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## ARE OUR CHILDREN SAFE AT THE DAYCARE CENTRES/CRECHES? \*

### ABSTRACT

*Daycare Centres and Creches have become a necessity for working parents. There are home-run daycare centres and crèches as well as daycare centres and crèches run by Non-Governmental Organisations and Social Organisations. Home-run daycare centres and crèches provide a homely atmosphere to children whereas organisational daycare centres and crèches provide a more regulated and formal atmosphere to children.*

*By this paper, I plan to discuss the need for a policy or a plan to safeguard children attending daycare centres and crèches and how other countries have developed policies for daycare centres. I shall briefly deal with the case study of 2016 where an infant was brutally assaulted by one of the women working at the creche in Kharghar. I shall also briefly discuss the laws related to protection of children and the need for a safe environment for the personal growth of children in daycare centres and crèches and the need for compulsory licensing of the daycare centres and creches.*

*I also plan to suggest methods by which the daycare centres and crèches can be regulated by the Competent Authorities so as to ensure that our children are safe.*

**Key Words:** *Home-run Daycare Centres and Creches, Non-Governmental Organisations and Social Organisations run Daycare Centres and Creches, Policy, Regulations.*

**Introduction:** In this age of nuclear family system adopted by most families, a daycare centre or crèche has become the need of the hour. In fact, working parents from joint families are also

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sending their children to daycare centres or crèches so as to reduce the burden on the grandparents. With the increase in the rate of crimes relating to children, parents are now opting for daycare centres or crèches for their children instead of at-home maids or nannies which are also cost-ineffective.

I am a practicing Lawyer and I used to keep my daughter, who was then just 6 months old, in care of a lady who ran a home-run daycare centre by the name of “Happy Hearts – A Daycare Centre and Activity Centre” situated at Andheri East, Mumbai. Today my daughter is 6 years old and continues to go to the Social Service League Daycare run by the NGO – The Social Service League, Mumbai at Portuguese Church, Dadar (we shifted to Dadar in March, 2015) post her school which is managed by a lady Supervisor and has only female staff. I have experienced both the home-run as well as organizational daycare. There is a difference in both the types of daycare centres with respect to the safeguards in place, cost effectiveness, atmosphere in the daycare, ratio of children as to staff, etc.

Daycare centres and crèches have been in India since many years. There are home-run daycare centres and crèches as well as daycare centres and crèches run by Non-Governmental Organisations and Social Organisations. Our country also has legislations whereby daycare facilities are prescribed by law viz. the Factories, Act, 1948, the Mines Act, 1952, Inter-State Migrant Workers Act, 1980, National Rural Employment Guarantee Act, 2005 and recently the Maternity Benefit Amendment Act, 2017 which makes it mandatory for every organization having more than 50 employees to have a crèche. There is also a National Policy for Children, 2013 which was formulated to guide and inform all laws, policies, plans and programmes affecting children<sup>1</sup>. The Ministry of Women and Child Development is plays an important role when it comes to decision making process with respect to daycare centres and crèches.

### **What is a crèche? Characteristics of a crèche or daycare centre**

A crèche is a facility which enables parents to leave their children while they are at work and where children are provided stimulating environment for their holistic development. Crèches are designed to provide group care to children, usually up to 6 years of age, who need care, guidance and supervision away from their home during the day.<sup>2</sup>

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<sup>1</sup> No.16-1/2012/CW-1 Government of India Ministry of Women and Child Development

<sup>2</sup> Rajiv Gandhi National Creche Scheme For The Children Of Working Mothers

The service is also known as daycare or childcare in India, the United Kingdom, North America, and Australia and as crèche in Ireland and New Zealand<sup>3</sup>. Below are some of the usual characteristics of a crèche or a daycare:

1. Target age group: 0–6 years (some extend upto 12 years)
2. Timings: Varies, typically runs between 4–8 hours, 6 days a week
3. Staff: Majority female which includes founders, ECCE qualified teachers, and supporting caregivers
4. Size: 20–40 children with mixed age group
5. Supplementary nutrition
6. Set-up: For-profit, proprietorship or partnership
7. Regulation: Loose to non-existent
8. Facilities offered: Play pen or area, sleep area, kitchen. Certain daycare centres also offer play school and nursery facilities.

### **Types of crèches or day care centres**

#### **1. *Home-run daycare centres and crèches***

These centres are usually home based daycare centres or crèches managed usually by middle aged women with female staff. The number of children taken is restricted considering the area of the house. Many of these home based daycare centres lack basic amenities. But with the increase in competition some of the home based daycare centres are managed by women with basic degrees in Early Childhood Education and also provide sanskar classes and other activity classes in case there is no space constraint.

#### **2. *Private daycare centres***

Private daycare centres are mushrooming all over the metropolitan cities considering the increase in the number of working parents from nuclear families. Private daycare centres are managed by specialized personnel who have a degree in Early Childhood Education and some additional business management degree. In Mumbai there are private daycare

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<sup>3</sup> The essential guide to Daycare in India – Amrita Thakkar

centres like Jumping Genius, Podar daycare, etc. These centres are priced on the higher side.

3. ***Daycare centres and crèches run by Non-Governmental Organisations and Social Organisations***

There are daycare centres managed by the NGOS and other Social Organisations like the Social Service League in Mumbai and SOS Children's Villages of India, etc. which provide daycare facilities which are affordable in nature.

4. ***Creches provided at the workplace of women employees***

Many companies in India have come up with crèches or day care facilities for their women employees so that the women employees can feed their babies after joining the work post maternity leave. Such daycare centres make it easier for the mothers as well as children to together.

**Daycare or crèches and policies if any, in various countries around the world**

1. ***United Kingdom***

A key objective of the UK Government's childcare policy is to improve productivity by increasing labour force participation among the parents of younger children. In the summer of 2017 the Government launched two new childcare schemes: "30-hours free childcare", and "Tax-Free Childcare"<sup>4</sup>. There are facilities for daycare like the child minders who have to be registered with the Ofsted in England or Care and Social Services Inspectorate Wales (CSSIW). Then Children's centres where one can keep the child between 8 a.m. to 6 p.m. these centres are found locally. There are also day nurseries which are private, community, council or workplace nurseries<sup>5</sup>.

2. ***USA***

In the USA, the Office of Child Care under the Administration for Children and Families and U.S. Department of Health & Human Sciences provides for Child Care and Development Fund<sup>6</sup>. There are licensed daycare centers which provide child care in in small groups with well trained employees. There are also family and In – Home Care Providers where small groups of children

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<sup>4</sup> Treasury Committee Report on Childcare – Ninth Report of Session 2017-2019

<sup>5</sup> Expatica – The Childcare system in the UK

<sup>6</sup> Website of U.S. Department of Health & Human Sciences

are taken. In case the number of children is more than 4 than the Provider is subject to state regulations and inspections. Also the state sets minimum standards with respect to health, safety and nutrition and requires the Providers to present a criminal records check and a clearance with respect to child abuse and neglect.

### 3. *Australia*

In Australia, the Government came up with a new policy for child care called the Child Care Package<sup>7</sup>. A subsidy system would provide more child care support for families who needed it the most, including families living in vulnerable circumstances. There is a child care finder website to assist parents looking for a suitable childcare. There is a Child Care Provider Handbook which acts as a guide to the requirements and responsibilities of child care providers and services that are approved under Family Assistance Law<sup>8</sup>.

### 4. *Germany*

Germany follows the concept of before and after school care known as *Schulhort* or *Horte* or school clubs. There are also preschools known as *Kita*. These daycare centres provide services like breakfast and snacks to primary school children. *Schulhort* is typically organised by the individual school, and will provide services based on local demand and facilities available which results in variation across the country. The benefit of this type of daycare is that the child is not pulled out of the comfort zone and is under continuous supervision of the teacher and assistants known to the child. *Schulhort* may close as early as 4pm, but usually both *Schulhort* and *Kita* shut by 6pm. Fees for these type of daycare centres are usually reasonable depending upon the facilities like food, activities and timing of the centres. Then there are facilities like the childminders, *Kinderfrau* (professional nannies), babysitters and Au pairs. The Government provides a payment of *Kindergeld* and *Elterngeld* for childcare.

### 5. *Canada*

Provincial and territorial Governments in Canada are primarily responsible for child care. In fact Quebec has seen an increase in the rate of parents opting daycare facilities for their children.

## **Advantages of Daycare centres or crèches**

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<sup>7</sup> The Conversation – Marianne Fenech, Senior Lecturer, University of Sydney

<sup>8</sup> Website of the Australian Government, Department of Education and Training

- Benefits for parents:

Me – Time: Between work, homely duties and day to day life, days are busy. Daycare can give many parents a break during long, exhausting days.

Work-life balance: Once you have a child, taking care of them becomes the most important thing. Work and income generation are also equally important. In this case, daycare gives you peace of mind. The children are taken care of in a safe, structured environment while you perform at your best.

Specialized care: Reading up on the developmental goals, children need to reach is important but tiring. There are a lot of mixed signals out there. Most of these signals also go against the principle that every child is unique. Engaging them in activities takes time and effort. While parents may try their best, some mistakes are bound to happen. Daycare staff are, however, trained professionals whose goal is to make sure children meet those development goals.

- A daycare can greatly contribute to a child's [social, emotional and physical development](#). Activities can help improve their motor control and inculcate good habits (eg. toilet training). Children learn to socialize with other children and adults, they learn the concept of sharing toys, eating together, playing together, etc.
- Children learn to speak properly and make friends
- Children do not suffer from parent separation anxiety and become independent at a young age
- Children learn to be disciplined and follow a scheduled pattern
- The learning process starts at an early age which makes smoother the transition to formal schooling
- There is also the aspect of women empowerment as many daycares hire women staff
- In crèches provided at the workplace of women, breastfeeding mothers can be with their babies.
- Home-run crèches provide an atmosphere which is very homely which makes children attending the crèche comfortable.



- Daycare centres or crèches provide for an overall development of children

### **Disadvantages of Daycare centres or crèches**

- Some daycare centres or crèches may be expensive
- Parents and Daycare centres or crèches may not share the same holiday list making it difficult for the parents
- Children may be susceptible to infections
- If not properly monitored by the daycare supervisors, children may get exposed to bad habits of other children

### **Government Policy or Plan to safeguard children attending daycare centres and crèches**

The Indian Government, under the Ministry of Women and Child Development are formulating a revised policy on crèches known as the Rajiv Gandhi National Creche Scheme for the Children of Working Mothers. Rajiv Gandhi National Creche Scheme for the Children of Working Mothers provides Day Care facilities to the Children in the age group 0-6 years from families with monthly income of less than Rs 12,000/-. In addition to being a safe place for the children, the crèches provide services such as supplementary nutrition, pre-school education and emergency health care, etc. The scheme provides grant of Rs 3,532 per month for a crèche, limited to 90 per cent of the schematic pattern or actual expenditure whichever is less and the remaining expenditure is borne by the implementing agencies. Honorarium to creche workers is fully funded under the scheme.

Monitoring of Creches - The Scheme has in-built component of monitoring of creches. State-wise independent monitoring agencies have been identified which include schools of Social Work, Women's Studies Centres and other reputed agencies. Grant for monitoring of Creches is given at the rate of Rs. 700/- per crèche visited and inspected and a lump sum one time grant of Rs 10,000/- to each monitoring agency. Every crèche is required to be inspected at least once in a period of two years. For better implementation of the scheme and ensuring delivery of quality services, recently the Ministry has reviewed the procedures being followed for selection of locations/NGOs/Creche Workers, release of funds and monitoring. Accordingly, Standard Operating Procedure (SOP) has been prepared for Central Social Welfare Board which includes enhanced role for the State Government and District Administration in management of Creches. SOPs have been developed which incorporate greater role of State Governments in the implementation of the scheme. This includes involvement in establishing credibility of NGOs,

review of pre-funding appraisal report and monitoring at District level by a monitoring committee headed by District Magistrate and by local committees with Patwari, Govt. School Teacher/Village level worker representatives of Village Panchayat. The State Governments have been asked to inspect crèches to assess quality of services. A Committee had been set up by the Ministry to suggest changes in the scheme for improving its coverage and quality. The Committee has suggested enhanced financial norms, stringent monitoring, and recommended fulfillment of certain pre-conditions before setting up of the crèches.

Further the Central Government is taking steps to make the community creche dream a reality for working women of all strata and reduce the distance by bringing the daycare centre or creche near to home and workplace. For this purpose, the Ministry of Women and Child Development is almost in its completion stage of the National Programme for Creche and Day Care Facilities. The draft proposes that crèche facilities meant for children of age six months to six years should not be more than one and half kilometres from either the home of child or the workspace of mother. The draft programme proposes a variable structure of user charges which is being justified as a measure to bring in “an element of community ownership”. The programme recommends that a family which is Below Poverty Line (BPL) will pay Rs. 20/- per month, families with monthly income of both parents up to Rs. 20,000/- will shell out Rs. 200/- per month and where both the parents earn more than Rs. 20,000/- per month, charges of Rs. 400/- will have to be paid. The only challenge the State across the country will face at the implementation stage is how to prevent the exploitation of the people availing the benefit of the Programme at the hands of the agents especially with regards to the documents submitted by the people. Corruption can only be prevented at the time of the process of verification with respect to the financial status of families based on the documents submitted. These user charges are proposed to be put in a revolving fund to be created by the states and may be used for upgradation of 1/9/2019 National Creche Policy to bring day care closer to home. It is also proposed that local mahila mandals, self-help groups, members of local bodies may be encouraged to participate in activities of crèche and in selection of crèche workers, helpers and beneficiaries. The current draft prepared on the basis of comments received on an initial draft from members of the core working group is being giving final touches. The draft programmer would be soon placed before the Union Cabinet for seeking its approval. One of the key justifications for enhancing crèche access is hinged to the concern over vulnerability of children in the age group of six months to six years to sexual abuse where working parents having no joint



family support and are forced to leave children with neighbours especially in low income settlements and JJ clusters. The Ministry of WCD and the States shall be sponsoring the National Programme for Creche and Day Care Facilities and will provide funds in 60:40 ratio respectively. In case of the States of Northern and North – Eastern India, the ratio will be 90:10 respectively. It will be 100% for Union Territories, Central Ministries and Departments. The Standard Operating Procedure (SOP) developed by the Ministry of WCD will be used by Agencies in the States to run the crèches.<sup>9</sup>

### **Case Study – Kharghar Case**

A 10-month-old girl was allegedly beaten up and kicked at a creche in Kharghar at Navi Mumbai by the caretaker of the crèche in or around November, 2016. Despite there being CCTV surveillance, the caretaker beat the infant in the most inhuman way. The parents of the infant were working and used to leave her in the creche.

The parents became suspicious when they found a wound on their daughter's forehead at the time of picking her from the creche. The Mother inquired with the crèche owner but the owner failed to give a proper response. So the infant's parents approached a doctor and he suspected it to be a case of child abuse. Subsequently, the parents went to Kharghar Police Station and lodged a complaint. When the Police and the parents saw the CCTV footage of crèche, they were alarmed at the sight of the care taker beating and slapping children who were left by their parents at the crèche. The CCTV footage also showed the caretaker infant while some other infants were sleeping. The infant was immediately treated at a private hospital for the injuries inflicted on her. Subsequently, Kharghar Police yesterday arrested the caretaker and the creche's owner. However, the owner of the crèche was later released on surety bail while the caretaker was remanded in police custody. Police have registered an offence against the caretkare and the owner under Section 325 (voluntarily causing grievous hurt) of Indian Penal Code and Section 23 of Juvenile Justice (Care and Protection of Children) Act, 2000. Further report was that the infant was getting treated at the private hospital with respect to the injuries caused to her. As the Police had later added the charge of attempt to murder, the Owner had also approached the Hon'ble Sessions Court and the Hon'ble Bombay High Court seeking anticipatory bail which was rejected by both the Hon'ble Courts. The Hon'ble High Court had rejected the application on the grounds of that the Owner

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<sup>9</sup> Times of India – March 31, 2017

could not claim ignorance and wriggle out of her responsibility for the actions of the caretaker. The Hon'ble Court had also noted that the Owner had lied to the mother of the infant that the infant had suffered injuries while playing. It was apparently also brought to the notice of the Hon'ble Court that no licence had been obtained for the crèche and it was running for more than over a year.

### **My suggestions on safeguarding children attending daycare centres and crèches**

The Central Government as well as the State Governments have set rules for daycare centres whereby the safety of the children has also been considered. Yet parents should consider the following parameters before sending their children to a daycare centre:

1. Type of centre: A home-run daycare centre or a professionally managed private or NGO managed daycare centre. Parents should go daycare centre shopping before they choose the right centre for their child.
2. *Safety measures: Safety measures adopted by the daycare centre like the area in which the daycare centre is situated, the boundaries of the rooms, security guards stationed, identity cards provided to the parents and the children, electrical points have been covered, clean toilets for children, hygienic kitchen, etc.*
3. Cleanliness: Toys and play areas are clean. Floors and windows are washed regularly. Filtered drinking water provided to children. Food storage and refrigerator is cleaned. Cooked food provided to the children is proper and cooked hygienically. Beds and sheets are clean and washed at regular intervals.
4. Policies and Regulations: The daycare centre has to have a certification from the Municipal Corporation/Council. The daycare centre should be inspected regularly. It should have its own rules and regulation in consonance with the Government policies. The Supervisor and the staff have to be well qualified and should have some experience with respect to handling children. Timings to be provided in the rules and regulations. Ratio of adult to child in the daycare centre ideally, 3:1 for younger children, 4:1 for older children). Emergency procedures adopted by the daycare centre.
5. Reputation: The parents should find out the ratings of the daycentre from other parents.
6. *Activities: The daycare centre should provide activities for the development of children. Development of the children providing physical and creative activities and development of social skills, inculcating reading.*

7. *Staff qualifications:* Staff in the daycare should be qualified to handle the overall needs of the children. Experience in Early Childhood Development ought to be one of the qualification for the staff and caretakers. The staff should be patient, caring, and well trained. Preferably women staff should manage the daycare centre.

8. *Cost:* Affordability is a huge consideration when choosing a daycare.

9. SMS updates, meal options, etc.

10. *Timings and Location:* The timing and location are important determinants of flexibility that parents will have with their child. Holiday schedule provided by the daycare centre.

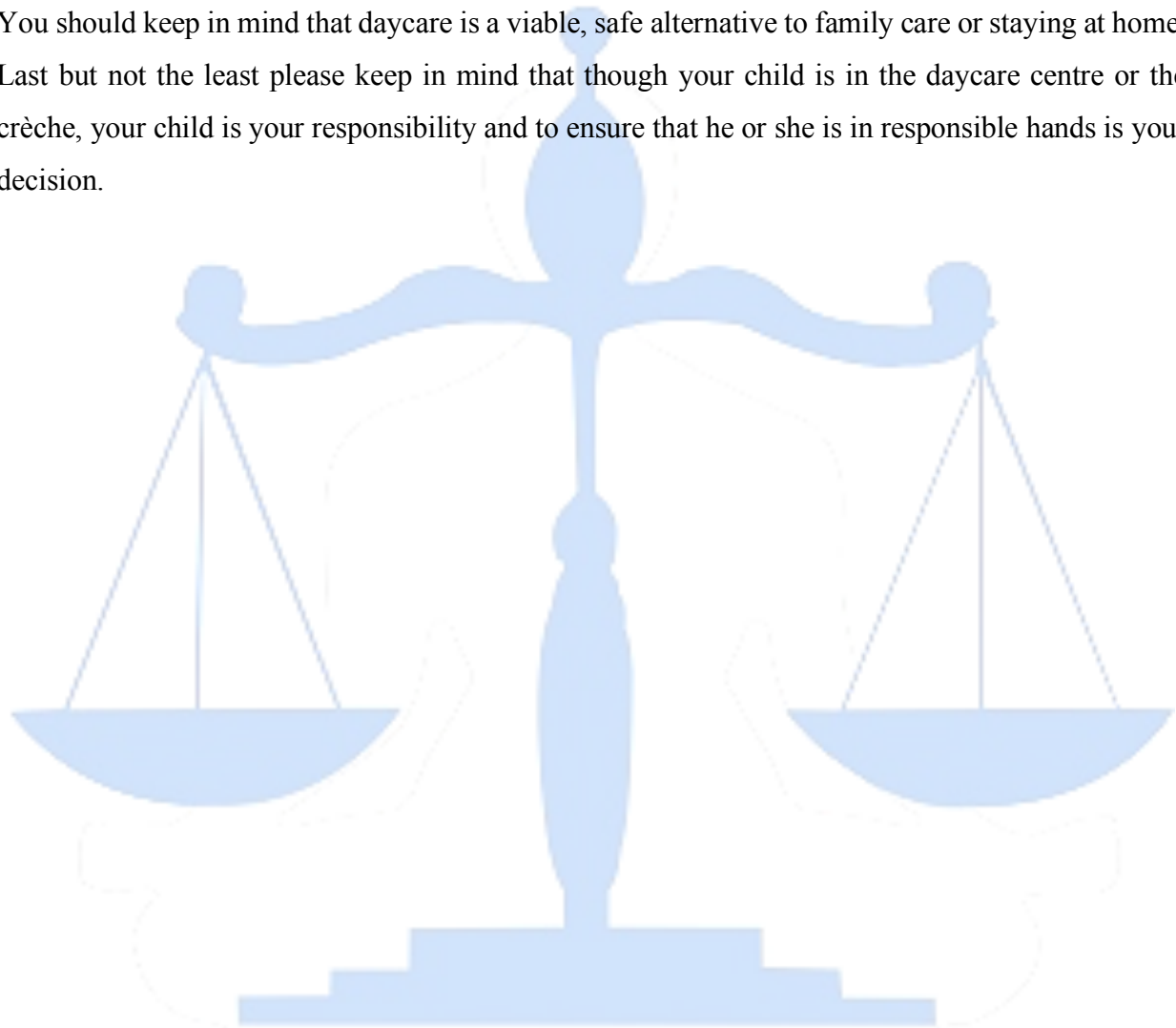
There are also other alternatives and they all have their advantages and disadvantages.

- **Babysitter**—A babysitter comes in to temporarily take care of a child for a period of time. Some babysitters may also keep children in their own homes, similar to home daycares. Parents may choose to hire one when they are at work or out in the evenings. This option provides the greatest flexibility. However, they are unlikely to impart professional care and education. They may also be unreliable and quality might be erratic.
- **Nanny**—A nanny is a full time caregiver who stays with the child all day. Nannies take complete responsibility of the child's physical well-being. They generally live in the house and may help out in other things. This option provides the most amount of support for parents. Nannies are, however, very expensive. Their accommodation and meals will also have to be provided for. They are not likely to be qualified to help the child develop.
- **Family care**—Grandparents or other relatives may be able to keep the child at home during work hours. This is the least expensive option (not considering the monetary and emotional cost of parents living together with young couples). Also, it allows children to know their family. However, they are also unlikely to help the child reach developmental goals. Aged parents may also find this a taxing task.
- **Childcare sharing**—In some cases, parents may create groups to rotate childcare among different members. This can work out well by giving everyone some time off. However, disagreements may arise as to the method of care. Timings may not match for everyone, and there may be times when no one is available.

### **Conclusion:**

Whether you opt for a professionally managed daycare centre or a home-run daycare centre or crèche it is the choice you as parents have to make after considering all the above mentioned factors.

I made my choice and I had a beautiful experience with my daughter who has practically grown in a daycare centre and I am really happy with the centres where she grew up. A daycare is sharing responsibility, not transferring it. This is necessary for the wellbeing of both you and your child. You should keep in mind that daycare is a viable, safe alternative to family care or staying at home. Last but not the least please keep in mind that though your child is in the daycare centre or the crèche, your child is your responsibility and to ensure that he or she is in responsible hands is your decision.



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