

Child Welfare: An Historical Overview

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Abstract

Children have begun to occupy an important place not only in academic discourse but also in policy formulation. This is because of the realization that investment in children ensures a brighter tomorrow. This enlightenment on the attention of children is not of recent origin but an offshoot of child protection in traditional societies. Though, children had little place in the past, there are evidences of mechanisms for child welfare across societies. It would not be wrong to say that traditional institutions and policies that catered to children's' needs created history in child rights. There was gradual improvement in the area of child welfare and after centuries of change, attention to children became a priority in all international and national conventions and agreements. This paper attempts to chronologically highlight the historical and empirical events on how societies perceived children and catered to their needs to create an atmosphere conducive for children. The object of this paper is to create an understanding on how child welfare developed in time and space paving way for a child rights perspective to develop across societies.

Key words: Children, Child Welfare, Child Rights, Child Protection

Introduction

The concept of children differs from culture to culture. Children are understood and differentiated from the rest of the population mainly by age. In traditional societies, children were initiated to adulthood very early. When they reached puberty, they were expected to perform certain rituals to be considered real men or women. Children were, therefore, subject to societal obligation and understanding of a child was based upon society and culture.

Today, the conceptual dimension of a child has narrowed down with the help of international efforts and conventions. Though in many societies we still find lacunae in the concept of children, the most accepted and common understanding of a child can be said to be the one given by the Convention of Rights of the Child (CRC). It defined a child as *one who has not completed the age of 18 years of age*. This Convention provides a framework for addressing rights relating

to children's need for care, protection and adequate provisions to meet such needs of welfare services.

Child Welfare: International Perspective

With the development of the conceptual understanding of children, the concept of child welfare evolved gradually. The mission of child welfare has historically been to respond to the needs of children reported to the public child protection agencies as having experienced any form of child abuse. At present, communities have also become important agents in child care and protection and this strategy in the prevention of child abuse have increased (Jenson & Fraser, 2006).

According to Davies (2000), 'Child welfare policy and practice includes provisions and services to assist children and families who face major difficulty which affects the well-being, care or control of the child. Each country has its own ways social policies and specific legislations affecting children. However with international standards defined through the UN Convention on the Rights of the Child in 1989, policies and legislations have been adjusted to meet the requirements'.

Child welfare services includes institutional and non-institutional. Institutional services includes Children's Homes, short stay homes, foster homes, residential schools, night shelters, treatment centres. Non-institutional services includes crèches, pre-primary schools, balwadis, Anganwadis, holiday

homes, library facilities, recreational and hobby centres, school health services, school social work services, child guidance clinic, adoption services, financial aid to dependent children (Jha, 2001).

According to Jenson & Fraser (2006), 'The primary goal of child welfare services is to protect children from harm, the second is to preserve existing family units and the third goal is to promote children's development into adults who functions normally in their communities. The core goal for child welfare services is keeping children safe from child abuse and neglect. This includes children living with their families and children from institutional and non-institutional care. Child welfare services must prevent children from maltreatment and also keep families safely together. After safety comes permanency, during the process of child protection from abuse or neglect, the state must ensure the child's need for permanent and stable family ties. The State must also ensure the child's wellbeing. Here, the must be safe from abuse or neglect. This requires that a child's basic needs are met and that the child be able to grow and develop in an environment that provides consistent nurture, support and stimulation. Here, we include the need to develop a healthy sense of identity, understanding their ethnic heritage, and skill for coping with racism, sexism, homophobia and other forms of discrimination present in society. Child welfare services must also ensure the family's well-being. It should

capacitate the family to care for their children and fulfill their basic development, health, educational, social, cultural, spiritual and housing needs’.

Though child welfare as a concept is of recent origin, its focus was not absent in traditional societies. Amidst evidences of the prevalence of all forms of abuses, many societies in the past had functional traits to care and protect their children. According to Beckett (2003), the perception on how children should be treated by adults, and about the community’s responsibility towards children, has naturally changed in time, although the vulnerability of children was very much evident in the past.

The Bible also show indications of parent-child relations and how adults should be like children. It states that it is being like them that shall help one enter the Kingdom of Heaven. Further, it states the obligations children have to parents and also the parents to children (Bhakhry, 2006). In Mesopotamia, parents expressed the same sort of concern about their children as parents do today. ‘There are many incidents of parents expressing love and affection for their children before the 18th century. Socio-anthropological studies demonstrate considerable evidence of close child-adult emotional ties despite gross material poverty and high rates of child mortality’ (Gupta, 2001). Douglas and Philpot (2003) state that rehabilitation of children in need of care and protection through adoption was also evident during the early civilisation of ancient Greece and

Rome. During Renaissance period, abandonment of children continued as a common practice. It was never openly approved of but never officially outlawed. Church began to be involved and they organized activities and havens for unwanted children in their monasteries. In the early 13 century foundling homes were established (Gupta, 2001).

During the 15th century, ‘children were seen by many as important source of help and comfort in old age. They were seen as sources of psychological satisfaction. Parents delighted in their children, not primarily because of their good qualities but because they were theirs’. From various studies between 1500-1900 AD, the concept of childhood existed, changed and developed during this period. Children were respected and they were perceived as a mixture of good and bad or of innocence and depravity. Adults showed concern to children and a sense of responsibility towards them. Death of a child created the same heartfelt reactions throughout the centuries studied (Gupta, 2001).

The Massachusetts Body of Liberties, 1641 highlights restrictions on adults in treating their children in regard to their social rights as well as abuse. Incest was a crime punishable by death in Scotland from 1757 (Bhakhry, 2006).

Cohen (1992) conducted a research on the rehabilitation of children in need of care and protection in the United States from the multi-cultural aspect. He states

that the United States of America adopted early developments and legislations to protect and preserve the rights of the child.

It was only in the 19th century that children were first seen as needing special care and protection because of their vulnerability (Gupta, 2001). According to Bhakhry (2006), in the 19th century, the Industrial Revolution led to child exploitations in the new industries that were established. This further led to the marginalization and abandonment of children. As a result of this, child rights movement developed in terms of legislations, institutional and non - institutional rehabilitation and reintegration for children in the West.

Attitudes to child welfare also changed over the course of the nineteenth century in England too. The Government wants children and young people to have more opportunities to get involved in the design, provision and evaluation of policies and services that affect them or which they use (Roberts-Holms, 2005). Here, provisions of the Factory Act, 1833 which was passed prohibited children under 9 years of age from working in factories and restricted the working hours of 9 to 13 year old children (Beckett, 2003). According to Jowitt and O' Loughlin (2005), the Health and Morals of Apprentices Act 1802 followed by the Factory act 1833 which were passed focused on children in the workplace. Others included legislations involving reformation of young offenders and the Poor Law Guardians cared for neglected

and ill treated children. Other legislations and initiatives that followed to protect the welfare of children were:

1. The Infant Life Protection Act 1872 that addressed the problems of baby farming.
2. Registration of Birth and Death Act in 1874 that maintained records of birth and death of children.
3. The London Society for the Prevention of cruelty to children established in 1884, that focused on rescuing children from their homes
4. Emergence of the Church of England Children's Society and the National Children's Homes, philanthropic organizations that involved in rescuing children who had fled from their homes or were abandoned by families.
5. English Prevention of Cruelty to Children Act 1889 that created opportunity to prosecute perpetrators of cruelty to children.
6. The Elementary Education Act 1870 and Elementary Education (Blind and Deaf Children) Act 1893 that introduced education for various groups of children.
7. Education (Provision of Meals) Act 1906 that provided provisions of food for children who were undernourished.
8. The Children Act 1908 that established Juvenile courts abolished imprisonment for under 14 year olds

and introduced registration of foster care givers /parents.

9. The Incest Act 1908 that prohibited interfamilial sexual abuse or incest
10. The Adoption Act 1926, that provided non-institutional service to abandoned children and orphans.
11. The Children and Young Persons Act 1933 that gave local authorities child protection duties and the power to remove children in an emergency.
12. The Children Act 1948 that introduced Children's Department, expansion of foster care and adoption as alternatives to residential care.

By 1969, place of safety were introduced for vulnerable children and this enabled the court to restrict parents who were against such provisions. The children Act 1989 was also passed with the intention of concentrating on balancing child protection with family support system emphasizing on parental responsibility than rights.

From the above literature, we see how families, communities and governments in traditional western societies cared and protected their children. Welfare in its traditional form was very much evident and rehabilitation measures were also undertaken. No doubt these developments created milestones in academic discourse as well as policy making related to children across the world. According to Wal (2006), attitudes toward children have changed as a result

of decades of modernization and urbanization. Child survival and development improved and parents have greater hope for them. Society has begun to invest more on the education and training of their children. Roberts-Holms (2005), states that the potentials of children are recognized through understanding their strengths and capacities. They are rich in potential, strong, powerful, and competent. True potentials of children are only seen if we give them a chance. Therefore, children have begun to occupy important place in the research process. Their participation in the research process has been increasingly carried out. Their views are taken into account and such respect during research process has become widespread (Roberts-Holms 2005).

With these developments, collective effort to promote the welfare of children was undertaken. The first International efforts to secure child's rights as well as to care and protect children from all form of child abuse can be said to have begun formally in 1919 with the setting up of the Save the Children's Fund (SCF) to help children affected by the ravages of war. It was then followed by the League of Nation's Geneva Declaration on the Rights of the Child in 1924 which established ' means for material, moral and spiritual development; special help when hungry, sick, disabled or orphaned; first call on relief when in distress; freedom from economic exploitation; and an upbringing that instills a sense of social responsibilities'(UNICEF, 2009).

The creation of the United Nations International Children's Emergency Fund (ICEF) in 1946 also helped in responding to the needs of children after World War II. However, this initiative was seen to be limited only to children affected by the ravages of war taking into consideration millions of children in Africa, Asia and Latin America who suffered from sickness and hunger because of poverty. To answer to this, in 1953, the United Nations International Children Emergency Fund (UNICEF) was formed to be a part of the UN system to expand services for children across the world (Wal, 2006).

The Universal Declaration of Human Rights in 1948 drew some attention to the rights of children in article 25 which entitled childhood 'to special care and assistance'. In 1966 the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were adopted. These covenants insured the rights for children against exploitation and promoted the rights of education for children. Eventually in less than a decade the International Labour Organization adopted Convention No. 138 on the Minimum Age for Admission to Employment as 18 years 'for work that might be hazardous to an individual's health, safety or morals'. The United Nations General Assembly then adopted the Elimination of All Forms of Discrimination against Women in 1979 which included protection of rights for girls. The Assembly also declared the year 1979 as the International year of the Child

and set motion for a 'working group to draft a legally binding Convention on the Rights of the Child'. This commitment culminated in the Declaration of the Convention of the Rights of Children (CRC) in 1989. Twenty State parties ratified the Convention and by the time it was opened for signatures, 61 countries signed the Convention. Currently, this Convention is the 'most widely endorsed human rights treaty in history' having 193 State parties ratifying the Convention. With this landmark, child care and protection became no more optional for State parties but obligatory in nature (UNICEF, 2009).

According to Baruah (2003), the Convention on the Rights of the Child recognizes the exceptional vulnerability of children and proclaims children as needing special care and assistance. The state must respect and ensure that they get a fair and equitable deal in society. The Convention emphasizes the importance of family and the need to create an environment that is conducive to the healthy growth and development of children. It highlights on empowering children and creating a world where all children are able to live securely and realize their full potential in life. Right to protection is one of the basic rights included under the Convention. New commitments followed this development where children became a priority to peace and development.

As a result of these developments, the 'rights and the needs based approach' to

child welfare eventually developed and served to put children and young people on the pedestal of political and social debate (Wal,2006).

Child Welfare in India

The history of child welfare in Indian context dates back during the pre and post Vedic period where children were taught religion and ways of life by the gurus, seers or Brahmins. Among the Hindus, the concept of child was also very important because the child especially the male child was considered to have spiritual value and carries success and respect of the family.

According to Indian tradition, there were different stages of children from conception to the age of 16. This division highlighted the importance given to the bio-social development of children in traditional India. Each stage was followed with specific rituals. However, girls were excluded from such rituals. Moreover, a mother was respected when a boy child is born. The epic of Mahabharata and Ramayana also shows the affections of adults towards children and the nature of how they were taught and educated. However again this was confined only to boys of the upper strata of the society. The Manu Laws also expressed the importance of child protection and to girls specifically (Bhakhry, 2006).

During the pre-independence era in India, Christian missionaries opened modern schools, colleges and hospitals which indirectly provided basic services to children. As part of the Social Reform

Movement, special attention was given to the girl child who was deprived of her rights in terms of education and marriage. Initiatives were taken by the social reformers and children irrespective of sex were given education, residential places and the age of marriage was eventually increased. After long agitation from the social reformers regulations prohibiting infanticide was passed in 1802 and 1905. In 1851, Jotiba Phule and his wife opened a girl's school at Poona and soon many schools came up. In 1921 only 2 out of 100 Indian women were able to read and write and in 1919, 490 girls were enrolled in the four top forms of high schools in Bengal Presidency. By 1880 modern medicines and child delivery techniques were made available to Indian women. With regard to child labour, the first Indian Factory Act was passed in 1881. It laid down that children between 7 and 12 years of age would not work for more than 9 hours a day. Children would get four holidays in a month. In the second Factory Act which was passed in 1891, daily hours for children was reduced to 7. The Brahmosamaj opposed caste system and child marriage and supported the spread of modern education to men and women. The Ramakrishna Mission founded by Swami Vivekananda in 1896 also opposed caste system. The AryaSamaj founded by Swami Dayanand worked towards the spread of education, fought vehemently against untouchability and caste system (Chandra, 1990). The Guardianship and Wards Act (GAWA) 1890 was also passed during this period to rehabilitate children.

Child care services during the latter part of the pre-independent India were confined to voluntary sectors that catered to destitute, delinquents and abused children. During the 1920s organizations such as ‘the Indian Council for Child Welfare, The Indian Red Cross Society, the All Indian Woman’s Conference, the Kasturba Gandhi National Memorial Trust, the Bankanji Bari and the Children’s Aid Society’ organized programmes for children in the areas of health, nutrition and education (Wal, 2006). Eventually, as a result of social reform, the Child Marriage Restraint Act was also passed in 1929.

The above literature shows concrete evidence of child care and protection in Indian history. Children held important place in Indian culture and these practices could be said to have helped in evolving a more dynamic and complex form of child welfare in India. This is true if we were to highlight some of the milestones that took place in India after independence.

After Indian Independence, the Constitution was drafted and came into force. The Fundamental Rights ensured rights to every individual including children and the Directive Principles of State Policy also laid down provisions for children which every state should follow. According to GOI (2007), ‘While the Constitution of India guarantees many fundamental rights to the children, the approach to ensure the fulfillment of these rights was more needs based rather than

rights based. The transition to the rights based approach in the Government and civil society is still evolving.’ Some of the safeguards for the protection of children and promotion of wellbeing in the Constitution are as follows:

1. Article 14 states that the State shall not deny to any person equality before the law or the equal protection of the laws.
2. Article 15 (3) empowers the State to make special provisions to women and children to protect them from all forms of discrimination.
3. Article 21 provides for the right to protection of life and personal liberty.
4. Article 23 provides protection against human trafficking and forced labour.
5. Article 24 prohibits employment of children below the age of 14 in factories or mines or any other hazardous jobs.
6. Article 39(e) states that ‘the tender age of children should not be abused and citizens should not be forced by economic necessity to enter vocations unsuited to their age and strength.’
7. Article 39(f) states that ‘children should be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity so that childhood and youth are protected against exploitation.’

8. Article 45 also states that 'it shall be the duty of the State to provide free and compulsory education for all children till the age of 14 years (Kashyap, 1994).

These Articles were part of the Fundamental Rights and the Directive Principles of State Policy. As such, from here, we see that the founding fathers did put children as important priority.

Few legislations related to children were passed soon after independence such as the Hindu Adoption Maintenance (HAMA) Act, 1950, The Immoral Traffic (Prevention) Act, 1956 and The Orphanages and Other Charitable Homes (Supervision and Control) Act 1960. During the first and second phase of the Five Year Plan, the Indian Council of Child Welfare and the Central Social Welfare Board were set up to promote and develop welfare services for women and children in the voluntary sector through various grant-in-aid programmes. In the next phase, Applied and Supplementary Nutrition Programmes were launched to combat malnutrition among children (Wal 2006).

It was not until 1974 that India had its first National Policy for children (NIPCCD, 1980). The National Policy for Children, 1974, declared children to be a '*supreme national asset*'. It pledged measures to secure and safeguard all their needs, declaring that this could be done by making wise use of available national resources (GOI, 2007). With this development, the ICDS scheme was

launched as pilot projects around India (NIPCCD, 1980). This Scheme provides integrated services to children below the age of 6 years, expectant and nursing mothers and women in the age group of 16-45 years. Its packages include supplement nutrition, immunization, health check-up, referral services, nutrition and health education and non-formal education (Wal, 2006). Immunization Programme was also introduced by the Government in 1978 as Expanded Programme of Immunization (GOI, 2003).

Following these developments, the Ministry of Welfare, Government of India launched a Scheme for Children in need of care and protection in 1979-1985 to provide basic needs to vulnerable children. The Department of Women and Child Development (DWCD) was eventually set up in 1985 under the Ministry of Human Resource Development whose aim was to develop women and children. Different bureau and boards were set up which focused on nutrition and child development, child welfare, girl child and vigilance and public cooperation and child welfare. The following year, the Juvenile Justice Act 1986 and the Child Labour (Prohibition and Regulation) Act 1986 were passed. The former was to provide rehabilitation and protection services for children in conflict with law and the latter was to prohibit employment of children below 14 years in hazardous occupations. In 1990, the Government set up a Central Adoption Resource Agency (CARA), an autonomous body to facilitate

rehabilitative services to children through child adoption. In 1992, India acceded to the Convention of Rights of the Child 'to reiterate its commitment to the cause of children.' With this, a National Plan for Children, 1992-2000 was launched to provide health and nutrition services, education, protection to children and the girl child and adolescent girls and work towards public cooperation in child protection. To prohibit female foeticide, the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act was passed in 1994. Various programmes were also started which included amongst others Child Survival and Safe Motherhood Programme in 1992, Integrated Programme for Street Children in 1992, District Primary Education Programme (DPEP) in 1994, National Programme of Nutritional Support to Primary Education (NP-NSPE) in 1995, National Child Award for Exceptional Achievement in 1996, Reproductive and Child Health Programme in 1997. In 1998, the National Literacy Mission was set up to improve literacy rate among the age group 15-35 years (GOI, 2003).

There was a lot of development in child welfare in India after the year 2000. The new millennia was met with the passing of the Juvenile Justice (Care and Protection of Children) Act, 2000 to provide provisions and protection for children-in-contact and in-conflict with law and children in need of care and protection. In 2001, the Scheme of SarvaShikshaAbhiyan (SSA), a national

flagship programme was launched to provide useful and relevant elementary education for all children between the ages of 6-14 years (GOI, 2008). Soon after, as per the 86th Amendment Act, 2002, the following provisions were inserted in the Fundamental Rights and Directive Principle of State Policy.

1. Article 21 A which states that 'the State shall provide free and compulsory education to all children of the age of 6-14 years in such a manner as the State may, by law, determine.'
2. Article 45: The erstwhile provision under the Article was removed and changed to, 'the State shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years' (Chowdhry, 2010).

Further, in 2005, a Scheme for Welfare of Working Children in need of care and protection was launched with the object of providing non-formal education and vocational training to working children and facilitate their entry into mainstream education system. In the same year, the National Rural Health Mission was launched to improve access of people, especially the poor women and children to quality primary health care services. Priorities towards children developed in leaps and bounds and keeping this in view, the Department of Women and Child Development (DWCD) functioning under the Ministry of Human Resource Development since 1985 was scrapped

and to look into matters relating to women and children, a separate Ministry of Women and Child Development was set up in 2006. Henceforth, it became the sole responsibility of the new Ministry to look into matters relating to child welfare. With this development, the Commission for the Protection of Child Rights Act, 2006 was passed to act as a mechanism for proper enforcement of children's rights and effective implementation of laws and programmes relating to children. In the same year, the Prohibition of Child Marriage Act, 2006 was passed to prevent child marriage in India (GOI, 2008).

To ensure that the Fundamental Right to education was implemented, the Right of Children to Free and Compulsory Education Act was passed in 2009 to provide for free and compulsory education to all children of the age of 6-14 years. In the same year, to ensure that the Juvenile Justice (Care and Protection of Children) Act was implemented, the Integrated Child Protection Scheme was launched to affirm the government's commitment towards adopting a right based approach to child care and protection. Since the launching of this programme, child protection mechanisms and infrastructure for child protection have been strengthened.

In 2012, a special law, namely the Protection of Children from Sexual Offences (POCSO) Act was eventually passed 'to provide for the protection of children from the offences of sexual assault, sexual harassment and

pornography, while safeguarding the interest of the child at every stage of the judicial process by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts' (GOI, 2013).

Another milestone that took place after 2010 was the adoption of the new National Policy for Children in 2013 to re-affirm the Government's commitment to safeguard, inform, include, support and empower all children in India. The policy aims 'to promote and safeguard the rights of all children to live and grow with dignity, security and freedom, especially those marginalized or disadvantaged, to ensure that all children have equal opportunities and that no customs, tradition, cultural or religious practice is allowed to violate or restrict or prevent children from enjoying their rights' (GOI, 2013).

In India, as far as the trend of development in child welfare is concerned, care and protection of children is deeply engrained in religion, culture and society. These traits have helped in the gradual proactive approach to child protection in India. The literatures show us that numerous laws and programmes exist in India to protect children. Therefore, societal perceived attitude towards child welfare is seen to be positive in India. However, the ultimate task is to see whether such perceived attitude is put into practice to create a safe and secure haven for children in India.

Conclusion

The above literatures show that different societies including India had a long history related to child welfare. Earlier, child welfare was social welfare oriented and it gradually developed to become development and empowerment oriented. Child development was seen as a responsibility and a need but now children are accepted as important players in human resource development.

Today, children's issues are integrated in all other major programmes of countries as a result of international commitments. Participation and freedom has become the core focus. Surely, with the fundamental and functional aspects of child welfare in the past and the recent developments taking place at present in the area of child care and protection, it is hoped that the future generations will experience a more sustainable and secure future.

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