

Right to Participation of Young Children in India

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Preamble -- The Rationale

To enable every individual to grow to his/her full potential and become a healthy, productive and responsible member of society, the child's Right to Participation at this stage must be met and failure to do so can lead to permanent and sometimes irreparable damage. The physical, mental, social and emotional needs of the young child can be met through Right to Participation. Every child's Participation is unique. Children's participation is children's empowerment. Hence Participation in Early Childhood Care and Development plays a crucial role and it has to be ensured and strengthened.

Definition of Young child and types of programme

1. Early stimulation Programmes through Crèche / day care centres for 0-3 years old.
2. Pre-School / Early Childhood Education: For children of the age group 3-5 years.
3. ECE- Anganwadi / Balwadi / Day care centre / Pre-School / pre primary / Nursery School / Montessori School / Kindergarten School.

Participation in Pre - primary Schools

Pre - School Organizations and staff working with young children do not have the sensitivity and orientation to child rights or a clear perspective on Participation. It is necessary to make Pre - School administrators and teachers listen and consider the views of children in an atmosphere of trust and respect. All Pre-schools are to be made Child-friendly stressing on Child Participation. The Concept of 'Child Participation' has to be included in the curriculum of the teachers training and in the syllabus in schools for children.

Three Levels

1. **Government and Local Bodies:** Though Integrated Child Development Services (ICDS) is a major and successful vehicle for ECD; it is not and cannot be the only institution solely responsible for ECCD. The major achievement of ICDS has been in quantitative expansion but even here access is incomplete, after 29 years. (CRC India First Periodic Report, 2001). Only 10 -12 per cent of all children in 0 - 6 age group have been reached. As against 18.9 million in 1997, the ICDS in 1999-2000 reached approximately 26.5 million children below the age of six. Of these, nearly 12.7 million children between the ages of three and six, participate in center-based pre-school educational activities (Annual Report, DWCD, 1999-2000). And yet, "It is estimated that India today requires 800,000 crèches for its children. Against this, the State has been able to set up only 14,925 crèches under the two Schemes namely Crèches for Working and Ailing Mothers Scheme and National Crèche Fund leaving an enormous gap".

2. **NGO Sector:** Beyond the Government Sector (ICDS), is the small but vibrant NGO sector. The NGO sector needs support and strengthening to fulfill its role, and should not be either co-opted or made into a contractor for Government. The very small voluntary sector (again there is no official estimate of the size) has flexible reach and innovative programmes, but is also often of poor quality. Here the need is to offer financial support and promote diversity and innovation on a small scale, while monitoring strictly to minimize negatives.
3. **Private Sector:** There has been an unprecedented growth in the number of nursery schools both in rural and urban areas in the private sector. This is a vast, mushrooming, unregulated and still unsurveyed sector, much of very poor quality, possibly damaging or detrimental to Right to Participation of the young child. Due to absence of any control or regulation, these schools tend to have unqualified teachers, large classes, less infrastructure facilities, etc. The curricula are also overloaded with formal teaching, which takes away the opportunity of joyful learning and over burdens the young children. Almost 95 % of preschools in the private sector are functioning in downward extensions of primary school. In the private nursery schools there is daily flagrant violation of the Right to Participation of children.

Case Study

The Sunbeam School is located in Mogappair East in Chennai, Tamil Nadu, India, which has classes from PreKG to Nursery. The school is located in a house with thatched roof with an area of 216 Sq. meters. The width of the main gate is of the size that a middle class family would have for their residential accommodation. The Registration number is 3223/2003 granted by the Government of Tamil Nadu.

Sheba English School in Maduravoyal in Chennai is a pre - school which resembles a cattle shed and but for the name board no one would ever believe that this is a place for academic activity.

Many such Nursery schools have been allowed to function in residential areas.

I. Integrate all the three sectors—public, private and voluntary—through different instrumentalities

All three sectors have a role to play in taking to ECCE to every child. At present, the public sector (ICDS) reaches less than a quarter of the age-group 3-5 years, perhaps 40 % of the poorer sections. These are services directly rendered by the Government and the need is both for reaching the unreached and improvement of quality. A very large number (there is no official estimate) but perhaps another 40% are catered to by the private sector, for those who are willing to pay, often at great sacrifice. Here the need is for regulation to maintain minimum standards, prevent malpractices and exploitation of parents, teachers and children. Private Sector needs regulation, through laws, rules, orders etc and the vast array of instruments and modalities available to the Government to ensure standards and maintain quality.

II. Introduce, implement and monitor a Code of Regulation to govern the quality and Content of ECCE in the private sector

There is no official census of these institutions of highly variable quality, ranging from a few excellent ones in the upper-income groups to a vast majority of poor to very

poor quality, catering to the lower income groups. With no fixed or common curriculum or method, little suitable equipment or infrastructure, and usually employing teachers untrained in ECCE at exploitative wages, large teacher-children ratio, they often indulge in malpractices which are damaging or even dangerous to children. Since the State has to ensure ECCE to every child, it is essential to bring in a separate and appropriate Code of Regulation for ECCE, laying down requirements in terms of curriculum, teacher training, terms and conditions of service of teachers, infrastructure/equipment and child-teacher ratio. Implementation will necessarily have to be in a phased manner, going from voluntary to compulsory registration over a period of time, and with a scale to grade institutions at different levels of quality.

III. Play Way cum Activity Based Curriculum

As far as Early Childhood Care and Education is concerned, the Policy of the Government is inadequate. It is failing to promote the kind of educational service that is appealing to the children and parents. Most of the Nursery Schools do not follow any uniform curriculum. A good number of them appear to have chalked out their own syllabi and programmes of activities. These pre-schools never encourage the child's Right to Participation, in a systematic manner. At present there is no play way method, and child's Participation. Prescribing a good number of textbooks and that too costly ones, is considered a status symbol by some of the so-called "prestigious" ones. Carrying loads of books have become a burden. There is no Regulation to monitor the schools. In this context the Government should accept the recommendation made by the Yashpal Committee. Young minds shouldn't be burdened and confused by competitive and examinations at this tender age. Pre-Primary Schooling must be characterized by Child-friendly, Developmentally (Age) Appropriate, Locale-specific and Relevant Curriculum. A child friendly, participatory and contextually relevant activity based Curriculum must be developed based on the principle that learning should not be a burdensome process for the young child. This must be evolved with the experiences of children and participation of people who have worked with young children.

IV. Offer, regulate, promote and monitor training of ECCE workers in all sectors and for all kinds of programmes

The greatest lacuna in ECCE is the absence of appropriately trained teachers in all sectors and at all levels, and to make up this gap may take some time. There is a great need to develop and promote training both in the public sector and through self-financed and voluntary institutions. To suit the diversity of ECCE models, there has to be a diversity of training models including the Right to Participation Package modules in terms of types of programmes for which ECCE workers are prepared.

V. Free, Compulsory and quality Early Childhood Education

In the Constitution (Eighty Sixth) Amendment Act, 2002, Substitution of a new article for Article 45 of the Constitution, namely: Provision for early childhood care and education to children below the age of six years - The State shall endeavour to provide Early Childhood Care and Education for all children until they complete the age of six years.

Pre-School Education subject is only in the Directive Principle of the Indian Constitution and it is not the Fundamental Right of the Young children. State should make the Pre-school Education as Fundamental Right.

VI. Corporal Punishment

In most of the schools as a part of enforcing discipline teachers use Corporal punishment. In the Public Enquiry on Corporal Punishment at Chennai held on 18th June, 2004 three Cases were presented:

A six-year old child was locked up in a one - foot shelf in a wooden cupboard, for stealing a pen. When it was opened, he was unconscious.

To cap such instances was the case of a four-year-old girl in LKG, who was beaten black and blue because she had misspelt a word. The child is now mentally disturbed and terrified of going to any school.

A four year old was beaten and kicked by the Nursery school teacher for stepping out of the classroom to have a sip of water to control his hiccups.

UNCRC Committee in the 35th Session strongly recommends that the State Party should prohibit corporal punishment in the family, in schools and other institutions and undertake education campaigns to educate families, teachers, and other professionals working with and/ or for children on alternative ways of disciplining children focusing on training them to behave in socially acceptable way through behaviour modification technique. The CRC committee should recommend the enactment of a legislation to prevent Corporal Punishment in institutions including Nursery Schools and in ICDS centers.

VII. Right to Expression

Freedom of expression is a fundamental right, available to every person in India, including children. The right to freedom of speech and expression has been construed by judicial interpretation in India to include freedom of the press and other media. However, there is no legislation that specifically mentions the right of the child to express his/her views freely.

The significance of this right can be best appreciated when one reads what children had to say during the Children's consultation - phrases like "violence frightens us", "we get scared when our fathers are drunk", are poignant reminders that children have a right to a safe life, and that adults will not be able to give this if they are not willing to listen to children and to understand how their actions are hurting them.

Young Children are resourceful citizens capable of helping to build a better future for all. Civil Society must respect their right to express themselves and to participate in all matters affecting them, in accordance with their age and maturity. There is a large mushrooming of private schools where the offer is for the English medium of instruction. For that expression of views is a must. Children need to be considered as their own learners and not passive listeners. Young Children must be enabled to exercise their right to express their views freely, according to their evolving capacity, and build self-esteem, acquire knowledge and skills, such as those for conflict resolution co-operative behaviour, decision-making and communication, to meet the challenges of adolescent and adult life. The right of young children to express themselves must be respected and promoted and their views taken into account in all

matters affecting them. The energy and creativity of young children must be nurtured so that they can actively take part in shaping their environment, their societies and the world they will inherit. Disadvantaged and marginalized young children in particular need special attention and support to access basic services, build self-esteem and to prepare them to take responsibility for their own lives. State should strive to develop and implement programmes to ensure meaningful participation by young children, in decision-making processes, including in their families and in schools and at the local and national levels. Listening to the child promotes the child's constant participation. Children should be encouraged to speak, communicate and interpret their feelings at all places and to participate in all activities.

The importance of Trained Teachers who are child-friendly, motivated and dedicated to the cause of child development must be emphasised along with the participation of children.

The medium of communication must be in the first language of the child as an alien language hampers the young child's participation. However, considering the capacity of the child to learn as many languages as possible in the early years, other languages especially English, which is the main attraction for parents of all income groups, could be initiated informally along with the first language or the mother-tongue. Pre-School education should be taught in the language of their communication / mother tongue.

VIII. Right to Participation in the Family setting

The family is the fundamental unit of society and holds the primary responsibility for the basic needs (Physical, emotional, cognitive and social) protection, upbringing and development of children.

Murugan a five-year-old boy wanted to attend a Birthday Party of his friend. His mother decided to pack one of the presents, which Murugan received on his birthday the previous month thinking that Murugan would not notice it. When Murugan came to know, he had heated arguments with his mother but then finally gave heed to his mother's wish.

Thendral, a five-year-old girl was a vegetarian. She had a real passion and love for animals and could in no way think of hurting them. Her family members wanted her to eat Non-vegetarian foods, as she looked physically weak though she was really strong. She had to succumb to her parent's wish of eating Non-vegetarian dishes.

These studies can be easily dismissed as extraordinary incidents but in reality, such incidents take place in most houses everyday. In the Indian setting there is no systematic Parenting Programme by the NGO or the Government. Very few models are given on Parenting information. The Modules should be developed which will incorporate the rights of the child.

Children have to be given the skills and encouraged to express their views. In the specific local cultural context, this may mean a change of mind-set of the adults that "children need to be seen, not heard 'or that' they should not open their mouths in front of elders."

There is persistence of discriminatory social attitudes and harmful traditional practices towards girls including denial of Right to Participation in social activities. Gender discrimination at all levels interferes with getting to know and hear the views

of girls. Mind-sets at family and community levels about listening to children hinder participation. Attitudinal change is required.

The 'self' of the child is completely ignored and the child is not given due respect. Families and caregivers have a critical role and responsibility for the well-being of children, and must be supported so that parents, guardians and caregivers have the capacity to fulfill their obligations. All our policies and programmes should promote shared responsibility of parents, legal guardians and caregivers, and society as a whole in this regard.

- Government should carry out comprehensive public education campaigns to prevent the denial of Right to Participation particularly within the family.
- Good parenting and childcare and protection education must be given to parents, teachers and staff of childcare institutions.
- Families are the primary care providers for children and the capacity of families for care and protection of children has to be strengthened, especially of families in the most marginalised groups.
- Gender - Sensitisation has to be done at all levels for promoting child participation.

IX. Discrimination

Discrimination gives rise to a self-perpetuating cycle of social and economic exclusion and undermines children's ability to develop to the fullest. State should make every effort to eliminate discrimination against children, whether rooted in the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. In ECD programme the Right to Participation of some communities is denied. Many Anganwadi Centres in India practice 'Untouchability'.

Examples: In Chinna Olapalayam and Chettipudur Anganwadi Centres in Avinashi Block in Coimbatore District and Anaipalayam Anganwadi Centre in Uttukuli Block in Erode District in Tamil Nadu State are typical cases where Right to Participation have been denied on the basis of caste .

The Scheduled Castes and Scheduled Tribes practices of 'untouchability', prevent caste and tribe motivated abuse. In some places there is denial of services. The UNCRC Committee should strongly recommend the full implementation of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the 1995 Schedules Castes and Scheduled Tribes Rules (Prevention of Atrocities) and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

X. NATIONAL COMMISSION FOR THE CHILDREN BILL, 2001

Convention on the Rights of the Child Country Report, India, February 1999, and Convention on the Rights of the Child India First Periodic Report 2001, Government of India promised to set up The National Commission for Children. As on date there is no such commission established. The proposed National Commission for Children Bill, 2001 had lot of loopholes. As such the FORCES welcomes the decision of the Government to establish the Commission immediately even though there are some aspects, which have not been addressed while establishing the Commission.

Recommendations

For the greater interest and welfare of Young children the Commission should work in partnership with other stakeholders including NGO's.

The Commission Bill does not involve children; it should encourage Children's participation and ensure that their opinions are heard. Convention on Rights of the Child also says that we should elicit children's opinion in Matters of their concern.

Unlike the other Commissions, this Commission should follow different approach so that children can put forth their opinions and sufferings. For instance Child Line Project, which provides children easy access to Professional help in times of trouble and distress through telephone.

Suggestions

- **Legislative measures to prevent and Ban Corporal Punishment in the Pre Schools and all schools.**
- **In the Pre-school the first language of the child should be the medium of Instruction so as to ensure the optimum participation of every child.**
- **In the Pre-school the play way cum activity based curriculum should be adopted.**
- **Parenting information should be given to improve the scope for child's participation in the family.**
- **State party should develop "Right to Participation package" and "skills-training programme" in Community settings for pre-school teachers, social workers, and local official in assisting children to make and express their informed decision and to have their views taken into consideration.**

References:

1. Convention on the Rights of the Child Country Report, India, February, 1999, Department of Women and Child Development, Ministry of Human Resource Development, Government of India.
2. Convention on the Rights of the Child India First Periodic Report 2001, Department of Women and Child Development, Ministry of Human Resource Development, Government of India.
3. Bhuvanewari, M and Dr. K. Shanmugavelayutham Right to Participation in a School Setting Social Work intervention - An Experiment. Field Practicum Report 2003, Department of Social Work, Loyola College, Chennai.
4. Dr. K. Shanmugavelayutham and M. Bhuvanewari-The 'Must' for Nursery admission, TN-FORCES, May 2003.
5. United Nations Convention of Rights of Child Thirty fifth Session 12-30 January 2004 CRC/C/137 dated 11, May 2004.
6. United Nations Convention of Rights of Child Twenty third Session 10-28 January 2000 CRC/C/94 dated 3, March 2000.