

A Study on Regulations and Safeguard Surrounding the Existence of Crèches in Educational Institution in Chennai

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Abstract: *The Maternity benefit Act, 1961, applies to establishments employing 10 or greater than 10 men and women in factories, mines, plantation, stores & establishments and other entities. The main cause of this Act is to regulate the employment of ladies in certain establishments for certain period earlier than and after childbirth and to provide maternity advantage and certain different blessings. The Act was amended via the Maternity benefit (Amendment) Act, 2017. The modification has brought in important modifications to the law relating to maternity advantages. Those are: It extends the period of maternity benefit from 12 weeks to 26 weeks of which now not extra than 8 weeks can precede the date of the predicted delivery. This exceeds the global Labour organization's minimum wellknown of 14 weeks and is a nice improvement. but, a woman who has or greater surviving kids might be entitled to 12 weeks of which no longer greater than six weeks can precede the date of the predicted shipping. Women who legally undertake a infant underneath the age of three months or a "commissioning mom" may be entitled to maternity gain for 12 weeks from the date on which the kid is surpassed over to her. A commissioning mom is defined as a biological mother who makes use of her egg to create an embryo implanted in another girl. It offers discretion to employers to permit women to do business from home after the period of maternity gain on together agreeable situations. It introduces a provision which requires every established order to intimate a woman at the time of her appointment of the maternity advantages to be had to her. The main Objective of this paper is to study about the regulation and safeguard surrounding the existence of crèches in educational institutions. The researcher has followed the empirical research with the convenient sampling method. The sampling size covered by the researcher is 201. The result is observed from the analysis of the study there are no creches available in educational institutions. And crèches guidelines are implemented in creches available in educational institutions. And creches won't affect the education of students in that institution.*

Keywords: Educational institutions, creches, maternity amendment act 2017, guidelines, working mothers.

I. INTRODUCTION

A crèche is a facility which enables dad and mom to go away their kids whilst they may be at work and in which youngsters are furnished a stimulating environment for their holistic development. Crèches are designed to offer organization care to youngsters, normally up to 6 years of age, who need care, steering and supervision faraway from their domestic at some stage in the day. Day-care centre, additionally known as day nursery, nursery faculty, or crèche (French: "crib"), organization that gives supervision and care of toddlers and young youngsters in the course of the daytime, specifically in order that their dad and mom can hold jobs.

The government initiatives for crèches are The need for child care services has been emphasized in the National Policy for Children, 1974, National Policy for Education, 1986, National Policy for Empowerment of Women, 2001 and the National Plan of Action for Children, 2005. The Steering Committee on Women's Agency and Child Rights for the Twelfth Five Year Plan (2012-17) under the aegis of the Planning Commission has, in its report, stated that the Rajiv

Gandhi National Creche Scheme (RGNCS) has so far fallen short of its target of providing quality day-care services for children.

The factors affecting crèches in working places are

- Sleeping Facilities
- Supplementary Nutrition(to be locally sourced)
- Growth Monitoring
- Health Check-up and Immunization
- Quality(Finding existing crèches that meet quality standards)
- Location(Finding or locating care near the worksite)
- Compliance (Needing guidelines for compliance with the Act).

Various other features added to crèches by the amendment of act are Drinking water and Sanitary Facilities, food and cooking facilities, health kid and medicines, play toys and equipments, community participation, audio/visual, sleeping and resting, play/ pre school activities etc are included in crèches by this act.

The crèches in foreign international locations Childcare is generally to be had and low-priced in Belgium. parents pay a handful of euros for either after- or before-faculty care, that can start at 7am and finish at 6pm. This is specifically useful on a Wednesday when schools generally close at noon. Many parents negotiate bendy working hours to choose up kids early, or take one time off a week. It's regularly the mums, operating component-time to depart early, or running "4-5", or using parental go away to take a day off every week.kids start school early, at and a 1/2 years, which is a comfort after paying crèche expenses of about €600 a month, less for human beings on low incomes. Belgian maternity leave is quite short at 15 weeks, and you will see a few small infants at crèches if parents can't find the money to stay at the stipend of €seven-hundred a month that parental depart pays for an additional four months. Getting a place can be elaborate in Brussels; Belgians counseled signing up for a crèche place at 3 months pregnant, properly before informing the arena. faculty vacations mean "ranges" or excursion camps - masses of them, ranging in charge from about €forty to €300 per week. Brussels being a metropolis of as a minimum languages, French and Dutch, one favoured alternative is to stick youngsters into complete immersion inside the other language. It's completely viable for a parent to work all summer and feature a child in camp without breaking the financial institution.**The main aim of the study is to analyse whether crèches are available in educational institutions.**

OBJECTIVES

- To study the Maternity Amendment Act 2017.
- To analyse whether creches are constructed with minimum guidelines.
- To study the minimum guidelines for crèches under maternity amendment act 2017.

II. REVIEW OF LITERATURE

1. National curriculum framework 2005 provided for various provisions to safeguard the various departments of the most comprehensive study of its interests of children by ensuring adequate crèches facilities. (Dobrotescu)
2. Child Rights in India- This book gives an overview about the status of children in such crèches and about the constitutional frameworks supporting such children ,status of early childhood care and other educational services. (Adam)
3. Transitions in early years- This book is relevant to all practitioners working with young children and their families and to all those studying early at childhood. Lyn Trodd is the head of such Multiprofessional education and provides various tips to such working families. (Trodd)
4. Handbook of World families- This handbook of world families provides a cross cultural perspective on the family by examining family life and Similarly to their children in such crèches to adapt with that particular environment. (National Research Council et al.)
5. Parents who lead- This article envisages the lives of real working parents that show how to design a future based on core values and engage children in fresh meaningful ways and cultivate children in a good enriching community. (National Research Council et al.; Dowling and Barnes)

6. Good practice in safeguarding children- This book is about the safeguards for children and for each individual the situation may be different and undeniable and it ensures children attend nursery and develop a level of home in their mind. (Reid)
7. Children Act 2004- This act which received royal assent on 15th November 2004 is about the children of small age ,the society they adapt and live and consists of various frameworks supporting children and also talks about the children’s court for any kind of reformation of a child. (Network and National Child Traumatic Stress Network)
8. Children’s friendly school manual- The manual is a part of the total resource package that includes a e-learning package for capacity building and collection of field case studies to illustrate the state of the art in child friendly schools. (Network and National Child Traumatic Stress Network; Unesco)
9. Young children’s right- This is a second edition which has been updated to include the relevance of UNCRC rights and other international examples and children’s influence on regional policies and other measures. (Lyon)
10. Employer crèche Mandate- It provides that a crèche should possess following features such as quality,location,compliance and the state level government also has the responsibility for such guidelines. (Paris et al.)
11. The International Finance Corporation (IFC) is building on its contribution to employer-supported childcare solutions in India following the release of Tackling Childcare: The Business Case for Employersupported Childcare (2017). IFC plans to leverage its global experience of promoting employer-supported childcare— and knowledge that regulations can be good for business—to advise the private sector. IFC led a partnership comprising a global childcare provider, an industry body, a local law firm, and a financial institution in India. (Jang)
12. Recommendations on how the Indian government can support successful employer compliance of the MB (Amendment) Act fall into three categories. The first centers on encouraging states to enact their guidelines while facilitating outreach to stakeholders so their voices can be included in the development and monitoring of the guidelines. The second category determines ways to increase the availability of space for crèches near employer worksites, such as enacting crèche requirements in office building developments or providing real estate tax relief for employers or developers that establish crèches. (Jang; Maasi and Titov)
13. A crèche monitoring committee with representations from among crèche workers, parents and administration should be formed. There should also be a grievance redressal committee for inquiring into instances of sexual abuse. The guidelines are not mandatory but are a yardstick for NGOs and organisations for setting up of creches. (Bridgland)
14. As the notifications and the rules are not present in the public domain for the purpose of implementation, same stands with no legal cogency. In order to provide minimum guidelines for the purpose of removing all existing ambiguity, the Ministry of Woman and Child Development has notified and formulated the "National Minimum Guidelines for setting up and running crèches under Maternity Benefit Act, 2017" ("Guidelines").(Gope et al.)
15. The Maternity Act was amended by way of the Maternity Benefit (Amendment) Act, 2017(“**Maternity Amendment Act**”) to introduce various new requirements including the need to provide a crèche facility (if the establishment has employed at least 50 employees).(Grenada)
16. Terms and conditions with respect to the building and construction of the crèche facility including *inter alia* (i) the construction materials to be used both in rural and town areas, (ii) height of the rooms; (iii) kitchen facility, (iv) separate space for washing and drying; (v) adjoining bathrooms and latrines; (vi) floor area for each child; (vi) open air playground exclusively available for the use of children etc. Employers are also required to comply with all requirements pertaining to planning, building control, fire safety, health & safety legislation and all other relevant legislations in setting up of the creche facility.(Ngohe-Ekam et al.)
17. According to ProEves survey on “Managing Maternity Benefit Amendment Act 2017 Report” suggests that 63% women leave their job due to childcare responsibilities. Additionally, the survey also suggests that 75% women want daycare in the office or a tie-up between office and a daycare. Providing crèche facility would

definitely allow women to continue their job as a professional as well as a mother. The crèche facility would permit women to look after her child even during work. (Hosseini et al.)

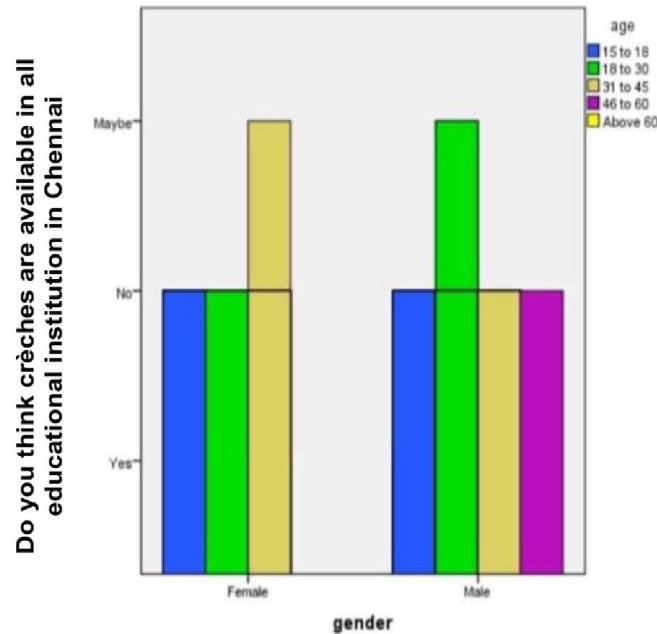
18. Since 1969 MC has been providing health and childcare services to children at construction sites and urban slums to the most vulnerable groups in need of urgent interventions. Over a period of time, apart from its core activities of addressing the health and development needs of children at construction sites, MC diversified its energies to work closely with urban slum communities in Delhi NCR. Simultaneously, it also expanded its training initiatives through PAN India and build facilitative partnerships with other players in the NGO and real estate sectors for crèches and health services. (*Glossary of Terms for Procedures for Setting Out, Measurement and Surveying in Building Construction (including Guidance Notes)*)
19. Preferably at the ground floor to ensure safety of children - The centre should have concrete (pukka) structure as per CPWD norms. - A crèche centre must have a minimum space of 10 to 12 sq. ft. per child to ensure that children can play, rest, and learn. Note: An ideal centre should have covered as well as open space area. Some of which should be shaded along with a kitchen and a child friendly toilet facility. - The room should have proper light and should be well ventilated. - There should be no unsafe places like open drains, deep and large pits, garbage bins etc. near the centre. - The centre must have a safe and potable drinking water source with a water purifier installed. (Kodagali)
20. Ensure a nurturing, responsive and inclusive environment in the crèche. - The crèche should have bright, cheerful and child accessible displays of essential play and teaching learning material. - Daily schedule, child safety and essential norms, and other relevant material to be displayed on the walls. - Material prepared by children like their drawings and other art work to be displayed at the crèche to create a child friendly environment. (Kantz)

III. MATERIALS AND METHODS

This paper used both primary and secondary information which are collected from the general public through the convenient sampling method. The research paper is done in both doctrinal method. The questions related to this were also taken into account. The survey was limited to 200 samples because of the time constraint. The primary sources of information are taken from the books and statutes and secondary sources of information are taken from the articles of the journals, working papers, thesis and presentation papers. The dependent variables are Do you think crèches are available in all educational institutions and whether availability of crèches in educational institutions affects education students in that institution and On scale of 1 to 10 how much u think crèches guidelines are implemented in crèches available in educational institutions. The independent variable is age and gender. The analysis of the survey is done by using graphical representation.

IV. DATA ANALYSIS AND DISCUSSION

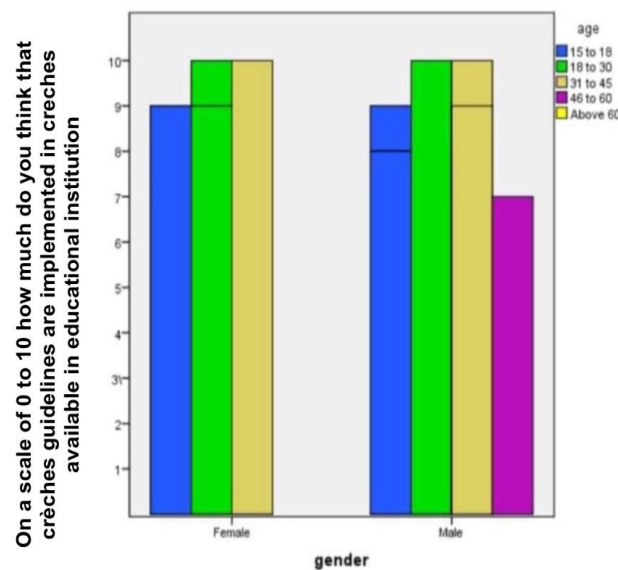
FIGURE 1



LEGEND

The above chart shows gender distribution in various age group with opinions about the crèches in educational institutions in Chennai.

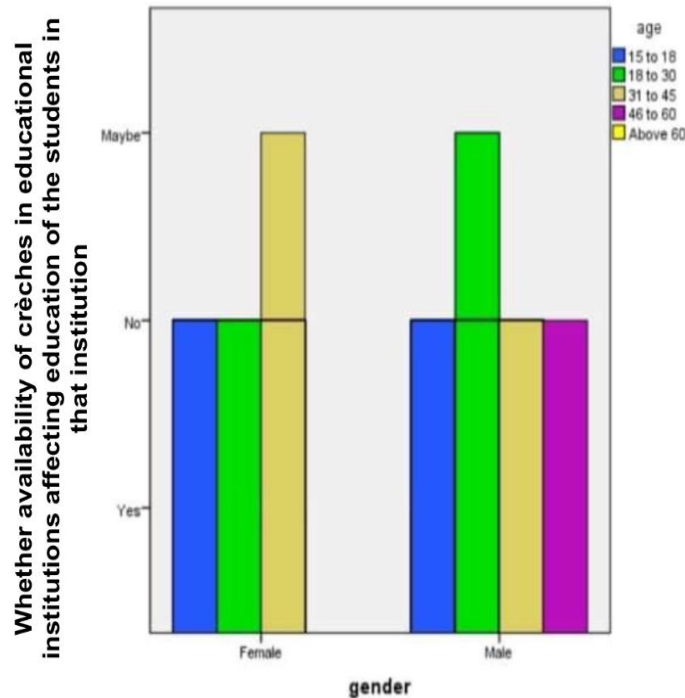
FIGURE 2



LEGEND

The above chart shows gender distribution in various age group with opinions about the implementation crèches guidelines in Chennai.

FIGURE 3



LEGEND

The above chart shows gender distribution in various age group with opinions about the effects of crèches in educational institutions in Chennai.

V. RESULT

From figure 1, it is understood that female respondents from the age group 15 to 18 answered “No” that there are no crèches available in all education institutions in Chennai. The female respondents from the age group from 18 to 30 answered “No” that there are no crèches available in all education institutions in Chennai. The female respondents from the age group 31 to 45 answered “Maybe” that there are crèches available in all education institutions in Chennai. There were no female respondents from the age group 46 to 60 and the age group from above 60 years. The male respondents from the age group 15 to 18 and 31 to 45 and 46 to 60 answered “No” that there are no crèches in educational institutions in Chennai and the male respondents from the age group 18 to 30 answered “Maybe” there may be crèches available in educational institutions in Chennai. There were no male respondents from the age group above 60 years.

From figure 2, it is understood that female respondents from the age group 15 to 18 rated “9” that crèches guidelines are implemented in crèches available in educational institutions. The female respondents from the age group 18 to 30 rated “10” that crèches guidelines are implemented in crèches available in educational institutions. The female respondents from the age group 31 to 45 rated “10” that crèches guidelines are implemented in crèches available in educational institutions. There were no female respondents from the age group 46 to 60 and the age group from above 60 years. The male respondents from the age group 15 to 18 rated “9” that crèches guidelines are implemented in crèches available in educational institutions. The male respondents from the age group from 18 to 30 rated “10” that crèches guidelines are implemented in crèches available in educational institutions. The male respondents from the age group 31 to 45 rated “10” that crèches guidelines are implemented in crèches available in educational institutions. The male respondents from the age group 46 to 60 rated “7” that crèches guidelines are implemented in crèches available in educational institutions. There were no male respondents from the age group above 60 years.

From figure 3, it is understood that female respondents from the age group 15 to 18 answered “No” that crèches in educational institutions do not affect the education of the students in that institution. The female respondents from the age group from 18 to 30 answered “No” that crèches in educational institutions do not affect the education of the students in that institution. The female respondents from the age group 31 to 45 answered “Maybe” that crèches in educational institutions do not affect the education of the students in that institution. There were no female respondents from the age group 46 to 60 and the age group from above 60 years. and male respondents from the age group 15 to 18 and 31 to 45 and 46 to 60 answered “No” that crèches in educational institutions do not affect the education of the students in that institution and the male respondents from the age group 18 to 30 answered “Maybe” that crèches in educational institutions do not affect the education of the students in that institution. There were no male respondents from the age group above 60 years.

VI. DISCUSSION

From figure 1, both male and female said “No” that there are no creches available in educational institutions. This may be due to current conditions and in reality the creches are not available in the majority of educational institutions in chennai and also in india.

From figure 2, it is seen that the majority of responses both male and female rated 10 for crèches guidelines are implemented in creches available in educational institutions. This denotes the proper functioning of the creches available in educational institutions.

From figure 3, both male and female majority said that creches won't affect the education of students in that institution. This provides the main idea to open the creches in educational institutions.

VII. LIMITATIONS

The major limitation of my study is the sample frame. The sample frame taken through online and social media. The restrictive area of sample size is also another major impactful and a major limitation to the study.

VIII. CONCLUSION

From this research it is understood that there is no availability of creches in educational institutions and the building of creches in educational institutions won't affect the education of fellow students in educational institutions and creches follow the minimum guidelines in building the creches. These responses say the reality of creches and current conditions of creches. Implementation of creches not only in educational institutions but also in all working sectors is important. The basic need every mother has is to look into children and take care of them. This construction of creches should be implemented in all working places and it is also important among all facilities. Parliament passed the Maternity Benefit Amendment Act, 2017, enhancing paid maternity leave from a period of 12 weeks to 26 weeks. The law is applicable to all institutions with 10 or more employees. It also makes it mandatory for every organisation with 50 or more employees to have a crèche.

REFERENCES

- [1]. Adam, Emma K. “Investing in Our Children: What We Know and Don’t Know about the Costs and Benefits of Early Childhood Interventions.” *Children and Youth Services Review*, vol. 21, no. 4, 1999, pp. 339–42, doi:10.1016/s0190-7409(99)00024-9.
- [2]. Bridgland, Kathryn. “Mobile Creches in India.” *Community Development Journal*, vol. 7, no. 2, 1972, pp. 136–41, doi:10.1093/cdj/7.2.136.
- [3]. Dobrotescu, Raluca. *Framework for Ensuring the Ongoing Maintenance of Existing Buildings Applied to a National Capital Commission Case Study*. doi:10.22215/etd/2018-13254.
- [4]. Dowling, Emilia, and Gill Gorell Barnes. “Introduction the Changing Lives of Children: Working with Families Through Separation and Divorce.” *Working with Children and Parents through Separation and Divorce*, 2000, pp. 1–7, doi:10.1007/978-1-349-90774-8_1.
- [5]. *Glossary of Terms for Procedures for Setting Out, Measurement and Surveying in Building Construction (including Guidance Notes)*. doi:10.3403/00944845u.

- [6]. Gope, Raj Kumar, et al. "Effects of Participatory Learning and Action with Women's Groups, Counselling through Home Visits and Crèches on Undernutrition among Children under Three Years in Eastern India: A Quasi-Experimental Study." *BMC Public Health*, vol. 19, no. 1, July 2019, p. 962.
- [7]. Grenada. "Maternity Leave (Amendment) Act 1989 (No. 12 of 1989), 5 May 1989." *Annual Review of Population Law*, vol. 16, 1989, p. 86.
- [8]. Hosseini, Arash, et al. "Evaluation of the Long-Term Performance of Flexible Pavements with Respect to Production and Construction Quality Control Indicators." *Construction and Building Materials*, vol. 230, 2020, p. 116998, doi:10.1016/j.conbuildmat.2019.116998.
- [9]. Jang, Young-In. "A Critical Analysis on the Collectivization Strategy of Private Childcare Centers for Public Childcare Services - Focused on Public-Type Childcare Centers and the Transformation of Private Childcare Centers to Public Childcare Centers." *Korea Journal of Child Care and Education*, vol. 112, 2018, pp. 41–74, doi:10.37918/kce.2018.09.112.41.
- [10]. Kantz, Kelly Ross. *Understanding the Outdoor Play Environment for Preschool Children in Child Care: Should We Just Let 'Em Go?* doi:10.31274/rtd-180813-14243.
- [11]. Kodagali, Sheethal. *05 - SHOULD CHILDREN OVER 12 YEARS HAVE AN EEG AFTER A SINGLE UNPROVOKED EPILEPTIC SEIZURE?* doi:10.26226/morressier.5b5f2d47b56e9b003813dadc.
- [12]. Lyon, Christina M. "Interrogating the Concentration on the UNCRC Instead of the ECHR in the Development of Children's Rights in England?" *Children & Society*, vol. 21, no. 2, 2007, pp. 147–53, doi:10.1111/j.1099-0860.2006.00074.x.
- [13]. Maasi, Ingrid, and Eneken Titov. "LINKING THE WORK AND STUDIES – HOW STUDY ORGANIZATION AND METHODS CAN SUPPORT STUDENT'S WORK AND BE USEFUL FOR HIS EMPLOYER." *INTED2017 Proceedings*, 2017, doi:10.21125/inted.2017.1426.
- [14]. National Research Council, et al. *Transforming the Workforce for Children Birth Through Age 8: A Unifying Foundation*. National Academies Press, 2015.
- [15]. Network, National Child Traumatic Stress, and National Child Traumatic Stress Network. "NCTSN Activities: NCTSN Co-Sponsors Pre-Meeting Institute on Children at SAMHSA 'Dare to Act' Conference on Family Violence, November 30, 2004." *PsycEXTRA Dataset*, 2004, doi:10.1037/e416512005-009.
- [16]. Ngohe-Ekam, P. S., et al. "Thermophysical Characterisation of Tropical Wood Used as Building Materials: With Respect to the Basal Density." *Construction and Building Materials*, vol. 20, no. 10, 2006, pp. 929–38, doi:10.1016/j.conbuildmat.2005.06.017.
- [17]. Paris, P., et al. "Crèche Tôt-Crèche Tard : Une Crèche Assouplit Ses Horaires." *Journal de Pédiatrie et de Puériculture*, vol. 14, no. 5, 2001, pp. 282–86, doi:10.1016/s0987-7983(01)80079-7.
- [18]. Reid, James. "The Social, Legal and Practice Context for Protecting and Safeguarding Children." *Safeguarding and Protecting Children in the Early Years*, 2017, pp. 31–50, doi:10.4324/9781315559551-3.
- [19]. Trodd, Lyn. *Transitions in the Early Years: Working with Children and Families*. SAGE, 2012.
- [20]. Unesco. *A Human Rights-Based Approach to Education for All: A Framework for the Realization of Children's Right to Education and Rights Within Education*. United Nations Publications, 2007.