

POLICY BRIEF SERIES

Mobile Creches

In its current strategic curve, Mobile Creches (MC) is trying to harness the knowledge on issues relating to the young child. As MC turns 51, the experience gained from the five decades of engagement with parent communities, frontline workers, businesses, practitioners, advocates, programme implementers and policy makers has taken the form of a Report on the State of the Young Child in India (SoYCI): the first step by MC towards emerging as a knowledge creator for this important but voiceless population.

This series of five Policy Briefs, drawn from the SoYCI, aims to highlight the major issues that can be translated into actionable policies.

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01

Policy Brief 01

Making ECCE a Justiciable Right: Extend RTE to children under six years

Brief Summary

The enactment of the Right to Education Act, 2009, was a benchmark moment in child rights and education in India in providing a justiciable legal framework for free and compulsory education for all children in the age range of 6-14 years. However, the exclusion of early childhood education (ECE) from this fundamental right negates the pursuit for universal education. Making Early Childhood Care and Education (ECCE) a justiciable right will ensure good quality services and a foundational age continuum for children and empower them to readily gain from primary schooling. Addressing these challenges necessitates the State to recognise the importance of ECCE and extend the RTE to children under 6 years of age to make it universal, inclusive, accessible, and equitable. This Policy Brief makes three recommendations, two of

which contain suggested draft Sections in the RTE to make ECCE a catalyst for a better India.

Introduction

For a right start in life—critical for the proper development and secure future of an individual—it is imperative that all children should be provided with early education. In India, a benchmark moment in education and child rights was the enactment of Right to Education (RTE) Act making free and compulsory education a fundamental right for all children in the range of 6-14 years. Although the RTE has brought about remarkable gains in the universalisation of education, the exclusion of early childhood education (ECE) from empowering legislation is an omission that will prove costly in the long run. If Early Childhood Care and Education (ECCE) is not a justiciable right, the quality of services

provided to children below six years will suffer. There have been fervent advocacy initiatives for the expansion of RTE to include children under six years of age. The National Education Policy 2020 document has also highlighted the neglect of ECCE and the need to strengthen this component in the Anganwadis – a welcome first step and a possible expression of intent.

Investing in Early Childhood Care and Education: Mapping the Benefits

An investment in early childhood care and education is fundamental for children's development and paves way for lifelong learning. Evidence has demonstrated how investments in ECCE result in life-enhancing consequences for individuals, families, and societies that go beyond providing learning opportunities. International and Indian studies establish positive externalities which correct stubborn inequalities that trap millions of Indians in poverty and malnutrition.

A simulation on increasing pre-school enrolment in 73 developing countries revealed a benefit-to-cost ratio ranging from \$6.4 to \$17.6 in terms of future wages.ⁱ Longitudinal studies in pre-school projects have shown huge returns for every dollar invested accompanied by other social benefits.ⁱⁱ In India, a 1993-study showed a higher probability of children with ECE experience of continuing in primary school and not dropping out (15%-20%).ⁱⁱⁱ Another study found that children with exposure to ECE scored better on school-readiness.^{iv}

Limits to the Wings of Learning: RTE's Exclusion of Early Childhood

It is perhaps this ample body of evidence that led to the legal foundation for a child's right to ECCE. Earlier, the care of young children was considered as the sole responsibility of parents and legal guardians, with policymakers relegating it to the family sphere alone. However, ever since the UN Convention on the Rights of Children (UNCRC) 1989, the debates have been positioned around the State's obligation to frame comprehensive policies and its responsibility towards providing quality services including early education.

Among other global efforts, Millennium Development Goals (MDG 4 and MDG 5)^v had some relevance with the early development of child. Target 4.2 of Sustainable Development Goals (SDGs), directly addressing the issue of ECCE, notes that the States should "by 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education" The international advocacy and campaigning on ECCE has led to recommendations on legislative and comprehensive policy measures at the national level.

The Indian State is committed to universalisation of elementary education in the country but in addition to bottlenecks in the effective implementation of policies, what hinders it is the exclusion of early childhood from the ambit of Right to Education. Section 11 of the RTE Act states, "With a view to prepare children above the age of three years for elementary

education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children." However, it is only recommended to have such arrangements and not included as a legally enforceable measure. Further, Article 45 of the Indian Constitution also mentions the provision of ECCE for all under-six children but being a directive principle, it does not create a binding commitment on part of the State.

Available data paint a dismal picture of pre-primary education in India. For instance, U-DISE data (2015-2016) showed a paltry 10.7% enrollment in pre-primary classes to the total enrollment in primary classes. This is an important pointer to several worrying undercurrents: widespread poverty due to which parents perceive early education as a 'burden', lack of awareness about the life-improving (admittedly long term) outcome of early education, and government complacency and less investment apathy to ECCE as it is 'not a priority in the public sector' which resulted in primary schooling getting priorities in access to the limited resources at the cost of pre-primary education.^{vi}

As per UNESCO Institute of Statistics, in 2017, only 24.1% of all schools in India have both pre-primary and primary sections.^{vii} The 2011 census enumerated 158.7 million children aged under 6 years. Of this large number, only 76.5 million availed the Integrated Child Development Services (ICDS), including ECCE. A recent study on the equity and coverage by the ICDS in 2006 and 2016 found overall improvement

in the reach of programme services but the "poorest quintiles of the population were still left behind, especially in the largest states that carry the highest burden of undernutrition".^{viii}

The pre-primary education component of ICDS also faces numerous challenges and around half of India's under-six population do not participate in any form of pre-primary education, as per a 2018-study by Save the Children.^{ix} The same study also talks about adverse fallouts of the lack of regulations, making a case for mandatory provisioning of ECCE. Moreover, the mushrooming of private ECCE centers has ensured that there is inequitable access, and also raises concerns regarding the quality of such centers, as children are corralled into learning rather than being engaged in age-appropriate developmental activities. While advocating right to quality ECCE the significance of the first 1,000 days has to be recognised that lays foundation for cognitive, intellectual and skill development. Therefore, the need for holistic services including infant stimulation during this period has to be prioritized.

Despite the National ECCE Policy, 2013, and reports, recommendations, and guidelines by governments and civil society groups, children under six years continue to be excluded by the RTE. The ECCE Policy and further guidelines have not translated into tangible and effective changes on the ground which is why there is an earnest demand for the early childhood education to be made a legal entitlement in order to expedite the necessary changes. Though the 2013-policy is comprehensive, its recommendations are not legally binding for the State. The National Education Policy

2020 has rightly recognised and indicated an increased focus on achieving universal provisioning of ECCE by 2030 but does not commit to free and compulsory pre-primary education to all as part of the RTE Act. The increasingly vocal ground-level demand for ECCE provides a politically conducive setting for governments to make it a legally enforceable entitlement.

Policy Recommendations

- Backed by the international and national guidelines and comprehensive frameworks that have been proposed by different stakeholders, the Government of India must extend the RTE Act to include early education for all children under six—not just the children from marginalised sections—as a justiciable right. This will catalyse universalisation, equity, and accessibility and strengthen the ECCE component in anganwadis, allowing for consistency in quality services across varied settings.

- Based on the recommendation of the National Commission to Review the Working of the Constitution (2002), and the Law Commission report on early childhood (2015)^x, the RTE should cover all children under 14 years. Section 11 of the Act should be amended to read:

“With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government shall make necessary arrangement for providing free pre-school education for such children.”

- When expanding the scope of the RTE Act, primacy should also be given to

health, nutrition, cognitive development, care and protection. Therefore, it is further recommended that to ensure a child's right to care and assistance as an enforceable right, a new provision, Article 24 A, should be inserted to read:

“Every child shall have the right to care and support for meeting her holistic needs for health, education, and nutrition, and the right to grow in a safe environment.”

Endnotes:

ⁱEngle, P. L., Fernald, L. C., Alderman, H., Behrman, J., O’Gara, C., Yousafzai, A., & Iltus, S. (2011). Strategies for reducing inequalities and improving developmental outcomes for young children in low-income and middle-income countries. *The Lancet*, 378(9799), 1339-1353.

ⁱⁱThe study shows positive life changes and other capital benefits among the individuals who experienced the pre-school program than non-program group. For actual figures and more details, see, <https://highscope.org/perry-preschool-project/>, last accessed on 2020-09-01

ⁱⁱⁱKaul, V., & Sankar, D. (2009). Early childhood care and education in India. Education for All Mid-Decade Assessment. New Delhi, India, National University of Educational Planning and Administration (NUEPA).

^{iv}UNESCO. (2006): Select Issues Concerning ECCE India. Background paper prepared for the Education for All Global Monitoring Report 2007: Strong foundations: early childhood care and education. 2007/ED/EFA/MRT/PI/23. New Delhi: NIPCCD/UNESCO.

^vMDG 4 pertaining to reducing child mortality states “Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate” and MDG 5 on maternal health notes “Reduce by three-quarters, between 1990 and 2015, the maternal mortality ratio” For more details on these two goals and the subsequent targets, see here, https://www.who.int/pmnch/about/about_mdgs/en/

^{vi}Kaul, V., & Sankar, D. (2009). Early childhood care and education in India. Education for All Mid-Decade Assessment. New Delhi, India, National University of Educational Planning and Administration (NUEPA).

^{vii}UNESCO Institute of Statistics, 2017. Retrieved from <https://data.worldbank.org/indicator/SE.PRE.ENRR.FE?end=2017&locations=IN&start=1971&view=chart>, last accessed on 2020-09-01

^{viii}Chakrabarti, S., Raghunathan, K., Alderman, H., Menon, P., & Nguyen, P. (2019). India’s Integrated Child Development Services programme; equity and extent of coverage in 2006 and 2016. *Bulletin of the World Health Organization*, 97(4), 270. <https://www.who.int/bulletin/volumes/97/4/18-221135/en/>

^{ix}Save the Children & CBPS. (2018). The Right Start – Investing in Early Years of Education. For more details, see, <https://www.savethechildren.in/news/four-decades-of-icds-roll-out-universal-coverage>, last accessed on 2020-09-01

^xSee, Law Commission of India, 2015. Early Childhood Development and Legal Entitlements. Retrieved from, <http://lawcommissionofindia.nic.in/reports/Report259.pdf>, last accessed on 2020-09-01