

# Empowering the Future: Ensuring the Rights of Pre-School Children in India Through Legal Reforms

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Apoorva Patel\*

## *Abstract*

*Early Childhood Development (ECD) has become a critical policy imperative in India, particularly emphasising Early Childhood Care and Education (ECCE) within the framework of rights, development, and economic returns outlined. While India recognises the significance of ECD in the National Education Policy (NEP 2020), the absence of enforceable laws establishing ECCE as a justiciable right of pre-school children in India necessitates a deeper exploration and urgent legal reform. This gap hinders access to quality care and education, impacting their well-being and future opportunities.*

*This study employs a doctrinal and comparative approach to explore the legal and policy frameworks related to ECD and ECCE in India and internationally, providing a solid foundation for informed policy recommendations and advocacy efforts. It examines international conventions and the Indian constitutional context and draws comparative perspectives to assess the legal frameworks governing pre-school children's rights that could inform legal reforms in India. It underscores the significance of a comprehensive multisectoral approach involving policymakers, parents, civil society organisations, and the private sector for effective implementation. These findings hold practical implications for stakeholders, promoting and protecting pre-school children's rights and building a more equitable and just society for all children.*

**Keywords:** Education, Early Childhood Care, Pre-school, Child Rights, Legal Frameworks, Legal Reforms, Justiciable Rights, Multisectoral Approach.

## **Introduction**

*“We are guilty of many errors and many faults, but our worst crime is abandoning the children, neglecting the foundation of life. Many of the things we need can wait. The child cannot. Right now is the time his bones are being formed, his blood is being made and his senses are being*

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\*Assistant Professor of Social Work and Head-GNLU Centre for Law & Society at Gujarat National Law University, Gandhinagar, Gujarat, India.

*developed. To him we cannot answer "Tomorrow". His name is "Today".*

~ Gabriela Mistral (1948)<sup>1</sup>

The Early Childhood Development (ECD), encompassing the first six to eight years of human life, remained a matter of deliberation and inquiry locally and globally for many years. However, more recently, it has transcended its former status to be recognised as a development plan, a cornerstone of human rights, and a priority policy issue of critical national importance. It has brought an archetype move from the 'needs and well-being' approach to the 'rights and development' approach, emphasising the inherent entitlements of pre-school children (three-six years) for a brighter future.

The significance of securing pre-school children's rights and legal entitlements cannot be overstated, as it directly shapes the future of any community and nation. According to the report "Children in India 2018 - A Statistical Appraisal", ECD assumes a particular significance in the Indian context, where the demographic landscape is characterised by a large youth population, with children (0-14 years) constituting roughly one-third of the total population of the country, highlights the urgent need to prioritise ECD within national policy agendas (MoSPI, 2018).<sup>2</sup> Furthermore, children under six are particularly vulnerable to multiple risks and deprivations, including pervasive poverty, high rates of malnutrition, unstimulating home environments, lack of or limited access to quality early education opportunities, etc. These challenges underscore the importance of holistic interventions during the early years to mitigate long-term developmental setbacks and ensure children's rights to survival, protection, and optimal development.

The Indian Constitution, through its Directive Principles of State Policy (Part IV), empowers the state to enact special provisions to safeguard children from abuse and neglect while fostering their holistic development and providing them with opportunities to thrive. Article 45 emphasises explicitly the state's duty to provide early childhood care and education for children under six. Within the span of ECD, a particular emphasis is laid on the pre-school (three-six years) phase, also referred to as "Early Childhood Care and Education" (ECCE), which represents a significant stride towards realising the rights of every child. Healthcare, nutritional well-being and foundational education together constitute care and education (ECCE), ensuring children receive or experience "*a natural, joyful and stimulating environment, with emphasis on necessary inputs for optimal growth and development*" (National Advisory Council, 2011).<sup>3</sup>

To explore the global significance of ECD, this paper briefly examines international conventions, treaties, and declarations related to child rights and development, such as the “United Nations Convention on the Rights of the Child” (UNCRC, 1989) and the “Sustainable Development Goals” (SDGs, 2015). Additionally, it delves into the Indian constitutional context, national policies, programs, and schemes governing children’s rights. It draws comparative perspectives from other jurisdictions, including South Africa, Brazil, Cuba, Philippines, Finland and other South Asian countries, to inform potential frameworks for India. The paper investigates the potential impact of legal reforms aimed at empowering pre-school children and guaranteeing fundamental rights such as equal access to education, healthcare, nutrition, and protection from abuse and exploitation.

### **International Efforts in Early Childhood Development**

Internationally, substantial strides have been made to advance early childhood development (ECD). The adoption of the Global Agenda for Sustainable Development 2015-30 marked a pivotal step, officially placing ECD on the international agenda. The Sustainable Development Goals (SDGs) explicitly recognise ECD, acknowledging children as a critical pillar of sustainable development, key stakeholders, and agents of change with the potential to make the world a better place.<sup>4</sup> The core agenda of SDGs centred on ensuring that “*no one is left behind*” underscores effective and timely intervention with prevention strategies. Specifically, Target 4.2 of Goal 4 underscores the importance of ECD by aiming to ensure that all children (by 2030) “*have access to quality early childhood development, care, and pre-primary education so that they are ready for primary education*”. It highlights the potential of ECD interventions to contribute to achieving a minimum of seven interconnected SDGs, stressing its wide-ranging impact.

The Consultative Group on Early Childhood Care and Development (ECCD) emphasises, “the evidence is clear: investing in ECD leads to gender equality and empowerment, better health and education outcomes, improved skills, abilities and productivity, narrows the income, ethnic, and geographic inequality gaps, provides timely intervention for persons with disabilities, and is a cost-effective strategy for eliminating disadvantage.” (Consultative Group on ECCD, 2012).<sup>5</sup>

While the Millennium Development Goals (MDGs) did not precisely mention ECD, the UN Secretary General’s Report to the General Assembly in 2010 acknowledged its critical role in achieving them: “The Millennium Development Goals are closely interconnected in their impact on the rights of the young child. Poverty, maternal and child survival, nutrition, health, protection from violence, abuse and exploitation, gender equality and human development have short and long-term consequences for the rights of young children, with implications for future generations as poverty cycles are reproduced.” (UN, 2010, p. 4).<sup>6</sup> It highlights the interconnectedness of ECD with various aspects of child rights and development.

The “Convention on the Rights of the Child” (CRC), adopted in 1989, stands as a singular, landmark universal instrument, constituting the initial legally binding international agreement concerning children’s rights. Encompassing a comprehensive range of civil, political, social, economic, and cultural rights for children globally, the CRC recognises four fundamental categories of children’s rights: the right to life, development, protection, and participation.

India, as a signatory to key international human rights treaties, most notably the “United Nations Convention on the Rights of the Child” (UNCRC), ratified in 1992, aligns itself with the CRC’s strong advocacy for comprehensive ECD programs.<sup>8</sup> It underlines the need for states to develop rights-based, multidimensional, and cross-sectoral strategies, ensuring a systematic and integrated approach to law and policy development regarding ECD. Additionally, the CRC calls for establishing comprehensive and continuous ECD initiatives, considering children’s evolving capacities as outlined in Article 5 of the Convention.<sup>9</sup> Recognising the paramount importance of early childhood programs in facilitating the holistic development of children, the committee urges states to guarantee universal access to these programs, focusing on the most vulnerable children (Committee on the Rights of the Child, General Comment No. 7).<sup>10</sup>

The CRC introduced General Comment 7 (GC7) to enhance ECD in 2005,<sup>11</sup> focusing on implementing all ECD rights. This comment recommends formulating specific action plans to define objectives, allocate resources, and establish timelines for realising CRC objectives (UNCRC, 2005).

The “Universal Declaration of Human Rights (UDHR) 1948,” heralded as the inaugural international declaration safeguarding fundamental human rights, marked the first instance of acknowledgement of the unique rights of children.<sup>12</sup> It received unanimous endorsement from all 78 United Nations General Assembly members in 1959. Prior to this, the Committee on Child Welfare existed in 1919, followed by the Geneva Declaration in 1924 (UNGA, 1948;1959).

The International Covenant on Civil and Political Rights (ICCPR), adopted by the United Nations General Assembly in 1966, was among the pioneering documents to recognise the child’s entitlement to protection. Article 24(1) of the ICCPR stipulates that “*every child shall have, without regard to race, colour, sex, language, religion, national or social origin, property, or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society, and the State.*”<sup>13</sup> In 1979, India ratified the ICCPR.

The World Health Organization’s *Alma Ata/Health for All* Declaration of 1978,<sup>14</sup> emerged as a significant twentieth-century milestone in the field of public health. Primary health care was the key to achieving the *Health for All* (HFA) goal.<sup>15</sup> It beckoned toward a new path to reduce mortality and morbidity, particularly among infants and children.<sup>16</sup>

The UNESCO Declaration on *Education for All* was adopted in 1990 at the World Conference on Education in Jomtien, Thailand.<sup>17</sup> As the Law Commission of India's Report No.259 highlighted, this pivotal declaration introduced a groundbreaking concept, asserting that "learning begins at birth." This concept represented a significant departure from the conventional view of education solely within the confines of formal schooling.<sup>18</sup> Instead, it underscored the importance of fostering early childhood care and education through family or community-based initiatives or institutional programs like pre-school day-care centres.<sup>19</sup>

Furthermore, the "*Framework for Action to Meet Basic Learning Needs, 1990*", was established to translate the goals of the EFA Declaration into practical action.<sup>20</sup> It guided countries, organisations, and institutions in devising specific action plans and programs to achieve the outlined objectives. Recognising the critical importance of identifying existing traditional learning systems within society and gauging the genuine demand for essential education services, this framework emphasised the holistic development of children.

The *Jomtien Framework of Action* provided ECCE with unique legal status, advocating for the "expansion of early childhood care and development activities, including family and community interventions, particularly for poor, disadvantaged, and disabled children."

The International Labour Organization General Conference adopted the *Maternity Protection Convention* in 2000.<sup>21</sup> It acknowledges the government and society's shared responsibility "*to promote equality for all women in the workforce and the health and safety of the mother and child*". It mandates maternity leave, adequate nursing breaks, and other benefits.

The "2010 Moscow World Conference on Early Childhood Care and Education" reaffirmed and insisted that governments generate a greater commitment to ECD, which should be reflected in legislation, policies, and strategies.<sup>22</sup> States were explicitly advised to "*develop legal frameworks and enforcement mechanisms that are conducive to the implementation of the rights of children to ECCE from birth and adopt and promote an approach to ECCE that is both holistic and multisectoral to ensure good birth outcomes (prenatal stage), neonatal health and nutritional well-being, care and education....*"

Integrating Early Childhood Development (ECD) into international commitments catalyses governments to formulate inclusive policies and legislation to safeguard children's rights. These frameworks not only outline the vision and goals for our nation but also establish benchmarks for enhancing the overall welfare of our children. The discussed international efforts highlight the global recognition of children's rights and the interconnectedness of health and education in ECD. They underscore the importance of holistic and multisectoral approaches, empowering families and communities and establishing legal and policy frameworks prioritising children's well-being. However, the absence of a specific emphasis on ECD

within India's legal framework becomes conspicuous. This gap underscores the need for India to integrate ECD more explicitly into its legal and policy landscape to align with global efforts and promote the overall welfare of its children.

### **Perspectives from Indian Jurisdiction**

Focusing on the Indian scenario, this section delves into the Indian legal and policy landscape concerning ECD. It focuses on the constitutional provisions, legislation, national policies, programs and schemes to promote child welfare, education and development.

#### **Constitutional context**

The Indian Constitution is pivotal in guiding child policies within the country. It guarantees fundamental rights to children, encompassing the right to life and liberty, education, and freedom from exploitation. Article 21 of the Constitution emphasises protecting a child's life and liberty, extending their right to survival, adequate food, health, and a nurturing environment.<sup>23</sup> Article 21-A reinforces this by making elementary education free and compulsory for children aged 6-14.<sup>24</sup> Articles 23 and 24 provide protection against exploitation by outlawing trafficking and forced labour as well as prohibiting the employment of children under the age of 14 in any factory, mine, or hazardous occupation.<sup>25 26</sup>

Article 45 of the Constitution explicitly states, "*The State shall endeavour to provide early childhood care and education for all children until age six.*" Similarly, Article 47 directs the state to improve public health and nutrition, encompassing children's well-being,<sup>27</sup> aligning with the broader Directive Principles of State Policy that emphasise children's rights to early childhood care, education, health, and nutrition. Furthermore, the Constitution addresses explicitly children in Articles 15(3), 39(f), 45, and 47, reflecting a comprehensive approach to child development.

India's commitment to children's rights extends beyond its Constitution. As a signatory to the UN Convention on the Rights of the Child (UNCRC), it acknowledges and seeks to uphold children's rights globally.<sup>28</sup>

The approach to ECD policies in India has evolved from a welfare-based to a development-focused approach and is now moving towards a rights-based approach, aligning with global trends. This shift reflects a growing recognition of children's rights and their potential as active participants in their development. Planning has been governed by the Indian Constitution and the UNCRC, providing the overarching framework for ECD policies. However, achieving synergy across multiple sectors catering to various aspects of a child's development has proven complicated. It is evident in the persistent challenges of high child mortality, morbidity, and inadequate educational attainment among young children (Kumar et al., 2019; Singh et al., 2020),<sup>29 30</sup> indicating a gap between policy intent and on-the-ground outcomes.

A critical factor contributing to these challenges is the equivocal status of ECD in India. While national policies acknowledge their crucial role as the foundation for all other endeavours, they lack sufficient financial allocation and political commitment to ensure quality ECD provision. It necessitates further efforts to solidify the position of ECD within the national framework, aligning policy intent with practical implementation.

The Parliamentary Standing Committee (2008),<sup>31</sup> recognised the complexity of educating infants between zero and six years old. It recognised the difficulty in standardising and enforcing a “justiciable fundamental right” for early childhood education (ECE) due to the primary role mothers play in this age group (zero-six).<sup>32</sup> It recommended recognising free education as a fundamental right solely for children between 6 and 14 and considering Article 45 as complementary to Article 21A, emphasising adherence to Directive Principles whenever feasible.

As a result, the Eighty-Sixth Constitutional Amendment in 2002 amended Article 45, retaining the “*right to early childhood care as a Directive Principle of State Policy*”.<sup>33</sup> It introduced Article 21A, establishing the “*right to education for children aged six to fourteen years*”. However, this Amendment falls short by excluding children under six from the education fold under Article 21A. The omission of this crucial age group in the constitutional mandate raises concerns about potential violations of children’s rights to survival, development, dignity, and protection. Addressing this gap in state programs and policies is imperative to fulfilling India’s constitutional obligations and ensuring comprehensive early childhood development.

### **Central Legislative Enactments**

Several central legislative enactments directly or indirectly address Early Childhood Development (ECD)<sup>34</sup> in India, recognising young children as a distinct subset with unique needs and rights. Table 1 below provides a non-exhaustive list of key central legislative enactments related to ECD.

Sr. No.	Name
1.	The Maternity Benefit (Amendment) Act, 2017;
2.	The Maternity Benefit Act, 1961;
3.	Rights of Persons with Disabilities Act, 2016;
4.	The Persons with Disabilities Act, 1995;
5.	National Food Security Act, 2013;
6.	Right of Children to Free and Compulsory Education Act (RTE), 2009 and Right of Children to Free and Compulsory Education Rules, 2010;
7.	Prohibition of Child Marriages Act, 2006;
8.	Juvenile Justice (Care and Protection of Children) Act, 2000;
9.	Commissions for Protection of Child Rights Act, 2005;
10.	Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992;
11.	Children Act, 1960, etc.

**Table 1:** Key Central Legislative Enactments on Early Childhood Development in India

Source: Compiled by the Author

The Right to Education Act (RTE Act) in 2009 stands as a cornerstone legislation to ensure universal access to elementary education for all children.<sup>35</sup> This Act enshrines the fundamental right to free elementary education for children between six and fourteen, mandating the government to provide it. However, it is noteworthy that the RTE Act does not cover children under six. Nevertheless, it does acknowledge the potential provision of free pre-school education for children aged three and above (Section 11). This provision serves the dual purpose of preparing children for elementary education and offering early childhood care and education (ECCE) until they reach six (as outlined in Section 11). While this objective is commendable, it is essential to recognise that this provision remains discretionary, subject to individual states' decisions, and ultimately resting on political will for effective implementation.



To further strengthen ECCE initiatives under the RTE Act, several states in India have introduced specific policies and programs to expand access to pre-school education for younger children and have launched schemes to provide free pre-primary education through *anganwadis* or *baalvatikas* (childcare centres) and government schools.

### National Policies and Schemes

India has implemented various administrative policies and schemes to address the imperative of catering to pre-school children. Table 2 outlines a few of these initiatives.

Sr. No.	Name
1.	The National Nutrition Mission (NNM)/POSHAN Abhiyan 2017-18;
2.	National Health Policy, 2017;
3.	National Policy for Children, 2013;
4.	National Plan of Action for Children, 1992 and 2005;
5.	Rajiv Gandhi National Crèche (RGNC) Scheme for Children of Working Mothers, formulated in 2006 / 2013;
6.	National Food Security Mission launched in 2007;
7.	National Charter for Children, 2003;
8.	National Health Policy, 2002;
9.	National Population Policy, 2000;
10.	Nutritional Programme of Nutritional Support to Primary Education, 1995;
11.	National Nutrition Policy, 1993;
12.	National Policy for Education, 1986 and 1992;
13.	The Integrated Child Development Services (ICDS) scheme, 1975 in pursuance of the National Policy for Children, 1974.

**Table 2:** National Policies and Schemes for Pre-School Children in India  
Source: Compiled by the Author

Since the 1970s, when the “*Integrated Child Development Services (ICDS) scheme*” was introduced, children’s development has been a topic of discussion. It has been a significant initiative for children between three and six, serving almost half of India’s young population. A sizable proportion attend private pre-schools, which have proliferated across the country. Despite government and private initiatives, challenges persist in ensuring widespread attendance in pre-schools education programs.

ICDS *Anganwadis*, while integral to ECD, primarily focuses on basic activities such as songs, rhymes, and occasional stories, providing minimalistic pre-school education. In contrast, private pre-school programs often replicate elementary curriculum objectives without adequately addressing the holistic developmental needs of children in this age group.

In response to the exclusion of children under six from the “*right to free and compulsory pre-school education*” under the RTE Act of 2009, discussion has been sparked on the need for upward extensions or separate legislation for this age group. Recognising the significance and specific needs of children under six, the Indian government enacted a policy on Early Childhood Care and Education (ECCE) in 2013. This policy marks a watershed moment in the field and envisions “to promote inclusive, equitable, and contextualised opportunities for the optimal development and active learning capacity of all children under six”. Concurrently, a sub-committee was established by the Ministry of Education to investigate the viability of extending the RTE, 2009 to include children under six, emphasising the importance of ECCE as a critical foundation for lifelong learning and development.

### **Early Childhood Development in India’s National Education Policy (NEP) 2020**

The National Education Policy (NEP, 2020) represents a transformative milestone in India’s education landscape, aiming to comprehensively reform the system from early childhood care and education (ECCE) to higher education. This section critically examines the NEP 2020 within the broader context of ECD policy frameworks, analysing its key features and potential implications for ECD in India.

The NEP 2020<sup>38</sup> underwent a rigorous development process comprising comprehensive consultations with stakeholders across various sectors. Building upon the NEP draft 1986 and its update in 1992, the 2020 version addressed the need for a contemporary and evidence-based policy framework. The drafting committee’s report, submitted in 2019, was followed by extensive public consultations and discussions with the Central Advisory Board of Education (CABE) and other relevant bodies. This iterative process ensured the incorporation of diverse perspectives in shaping the final policy document.

Recognising children as architects of a nation’s future, the NEP 2020, India’s third proposed education policy in 35 years, elevates the focus on quality and accountability, departing from mere considerations of accessibility and equity.<sup>39</sup> It presents a promising roadmap for ECD in India, offering a more comprehensive and inclusive approach than previous policies (Pandey, 2021).<sup>40</sup> However, critical challenges remain in translating policy aspirations into tangible outcomes. Its successful implementation requires addressing challenges related to resource allocation, funding, infrastructure development, teacher training, and harmonisation with existing frameworks (Nair, 2022).<sup>41</sup> It poses significant hurdles to achieving universal access and quality in ECD programs. Continued monitoring and evaluation will be crucial to assess the impact of

NEP 2020 on ECD outcomes and ensure that all children have access to quality early childhood experiences.

At the heart of the NEP 2020 is the emphasis on Early Childhood Care and Education (ECCE), a foundational framework nurturing a child's development and learning from birth to age eight. Aligned with the ECCE policy 2013, the NEP 2020 integrates insights from child psychology and developmental neurology. Emphasising play-based learning, the policy capitalises on Piaget's theory, fostering cognitive development through imaginative play, symbolic representation, and language acquisition. This imaginative play promotes creativity while assisting with linguistic literacy, emotional development, and sustained attention. This stage also includes "*magical thinking, animism (the belief that inanimate objects have a life), and egocentrism (being unable to differentiate their viewpoint from others)*". According to the Policy, a curriculum framework would be created to care for kids from birth through their third birthday. It seeks to take advantage of the young brain's rapid growth by giving it the right stimulating experiences.

So, while NEP 2020 emphasises play-based learning and holistic development, concerns persist regarding the maintenance and assurance of program quality across diverse ECCE settings. The effectiveness of teacher preparation programs and ongoing professional development initiatives is essential for nurturing well-equipped educators to foster children's optimal development. Besides, the policy's success hinges on robust monitoring and evaluation mechanisms to track progress and identify areas requiring intervention. Without rigorous evaluation frameworks, it may be challenging to assess the impact of NEP 2020 on early childhood outcomes and make informed policy adjustments.

Furthermore, the NEP 2020 envisions a curriculum framework catering to children from birth to their third birthday, leveraging the rapid growth of the young brain through stimulating experiences. Multidimensional evaluation becomes integral, treating education for these children on par with their regular counterparts. The policy also addresses multilingualism, advocating for using the child's mother tongue or a local language as the primary medium of instruction up to grade eight.

Gifted children receive focused attention under the NEP 2020, with policies tailored to their education integrated into teacher preparation programs. Special educators are trained to ensure inclusive education for students with specific learning disabilities. This multi-faceted approach positions the NEP 2020 as pivotal in shaping a holistic and equitable educational landscape for India's future generations.

In conclusion, while NEP 2020 represents a positive shift towards prioritising early childhood development in India, addressing critical implementation challenges and ensuring policy coherence is imperative for realising the policy's transformative potential. By integrating critical perspectives into the analysis, stakeholders can make informed decisions and advocate for targeted interventions to enhance ECCE outcomes nationwide.

### **Perspectives from Other Jurisdictions**

The explicit inclusion of provisions in the constitutions of several developing nations that specifically address the rights and care of children, particularly those under six, holds significant relevance. This section explores the perspectives from other jurisdictions to highlight as illustrations of a few of them.

In South Africa, Chapter 2 of the Constitution defines children as individuals under 18.<sup>42</sup> Children's constitutional rights to adequate nutrition, health care, shelter, alternative care, and social assistance are explicitly outlined in Article 28, emphasising their prioritisation and making these rights obligatory for the state (Constitution of the Republic of South Africa, 1996).

The Brazilian Constitution, in Article 6, designates, among other things, food, well-being, and education as "social rights".<sup>43</sup> Article 227 underscores "...the duty of the family, the society, and the State to ensure, with absolute priority, that children and adolescents have the right to life, health, nourishment, education, leisure, professional training, culture, dignity, respect, and freedom, as well as to protect them from all forms of neglect, discrimination, exploitation, violence, cruelty, and oppression" (Constitution of the Federative Republic of Brazil, 1988).<sup>44</sup> Brazil has implemented a comprehensive framework of children's rights under umbrella legislation, supported by effective implementation mechanisms outlined in the Child and Adolescent Statute 1990.

Article 9(b) of the Cuban Constitution commits the state to ensuring that every child has access to education, food, and clothing.<sup>45</sup> Furthermore, Article 44 mandates daycare services, and Article 51 stipulates the provision of free schooling for all children (Constitution of the Republic of Cuba, 2019).

Finland, through the Children's Day Care Act of 1973 and the 'Basic Education Act of 1998,'<sup>46</sup> guarantees every child under six the unalienable right to state-run childcare and crèche services. The practices and pedagogy of Finnish early childhood education consolidate childhood care, early education, and teaching through playway activities holistically to foster children's well-adjusted growth, early development, and learning ("The National Curriculum Guidelines on Early Childhood Education and Care in Finland, 2005"). Notably, since January 2013, the "Ministry of Education and Culture" has taken on comprehensive accountability for services around early childhood education, which formerly fell under the purview of social and health services.

In the Philippines, the 'Early Childhood Care and Development (ECCD) Act of 2009' was replaced by the Early Years Act of 2013.<sup>47</sup> These integrated ECD laws, which target children ages 0 to 8, acknowledge that the initial period of a child's life is critical for their overall development. The Act mandates that the state institutionalise an extensive, integrative, and sustainable system for early childhood development, including multi-sectoral, interagency partnerships and collaboration across different levels,

families and communities, private sectors, CSOs, associations, and institutions. It is done through a central ECCD Council. The Department of Education will assist in developing children between the ages of 5 and 8.<sup>48</sup> At the same time, the ECCD Council will be responsible for the age range of 0 to 4 years.

### **Perspectives from South Asian Jurisdictions**

South Asia has a growing recognition of the importance of ECCE across countries such as Bangladesh, Bhutan, India, Maldives, Nepal, and Pakistan. These nations have committed to ECCE in their national policies and frameworks. For a more nuanced understanding and comparative analysis of ECD policy approaches with the Indian scenario, the below section provides an overview of the legislative initiatives within the South-Asian region.

Bhutan prioritises Gross National Happiness (GNH) over GDP, and ECD is considered as a crucial element for achieving it. The “Bhutan Early Childhood Care and Development Policy and Plan 2018” and the “Early Childhood Care and Education Policy (ECCE Policy) 2010” emphasise a comprehensive framework for the holistic development of young children by integrating social, emotional, cognitive, and physical aspects in its ECD programs. It underscores the importance of nurturing young children’s potential through family and community-based approaches.

In Bangladesh, ECD is gaining momentum, but disparities persist, and challenges remain in ensuring quality and accessibility, particularly in rural areas. The government launched “National ECCE Policy 2012” to ensure access to quality ECCE for all children aged 0-5 years by 2030 by encouraging parental involvement, community participation and affordability in ECD initiatives.

In Nepal, the government has developed a National ECD Policy and a National ECD Strategic Plan, emphasising the importance of ECEC in the country’s development agenda. Sri Lanka has a long-standing commitment to ECD and high enrolment rates. The “Pre-School Education Act No. 36 of 1995” establishes a framework for pre-schools.

Pakistan has also recognised the importance of ECD, with the government launching the “National Education Policy in 2017”. It focuses on community-based ECD programs through Early Childhood Education Centres (ECECs), emphasising accessibility, particularly in rural areas. Its “National Early Childhood Development Policy 2015” outlines a framework for improving access to quality ECD services, focusing on public-private partnerships.<sup>49</sup> Despite growing recognition of its importance in the country, ECD faces challenges due to high poverty rates and limited resources.

### **Analysis and Discussion**

Similar to India’s NEP 2020, all these countries share the recognition of ECD’s importance for overall human development. They also emphasise parental involvement and address challenges like poverty and

accessibility. Bhutan's Gross National Happiness (GNH) focus creates a unique approach to ECD. Additionally, its holistic approach and emphasis on social-emotional development serve as an interesting point of comparison. Pakistan and Bangladesh, like India, focus on accessibility and community participation in ECD programs. Pakistan's focus on rural ECECs could be contrasted with India's urban-centric challenges, and emphasis on public-private partnerships could be a point of discussion for India. Further, Bangladesh's focus on affordability in ECD initiatives could provide valuable insights for India's rural contexts.

On the other hand, international law asserts that the right to education should be directed to the child's complete development. Still, it does not explicitly mandate pre-school education as a right. In contrast, India has provisions for ECCE under the National ECCE Policy of 2013 and the recent New Education Policy of 2020. Nonetheless, these policies fall short of fully aligning with international rights and goals for universal pre-school education. Additionally, states have no binding obligations to guarantee young children's universal access to early childhood care and education under international law.

As a result, despite the evolving culture of legally mandated duties to safeguard and promote Early Childhood Development (ECD), it is evident that the Indian Constitution, while encouraging the optimal growth and development of children under six, is yet to fully translate these principles into enforceable legal rights, particularly concerning pre-school education. While the gradual realisation specified in the Directive Principles of State Policy (DPSP) advocates for the optimal growth and development of children under six, more than 70 years after the Constitution's adoption, there is a compelling need to transform these principles into enforceable rights.

## **Conclusion**

The formative years of an individual significantly influence their later growth and development. Early experiences and the environment in which a child is nurtured are pivotal in shaping their motivations, behaviours, and thought processes. Parental involvement is particularly crucial, as it can profoundly impact a child's developmental trajectory. Establishing a positive and nurturing atmosphere during these crucial years can yield lasting effects into adulthood. Conversely, negative factors such as unhealthy dietary habits and isolation can impede optimal development.

Proactive measures by caregivers are essential for effective child development. Building strong bonds with children and fostering a supportive network of family and friends can contribute to positive outcomes. It is imperative for communities to be cognizant of the necessary steps to ensure that each child can thrive, recognising that children represent the authentic future of every society.

The significance of early childhood development programs cannot be underestimated. This study and ongoing research (Adhvaryu et al., 2016;<sup>50</sup> Bennett, 2008;<sup>51</sup> Gupta, 2022<sup>52</sup>) consistently demonstrate their

substantial positive impact. Children engaged in Early Childhood Development (ECD) programs not only excel academically but also exhibit enhanced social skills and greater emotional stability. Moreover, they tend to cultivate stronger relationships with their parents. The evidence suggests that ECD programs also contribute to higher graduation rates, increased earnings, and reduced crime rates. Given these benefits, early childhood development warrants heightened attention, and the education system must duly recognise the paramount importance of a child's formative years.

Policymakers should prioritise early childhood development by allocating adequate resources to expand access to quality programs, particularly in underserved communities. Additionally, further research is necessary to explore the long-term impact of specific ECD interventions and develop culturally appropriate and context-specific approaches. By prioritising early childhood development, we can ensure that all children have the opportunity to thrive and contribute meaningfully to society. The continued exploration of ECD interventions and their long-term effects will further inform effective policies and practices in this critical area.

### Notes:

<sup>1</sup> Mistral, G. (1948). "Chile" [Speech]. Speech presented at the Inter-American Conference on Social Security, Santiago, Chile / The child's right to education. In *The UNESCO Courier* (Vol. 1, No. 1, pp. 4-5). UNESCO.

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