. Which results, the subsequent

civil society supports to bring these children back into the fold of the legislation, making early childhood development a fundamental right of every child. Perhaps as a response to this advocacy, the MHRD is contemplating including preschool education in the RTE. In addition, there have also been efforts to draft a policy on ECCE by MWCD. The ECCE draft policy focuses on re-structuring the integrated child development schemes and integrating early childhood education with the Right to Education Act to ensure a smooth transition into formal schooling.

b. Policy Provisions

At the national level, the ECCE has been acknowledged by various policies. The **National Policy for Children** (1974) was started with the objective of to provide adequate services to children before and after birth and laying the foundation for holistic and integrated development of child and building capabilities of caregivers. The **National Policy on Education** (1986) considers the significance of ECCE for early childhood development. The **National Nutrition Policy** (1993) has also recommended interventions for child care and nutrition during early childhood. The **National Health**



Policy (2002) identified different aspects and interventions to ensure the healthy development during early childhood through its various provisions. The **National Charter for Children** (2003) and **National Plan of Action for Children** (2005) have also been supportive policy initiatives for early childhood. They recommended interventions for ensuring early childhood care for survival, growth and development.

c. Programme Provisions

In the public sector, **Integrated Child Development Services (ICDS)** is the world's largest programme imparting ECCE through its various provisions like health, care, nutrition and early childhood education. Additionally, the second most influential programme launched by government of India was the **National Rural Health Mission (NRHM)**, which aims to cater the needs of children during early childhood through its various sub programmes. Programmes for universalizing elementary education such as the **National Programme for Education of Girls at Elementary Level (NPEGEL)** have also supported setting up of ECCE centres, attached to primary schools in certain districts of the country.

For protecting the rights of children and to provide care, support and rehabilitation services to children, **Integrated Child Protection Scheme** was launched by government. In addition, there is **Rajiv Gandhi National Crèche Scheme** for Working Mothers offers care and education services for children below 6 years of age.

Status of children in India: Facts and Figures

Despite the critical importance of early years, the facts and figures show a very dismal status of young children in India because of weak and inadequate implementation of laws, policies and programmes catering to children under 8 years. When compared on the child development indicators to other countries, India is lagging far behind.

Some ground realities:

- NFHS 3 recorded that 46.30% of children are not exclusively breastfed till 6 months and 56% of children age 12-23 months are not fully vaccinated; 76% suffer from anaemia.
- The child sex ratio level at 914 is even lower in Census 2011, as compared to 2001 when it was 927.



- NFHS 3 recorded that under five mortality rate is 74.3 per 1000 live birth and infant mortality rate is 57 per 1000 live births.
- Moreover, the **Hunger and Malnutrition (HUNGaMa) Report** by NAANDI Foundation across six states reveals that about 42% of under five children are severely or moderately underweight.

Purpose of the paper

The Constitutional (Eighty-sixth Amendment) Act, 2002 introduced Article 21 A under Part III on Fundamental Rights, recognizing the duty of the State to provide free and compulsory education to children between the ages of 6 and 14 years. This did not include children's right to early childhood development. Instead, the Amendment revised Article 45 under Part IV of Directive Principles of State Policy and held that the State shall endeavour to provide Early Childhood Care and Education to children upto the age of six years. Furthermore, the Right of Children to Free and Compulsory Education Act, 2009 (RTE) did not make it mandatory for Appropriate Governments to provide early childhood care and education. The genesis for this activity relates to this omission and the subsequent civil society

advocacy to bring these children back into the fold of the legislation, making early childhood development a fundamental right of every child. Possibly as a response to this advocacy, the Ministry of Human Resource (MHRD) is contemplating including preschool education in the RTE. The Ministry of Women and Child Development (MWCD), the nodal department for ECCE has also formulated a draft policy on ECCE.

Given that ECD is a multidimensional concept covering health, nutrition, care and early learning, and its implementation is being done by Ministries and departments that work in silos, there is a need to consider how this puzzle can be resolved. In addition, there has been no discussion so far on which of these multi-dimensional ECD needs can get converted into legal and justifiable entitlements of the child, if legislated. It is to address this issue, that a time bound project was conceptualised with an objective to understand and convey the complexity and multi-dimensionality of "right to early childhood development", which must necessarily follow the 'life cycle approach'.

Objectives

The main objectives of undertaking this exercise of developing a comprehensive



matrix on ECCD are as follows:

- To plot the various needs, rights and interests of young children (pre-natal to 8 years) from the developmental perspective along the sub stages of early childhood continuum and identify 'entitlements' specific to each sub stage.
- To review the existing policies, programmes/schemes and match the provisions with the entitlements.
- To identify residual gaps in provisioning, if any, and recommend ways to fill these gaps.

Methodology

The development of the matrix of entitlements was based on desk review of secondary sources of data and consultation with experts. As an initial step, the Conceptual Framework for Integrated Child Development proposed in the World Bank report titled 'Reaching Out to the Child: an Integrated Approach to Child Development' (2004) was examined. This Framework provided a conceptual mapping as per the different stages of early childhood in terms of the outcomes expected, the determinants of these outcomes and the measurable indicators for these outcomes. This was further developed and elaborated

to specify what should be the entitlements for various age groups constituting early childhood period. The determinants of these entitlements and their indicators were also developed. The matrix that was evolved through this process was shared with a group of experts and the feedback received was used to further modify and develop the matrix. Alongside, a database of legislation, policies, programmes, international treaties and declarations was compiled and reviewed.

In addition, the Draft ECCD Policy was also reviewed. This analysis (presented in the Annexure 1, 2, and 3) was used to identify the key entitlements that are presently available to young children in India and the political commitments made by the Government for their development. The analysis also brought to light specific gaps and opportunities that can be leveraged for providing holistic set of entitlements to young children.

Approaches to Early Childhood Development

A comprehensive approach to Early Childhood Development

The term "comprehensive approach for developing a framework for right to



Early Childhood Development” refers to review of existing laws, policies and schemes that ensure that child rights to health, nutrition, protection, survival and development.

There is a dire need to give attention to early development of child through a comprehensive approach. Various researches have shown that healthy development of the child depends on series of components i.e. good nutrition, health, care, education, parental involvement etc. In essence, this means addressing the child’s multiple rights within the context of the family, community and society. Moreover, to support parents in their parenting role and programs that help change the economic situation of the family are important and ultimately have an impact on the child. Similarly, community development efforts are important, as they change the environment within which children are being raised for e.g. good quality of ECE program i.e. crèches, day care centres, preschool etc.

As it follows logically that early childhood years are significant for investing in to ensure an enabling environment for every child. This will not only impact the later success in life, but also the right of every child.

The Life Cycle Approach to Early Childhood Development

The right to early childhood development should be seen through the life cycle approach.

The life cycle approach to early childhood development integrates all determinants essential for preparing adolescent girls for future motherhood, healthy pregnancy, safe delivery and optimal growth that will lead to the healthy development of the new born. What happens in pregnancy has a profound impact on child development. Healthy outcome at one phase of development in the life cycle delivers a positive determinant in the next phase of development in the cycle. As human development is cumulative in nature, so every phase of development is inter-connected and has profound impact on next stage. Correspondingly, the newborn health is determined by maternal health and affected also by factors such as the nutrition of adolescent girls and the avoidance of early pregnancy. These factors, in turn, are influenced by healthy growth and development in early childhood. Besides, growth and development of young children enhances the opportunities for their development during the school age period and in adolescence. This will be carried



through into the adulthood and old age. Thus, an investment early on will result in a lifetime of economic, social and personal benefits.

A Comprehensive Matrix of Determinants Vis-À-Vis Early Childhood Development Continuum (See Annexure-1)

As mentioned in the earlier section, a life cycle approach is needed when we talk about early childhood development as every phase of development is interconnected and has profound impact on next stage of life. Accordingly, the proposed comprehensive matrix followed the life cycle approach, which encompasses the maternal life cycle along with the child life cycle. For instance, it shows that the active

determinants of mother’s life cycle (i.e. maternal health, awareness, nutritional status) influences the new born life cycle.

The life cycle includes five main sub stages:

- Conception-Birth;
- Birth to Six months;
- Six months-three years;
- Three to six years and;
- Six to eight years

The continuum passes through 4 sub stages, namely, pre natal to one month, one month to three years and three to six years followed by two sub stages corresponding to primary education. Each sub stage has its own priority and specific indicators.

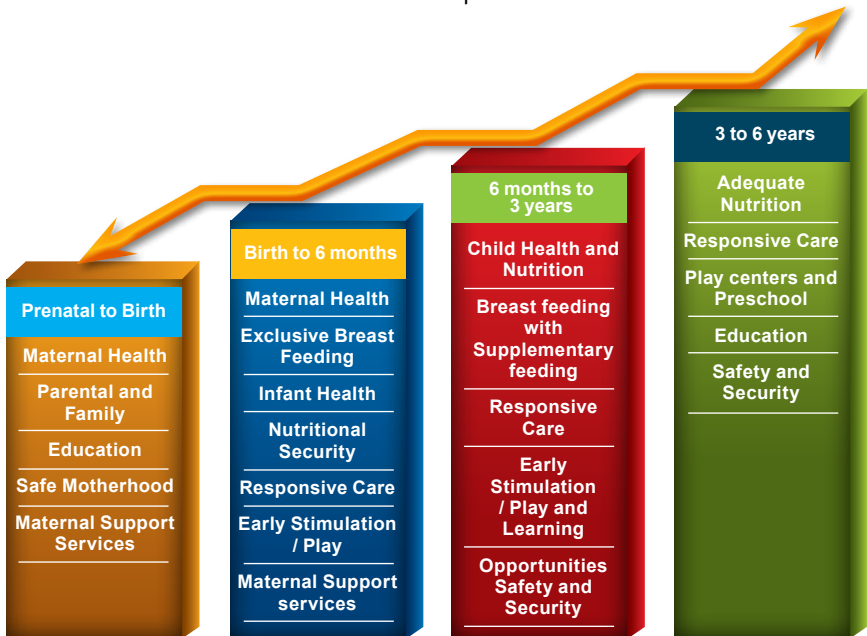


Figure (a) below indicates a summarized version of the matrix while the comprehensive framework of the matrix is attached as Annexure (1). The figure 1 displays each sub-stage with the set of distinctive determinants during each developmental phase. These determinants are arranged in a particular manner, to show whether the provision of these determinants are provided “strongly, intermediately or inadequately/weak” under law, policy and programmes. The arrangement of these determinants is from weak component to strong component. As evident in Fig (a), a majority of the determinants are positioned in

between, which represents that there are entitlements provided for by law, policies and programmes, but these are not adequately recognized as binding entitlements in domestic legislation, or there are implementation issues such as inadequate institutional mechanisms, absence of technically sound processes, lack of budget and lack of convergence, or the entitlement is recognized at a broader level without acknowledging the specific inputs required for the entitlement to become meaningful. The details are discussed in the next section on gaps and recommendations. Additionally, the determinants that lie on the extreme right signify that these

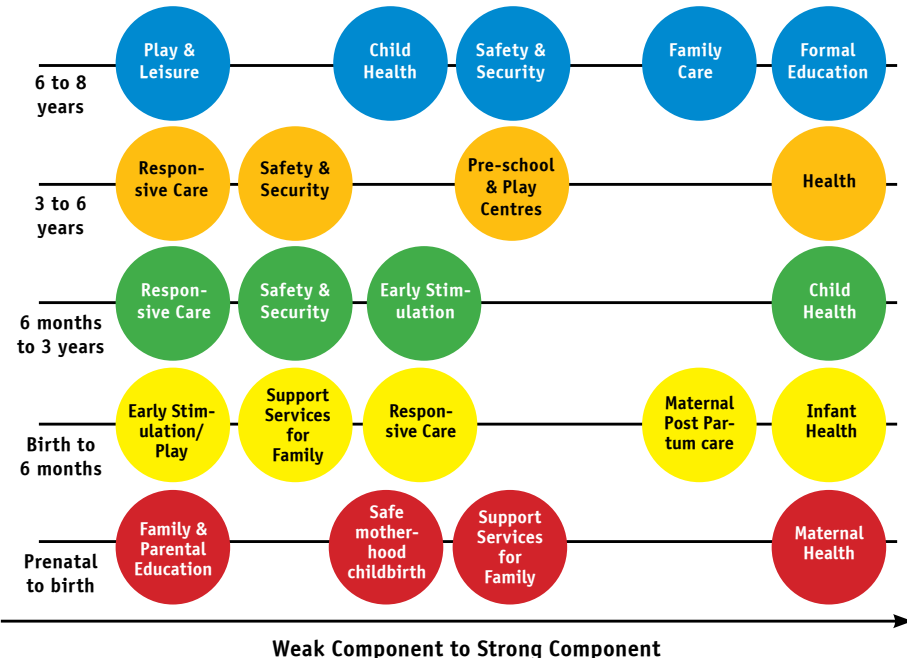


Figure (a): Comprehensive Framework for Early Childhood Development



entitlements are adequately provided for by law, policies and programmes.

Gaps and Recommendations

A review of the legal and policy framework applicable to young children in India based on the determinants at each sub-stage indicates the following:

1. Rights of young children in India have not been laid down separately and these are subsumed under the larger category of children's rights or rights of general population.
2. Rights of young children as recognized under the UNCRC have not been supported fully through domestic legislation. These, however, find mention in the policies and National Charter for Children to varying degrees.
3. The entitlements of young children under the ICDS have to be realized within the stipulated time frame and are now binding because of the Supreme Court directives in PUCL case. However, provision of other rights is discretionary/persuasive and non-binding in nature.
4. The legal and policy framework mainly deals with provision and regulation of services and agencies. However, these do not reflect directions or commitments towards the funding from the state that would be required to fulfil the rights.
5. The young children are entitled to both civil and political rights as well as the economic, social and cultural rights. The treaties and legislation do not exclude the younger age group from the rights prescribed. However, the fulfilment of these rights as per the evolving capacities of the child is to be determined by the parents/caregivers and the State. This requires greater clarity and acknowledgment in law and policy.
6. Rights of children are spread across many areas – Health, Nutrition, Care, Early stimulation and Education, Prevention of Disabilities, Basic Services such as Water and Sanitation and Protection Rights. There is a need to ensure that the rights are fulfilled and protected in an integrated manner through appropriate and effective convergence mechanisms.
7. There is a range of duty bearers at different levels. These include - State, particularly state government and local authorities, Parents, Employers of women labourers, contractors, vendors and the Community. Given these multiple duty bearers, there is a risk of the



obligations getting diffused and certain entitlements falling through the crack.

8. One also finds a strong gender bias with regards to certain entitlements. For instance, right to receive care in a crèche is limited to young children of only women employees as this is seen mainly as a mechanism to boost female productivity and not as young children's right.

A comparison of what is currently provided under law, policy and programmes with what should be the entitlements based on evidence from child development indicates the following:

1. There are some needs and interests of young children that have not been recognized as entitlements in law and have weak or no support through policy and programmes. These include the following:
 - HIV testing of pregnant women to prevent mother to child transmission
 - Provision of psychological support services to pregnant and lactating women so that their mental health needs are met
 - Counselling parents about care, nurturance and stimulation of young children as well as the need to share responsibilities of parenting

- Crèches and day care centres for young children whose mothers may not work in workplaces where labour laws stipulate establishment of such measures.

- Constant care-giving by parents

Recommendation: *The laws, policies and programmes should provide for the above mentioned entitlements.*

2. There are some entitlements that are provided for by Law or Policies but these are not operationalized through any programme/scheme for young children. This does not allow the right to become a meaningful reality for young children. This includes the following:

- Right to play - age appropriate play materials and spaces
- Breast feeding friendly environment at the work place
- Opportunities for play and recreation
- Shared responsibilities of parenthood
- Assistance from the state to families for child rearing
- Safe physical spaces that are free from hazards
- Birth registration

Recommendation: *The above mentioned entitlements should be supported through existing programmes/schemes or through launching of new programmes.*



3. There are some entitlements that are provided for by law, policies and programmes, and have adequately got recognized as entitlements, but these are poorly implemented because of inadequate institutional mechanisms, absence of technically sound processes, lack of budget and lack of convergence. These include:

- Prevention and early detection of disabilities
- Protection from abuse, neglect, discrimination and injury
- Provision of supplementary nutrition to pregnant and lactating mothers, and young children
- Safe and clean institutional deliveries
- Accessibility and availability of clean drinking water and sanitation facilities
- Treatment of acute and chronic childhood illnesses
- Provision of alternate care in the absence of families
- Provision of crèche and day care facilities with trained care giver
- Child centered curriculum (6-8 years)
- Inclusion in formal schools (6-8 years)
- Special resource teachers for children with disabilities (6-8 years)

Recommendation: *A review of the bottlenecks in fulfilling these entitlements should be made and implementation of the programmes should be strengthened based on such a review.*

4. Certain entitlements are provided for by the Laws, Policies and Programmes but they lack specific details in terms of what the entitlements would contain and the rights of young children in particular. These include:

- Protection of young children (through special procedures and services) in the juvenile justice system related to their care and protection
- Recognition and protection of rights within ICDS centres, crèches, day care centres, pre-schools, etc.
- Rights of children to basic services such as water and sanitation within ICDS centres, crèches, day care centres, pre-schools, etc.
- Prevention and early detection of disabilities through existing programmes
- Counselling and guidance services for parents
- Early childhood education and transition to formal schooling



Recommendation: *All the laws, policies and programmes should include specific reference to the manner in which young children's rights will also be protected. Integration of rights at the level of programme design and formulation is important so that programmes do not get implemented in a fragmented manner, but make necessary cross-sectoral linkages.*

5. Certain entitlements are provided for by Law, Policies and Programmes and these are implemented in an effective manner

- Immunization of children

The Way Ahead

An analysis based on the matrix shows that there is a need to recognize 'Right to Early Childhood Development' using a life-cycle approach as well as in a holistic manner because of the multi-dimensional developmental needs and interests of young children. This research is currently under progress and it is hoped it will serve as a tool for policy formulation and programme planning with regards to young children in India.

ANNEXURE-1

Note:

Red coloured blocks depicts that the specific provision is not provided for at all under Law, Policies and Programmes.

Green coloured blocks depicts that the specific provision is provided for by Law, Policies and Programmes (either at national or international level)

Orange coloured blocks depicts that the specific entitlements have not been expressly or adequately provided for.



ANNEXURE-1

Phases of Development	Determinants for phases of development	What should be the Entitlements	Law (National and International Framework)	Policies and guidelines	Programmes and schemes
Prenatal to Birth	Maternal Health	Early registration of pregnancy	International law provides for antenatal care, but does not specifically refer to early registration of pregnancy.		
		Provision of periodic antenatal check-ups (at least 3 check-ups during each trimester)			
		Weight and height measurement	This specific entitlement is not expressly provided for in law	These specific entitlements are not provided for in policy	
		Urine testing and Blood pressure testing	This specific entitlement is not expressly provided for in law	These specific entitlements are not provided for in policy	
		Prevention measures for anaemia	This specific entitlement is not expressly provided for in law		
		Immunization (Tetanus toxoid)	This specific entitlement is not expressly provided for in law		
		HIV test	This specific entitlement is not expressly provided for in law		NACO has established hundreds of integrated counselling and testing centers all over India. The HIV testing is not mandatory in these centres.
		Early Detection and Prevention of Disability and other complications			
		Provision of Supplementary nutrition	Provision of adequate nutrition is mentioned under CEDAW		



ANNEXURE-1 (Contd...)

Phases of Development	Determinants for phases of development	What should be the Entitlements	Law (National and International Framework)	Policies and guidelines	Programmes and schemes
	Maternal Health	Vitamin supplementation	This specific entitlement is not expressly provided for in law		
		Iron and Folic Acid (IFA)	This specific entitlement is not expressly provided for in law		
		Accessibility and availability of clean drinking water and sanitation facilities			
		Provision of Guidance and Counselling services on eating habits, nutritional needs, bodily changes, sleeping patterns, adverse effects of narcotic drugs and psychotropic substances, alcohol and complications related to pregnancy	UNCRC provides for guidance, but these specific areas have not been listed in any of the legislation	Although NPAC and NPP provide for awareness, these specific areas have not been listed	ICDS and IGMSY provides for counselling of mother but only related to health and nutrition related education. The psychological part is missing.
	Parental and Family Education and Awareness	Provision for Parental and Family Counselling services: Legal aspects related to pregnancy for e.g. PNDT Act, Prevention of sex selection ;and child birth and registration	UNCRC provides for guidance, but these specific areas have not been listed in any of the legislation	Although NPAC and NPP provide for awareness, these specific areas have not been listed	Although ICDS and IGMSY provides for counselling , these specific areas have not been listed.
	Safe Motherhood/ Childbirth	Provision of safe and clean home based/Institutional obstetric care in neighbourhood			
		Provision of trained birth attendant			
		Provision for psychological support services	The focus of law is on physical health of the mother and mental health aspects are lacking	The focus of policy is on physical health of the mother and mental health aspects are lacking	The main focus of schemes is on health and nutrition of the mother and mental aspects are lacking
		Protection from abuse, neglect, discrimination, physical danger and other environmental hazards			



ANNEXURE-1 (Contd...)

Phases of Development	Determinants for phases of development	What should be the Entitlements	Law (National and International Framework)	Policies and guidelines	Programmes and schemes
Birth to 6 months	Support Services	Maternity and Paternity Benefits: Wage compensation at least minimum wages for nine months, Flexible work schedule, Maternity leave, Paternity leave, Cash transfers for the pregnant woman	The law does not adequately cover paternity leave. Maternity leave is available to only those establishments covered under the Act and leaves out women working in unorganised sector	Paternity benefits and flexible work schedules are not reflected in any policy document	IGMSY and Janani Surakhsha Yojana under NRHM provides cash incentives for pregnant women. Paternity benefits and flexible work schedules are not reflected in any scheme.
	Maternal Health: Post-partum care	3 Post-partum check-ups within 2 weeks of delivery	Although the specific number of checkups have not been provided for, post-partum care has been provided for under CEDAW		
		Regular postnatal check-ups			
		Provision of adequate nutrition			
		Supplementary Nutrition for adverse cases	Provision of adequate nutrition is mentioned under CEDAW		
		Early initiation of breast feeding			
		Vitamin and mineral Prophylaxis	This specific entitlement is not expressly provided for in law		
		Accessibility and availability of clean drinking water and sanitation facilities			
	Provision of counselling for health awareness: Early initiation of breast feeding, training in breastfeeding, Nutrient requirement during lactation, rest, birth-spacing, Utilization of health services. Counselling of parents on role of stimulation and positive engagement with the child which contributes to an emotionally mature and confident personality.	UNCRC provides for guidance, but these specific areas have not been listed in any of the legislation			



ANNEXURE-1 (Contd...)

Phases of Development	Determinants for phases of development	What should be the Entitlements	Law (National and International Framework)	Policies and guidelines	Programmes and schemes
	New-born and Infant Health	Birth registration			IGMSY provides cash incentive to the mother for the birth registration of the child but it is not mandatory.
		Provision of Routine Health Check-ups for children			
		Growth Monitoring	This specific entitlement is not expressly provided for in law		
		Basic treatment and care of acute and chronic health problems- treatment of diarrhoea, Deworming	UNCRC as well as case law support right to health, but these specific entitlements have not been expressly provided for.		
		Special care of LBW babies	UNCRC as well as case law support right to health, but these specific entitlements have not been expressly provided for.		RCH under NHRM provides for monitoring of weight every week of LBW babies by ASHA and provide medical care during emergency. However, specific care facilities have not been listed.
Referral Services		Early Detection and Prevention of Disability			
		Full Immunization as per the Government of India rules			
		Colostrum feed at child birth	UNCRC refers to breast feeding although specific reference to colostrum feed is lacking		IGMSY focuses on Infant and Young child feeding practices related counselling services which focuses on colostrum feed
		Exclusive Breast Feeding till 6 months	UNCRC refers to breast feeding although specific reference to duration is lacking		



ANNEXURE-1 (Contd...)

Phases of Development	Determinants for phases of development	What should be the Entitlements	Law (National and International Framework)	Policies and guidelines	Programmes and schemes
		Provision of counselling services for child care to parents: Stimulating and nurturing environment, Joint responsibility of mother and father	UNCRC mentions the need for guidance and the principle of shared responsibilities of parents. But specific reference to counselling about the stimulating environment and joint responsibility is not provided	NPAC and NPP mention the need for awareness, but specific reference to counselling about the stimulating environment and joint responsibility of parents is not provided	IGMSY and ICDS mention the need for awareness but specific reference to counselling is not provided.
	Responsive care	Right to responsive care from family as well as availability of alternate caregiver with adequate training in either Institutional or non-Institutional settings			
		Constant aware caregiving	Right to care is provided for under UNCRC but does not refer to 'constant' caregiving		No scheme mentioned about the presence of constant responsible caregiving
		Protection from abuse, neglect, discrimination, abandonment and physical danger			
	Early stimulation and Play	Provision for guidance related to need for early stimulation	UNCRC mentions the need for guidance and the principle of shared responsibilities of parents. But specific reference to counselling about the stimulating environment and joint responsibility is not provided		No scheme mentioned about the presence of constant responsible caregiving
		Provision of safe, Age and culturally appropriate, Play materials and spaces			This is not expressly provided for under programme
	Support services	Maternity/ Paternity Benefits: Maternity and Paternity Benefits: Wage compensation at least minimum wages for nine months, Flexible work schedule, Maternity leave, Paternity leave, Cash transfers for the pregnant woman	The law does not adequately cover paternity leave. Maternity leave is available to only those establishments covered under the Act and leaves out women working in unorganised sector	Paternity benefits and flexible work schedules are not reflected in any policy document	IGMSY provides cash incentives for lactating women 3 months and 6 months after delivery. Paternity benefits and flexible work schedules are not reflected in any scheme.



ANNEXURE-1 (Contd...)

Phases of Development	Determinants for phases of development	What should be the Entitlements	Law (National and International Framework)	Policies and guidelines	Programmes and schemes
6 months-3 years		Breast Feeding friendly environment in the Work Place			This is not expressly provided for under scheme
		Provisions and spaces to assist nursing mothers for carrying infants and nursing in public	This is not expressly provided for under law		This is not expressly provided for under scheme
	New-born and Infant Health	Crèche/day care in place of work.	Provision of Creches is applicable only in workplaces that are covered under specific labour law provisions		
	Child Health	Routine Health Check-ups			
		Basic treatment and care of acute and chronic health problems- treatment of diarrhoea, Deworming	UNCRC as well as case law support right to health, but these specific entitlements have not been expressly provided for.		
		Special care of LBW babies and malnourished children	UNCRC as well as case law support right to health, but these specific entitlements have not been expressly provided for.		RCH under NHRM provides for monitoring of weight every week of LBW babies by ASHA and provide medical care during emergency. However, specific care facilities have not been listed.
		Growth Monitoring	This specific entitlement is not expressly provided for in law		
		Early Identification of Malnutrition and micro-nutrient deficiencies	This specific entitlement is not expressly provided for in law		
		Full Immunization as per the Government of India rules			
		Breast feeding till 2 years	UNCRC refers to breast feeding although specific reference to duration is lacking		



ANNEXURE-1 (Contd...)

Phases of Development	Determinants for phases of development	What should be the Entitlements	Law (National and International Framework)	Policies and guidelines	Programmes and schemes
		Appropriate complementary feeding			
		Accessibility and availability of clean drinking water and sanitation facilities			
		Early detection and prevention of Disability			
	Responsive care	Right to responsive care from family as well as availability of alternate caregiver with adequate training in either Institutional or non-Institutional settings			
		Constant responsible caregiving	Right to care is provided for under UNCRC but does not refer to 'constant' caregiving		No scheme mentioned about the presence of constant responsible caregiving
		Provision of Day Care Centre at work or in neighbourhood with trained care givers with the provision of care, health and nutrition	Provision of Creches is applicable only in workplaces that are covered under specific labour law provisions. The Rules provide for the trained caregivers and other provisions		
	Early stimulation and Play and Learning	Provision for guidance related to need for early stimulation	Guidance and support to parents is provided under UNCRC, but it does not refer to the need for early stimulation		This is not expressly provided for under scheme
		Provision of safe, Age and culturally appropriate, Play materials and spaces			This is not expressly provided for under scheme
		Provision of age appropriate interventions by a trained caregiving	The law does not refer to age-appropriate interventions for learning		This is not expressly provided for under scheme
	Safety and Security	Safe Physical spaces-free from hazards	UNCRC mentions right to safety. However, protection from hazards in physical spaces is not adequately provided for.		This is not expressly provided for under scheme



ANNEXURE-1 (Contd...)

Phases of Development	Determinants for phases of development	What should be the Entitlements	Law (National and International Framework)	Policies and guidelines	Programmes and schemes
3-6 years		Protection from abuse (physical, emotional and sexual), neglect, discrimination, and physical danger			
	Health	Provision of Health Check-ups			
		Basic treatment and care of acute and chronic health problems- treatment of diarrhoea, Deworming	UNCRC as well as case law support right to health, but these specific entitlements have not been expressly provided for.		
		Early detection and prevention of Disability and developmental delay			
		Full Immunization as per the Government of India rules			
		Growth Monitoring	This specific entitlement is not expressly provided for in law		
		Provision of adequate and nutritious food			
		Accessibility and availability of clean drinking water and sanitation facilities			
	Responsive Care	Right to responsive care from family as well as availability of alternate caregiver with adequate training in either Institutional or non-Institutional settings			
		Constant responsible caregiving	Right to care is provided for under UNCRC but does not refer to 'constant' caregiving		No scheme mentioned about the presence of constant responsible caregiving
		Provision of Day Care Centre at workplace of parent or in neighbourhood with trained care givers with the provision of care, health and nutrition			



ANNEXURE-1 (Contd...)

Phases of Development	Determinants for phases of development	What should be the Entitlements	Law (National and International Framework)	Policies and guidelines	Programmes and schemes
	Play centres and play based Pre-school Education	Provision of safe, Age and culturally appropriate, Play materials and spaces			This is not expressly provided for under scheme
		Neighbourhood access to early learning centres offering play based ECCE with age appropriate child centred developmental curriculum, adequate infrastructure and trained teacher			
		Preparation for Transition to formal school	The legal provisions related to early childhood or right to education do not expressly indicate right to preparation for transition.		ICDS provides to the children necessary preparation for primary schooling but not adequately.
	Safety and Security	Safe Physical spaces-free from hazards	UNCRC mentions right to safety. However, protection from hazards in physical spaces is not adequately provided for.		This is not expressly provided for under scheme
		Protection from abuse (physical, emotional and sexual), neglect, discrimination, and physical danger			
6-8 years	Child Health	Provision of Health Check-ups			Although NRHM provide for health services but not specifically about this age group
		Early detection and prevention of Disability and developmental delay Full Immunization against DPT, MMR			
		Growth Monitoring	This specific entitlement is not expressly provided for in law		This specific entitlement is not expressly provided for in scheme



ANNEXURE-1 (Contd...)

Phases of Development	Determinants for phases of development	What should be the Entitlements	Law (National and International Framework)	Policies and guidelines	Programmes and schemes
		Provision of adequate and nutritious food			
		Accessibility and availability of clean drinking water and sanitation facilities			
	Family Care	Right to family and in absence of it-provision for alternate care arrangements-Non-Institutional care and Institutional care			
	Safety and Security	Safe Physical spaces-free from hazards	UNCRC mentions right to safety. However, protection from hazards in physical spaces is not adequately provided for.		This is not expressly provided for under scheme
		Protection from abuse (physical, emotional and sexual), neglect, discrimination, and physical danger			
	Formal Education	Provision of free and compulsory education			
		Child centred developmental curriculum, adequate infrastructure and trained teacher			
		Inclusion without any discrimination on the basis of caste, class, gender and place etc.			
		Provision of Special Educators/ Resource Teachers			
	Play and leisure	Opportunities, provisions and spaces for play, recreation and leisure activities			This is not expressly provided for under scheme



ANNEXURE-2

LIST OF LAWS, POLICIES AND PROGRAMMES REVIEWED FOR PREPARING THE MATRIX

• National Laws

- The Constitution of India
- The Right of Children to Free and Compulsory Education Act, 2009
- Rules notified by the State Governments under The Right of Children to Free and Compulsory Education Act, 2009
- The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 as amended in 2003
- The Vaccinations Act, 1880
- The National Rural Employment Guarantee Act, 2005
- The Inter State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979
- The Buildings and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
- The Beedi and Cigar Workers (Conditions of Employment) Act, 1964
- The Plantations Labour Act, 1951
- The Factories Act, 1948
- The Maternity Benefits Act, 1961
- The Registration of Births and Deaths Act, 1969
- The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
- Indian Penal Code (IPC)
- The Juvenile Justice (Care and Protection of Children) Act, 2000 (amended 2006)
- The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

• International Treaties

- Universal Declaration of Human Rights, 1948
- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social and Cultural Rights, 1966
- UN Convention on Rights of Persons with Disabilities, 2007
- UN Convention on Rights of the Child, 1989
- UN Convention on Elimination of Discrimination against Women, 1979
- General Comment No. 7 of Committee on Convention on Rights of the Child



- Education for All and Dakar Framework for Action
- Millennium Development Goals
- **Case law related to young children**
- **National Policies**
 - National Policy for Children, 1974
 - National Charter for Children, 2003
 - National Plan of Action for Children 2005
 - National Policy on Education 1986 with revisions of 1992 and Plan of Action 1992
 - National Policy for Persons with Disabilities, 2006
 - National Nutrition Policy, 1993
 - National Health Policy, 2002
 - National Population Policy, 2000
- **Programmes/Schemes**
 - Integrated Child Development Scheme (ICDS)
 - Midday Meal Scheme (MMS)
 - National Rural Health Mission (NRHM)
 - Reproductive and Child Health Scheme (RCH)
 - National Crèche Fund (NCF)
 - Rajiv Gandhi National Crèche scheme (RGNCs)
 - Pulse Polio Immunization Program
 - Integrated Child Protection Scheme (ICPS)
- Indira Gandhi Matritva Sahyog Yojana: A Conditional Maternity Benefit Scheme (IGMSY)
- Rural Drinking Water Scheme (RDWS)









