

Deficit Childhoods*

I belong to Andhra Pradesh, and so I am naturally proud of Durgabayamma. Her enormous contribution to women's empowerment by bringing the issues of education to the centre stage of India's development and democracy is indeed formidable. She fought courageously in the freedom movement, even as a young child, and, in the process, paved the way for millions of women to break the shackles of discrimination, thus enabling them to join public spaces. I cherish the memory of her visits to our home in Hyderabad with Shri C. D. Deshmukh ji, and recall that we were in awe of her devotion, courage, forthrightness and ability to build sturdy institutions.

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The stalwarts of that era gave us the basic ideological framework for India and its polity. That children matter and their childhoods have to be secure was seen as crucial for laying the foundations of India's democracy. Thus, in Article 39 of Directive Principles of State Policy it is stated that:

children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth are protected against exploitation, and against moral and material abandonment.

It is also stated that:

the health and strength of workers, men and women, and the tender age of children are not abused, and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

In Article 45 it is stated that:

The State shall endeavour to provide, within a period of ten years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

And, further, in Article 46 it states that:

The State shall promote, with special care, the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Such a view was possible in the charged atmosphere of the nationalist movement for independence from colonial subjugation, where the liberation of each and every citizen in India – including children – was seen as being actualized in the realm of possibility.

After more than sixty years of independence, India is a strong democracy that guarantees freedom of expression, participation, civil and political rights. The more important tenets of democracy that

actually add to its texture and maturity are the principles of equity and social justice that assist in creating conditions for citizenship and in realizing it. A stable democracy is marked by its ability to take care of its weakest citizens and providing all that is necessary to enable them to live a life of dignity and freedom. In this context, it is the ability to take care of its weakest – its children.

In reality, however, we find that public institutions that are meant to deliver these services are yet to be inclusive and do not provide equal access to all its citizens. They are required to be fair and sensitive to each and every child, eliminating all barriers, such that all children, regardless of class differentiation, cultural diversities and gender, enjoy these opportunities and benefit from them. These institutions are required to foster development of children's potential to the fullest and, in the long run, in their enjoyment of their right to participate as citizens, and to realize dignity and freedom. We find that children's rights, as a claim on the State and as a State obligation to the children of India, have yet to become a wholehearted commitment. The issue of India's children and their status has to be reckoned with if we are to be a proud democracy.

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India manages the largest network of State-run public institutions in the world today, reaching out to the maximum numbers of children in schools. Over nine lakh schools and 36 lakh school teachers cover 143 million children in the 6-14 years age group. India also hosts the largest noon-meal programme, covering 131.69 million children. It has the largest immunization programme and nutrition programme, with 10 lakh *anganwadi* centres covering over 56 million children.

It addresses children from the most vulnerable communities, such as the Scheduled Caste and Scheduled Tribes, through affirmative action as mandated by the Constitution of India, and provides a range of targeted initiatives and infrastructures such as scholarships, residential schools, hostel facilities, and so on.

As a large country with diversity in economic attainment, political and institutional histories of the states, and cultural specificities, the quality of services is not consistent and continues to represent a key challenge in ensuring equal access to their fundamental rights by all children. While there have been gainful achievements in some

areas in the country with some states, districts and blocks doing better than the rest on the child development indicators of health, nutrition, education and other entitlements, these continue to be abysmally poor in some pockets for certain classes of children and the more disadvantaged communities.

Contemporary times have intensified the dangers to childhood and have been extraordinarily harsh to many children in our country. Increasing numbers of children are now vulnerable and marginalized today. Having no food to eat, and little or no health support, they live precariously, experiencing hunger daily and suffering malnourishment, their lives claimed tragically by infant and child mortality. Older children are being trafficked and are working as migrant child labour, usually away from their homes. Children travel long distances across states. Networks for trafficking children exist from one end of the country to another: from Manipur to Chennai, Bihar to Punjab, Kerala, Rajasthan, Orissa to Mumbai and Gujarat. On their way to work and even at work places, it is an undisputed fact that children are subject to abuse, torture and gross exploitation. Even children, who remain in their own communities and are at work, are victims of cruel market forces and lack access to State services and protective schemes. Child marriage, child trafficking and discrimination against girls remain crucial challenges. Growing numbers of children are being affected and infected with HIV and AIDS, facing displacement due to natural disasters and civil unrest, representing a new generation of hazards that the child faces in this country.

India has the highest proportion of undernourished children in the world, along with Nepal, Ethiopia and Bangladesh. Forty-six per cent of children are underweight and 79.2 per cent, anaemic. Half-a-million female foetuses are aborted each year. The infant mortality rate is 57 for 1000, and even more, if figures are disaggregated, making it worse than sub-Saharan Africa. A girl child born in a poor Indian family is twice more likely to die before her fifth birthday than one born in a rich one. Twenty-five per cent of female children born each year do not survive to celebrate their fifteenth birthday. Fifty per cent drop out even before they complete Class 8, and 78 per cent drop out before they complete Class 10. Girls of primary school age numbering 11.2 million remain unschooled. A girl child's

chances of survival increases two-fold if her mother has had at least a secondary education.

India has the highest number of child labourers in the world, many of them as young as four. Children in the age group of 0-4 number 5,79,841 and are currently engaged in household activities. Census of India (Census 2001) reports also show that the number of child labourers in the country increased from 11.28 million in 1991 to 12.6 million in 2001. Two-thirds of child workers are engaged in the agricultural sector, where 73 per cent are casual wage labourers.

Child marriage is prevalent, with half of India's girls being married off before they are 18 years of age. This is a gross violation of human rights, forcing children to assume responsibilities beyond their capacities, and subjecting them to physical, emotional and sexual abuse.

Legal instruments are an important means to protect children. There is an eternal argument on the efficacy of law – especially regarding stubborn social and cultural practices – since many issues continue to perpetuate in spite of the law. In the Indian context, laws enable setting standards for aspirations of the nation, for its people, even as it becomes an indispensable tool for defenders of rights. If there is no law, then an important space for contestation of power is lost for the weak. As far as specific laws to protect children are concerned, they leave out a large population of children from any protection through the law, as in the case of children below six years of age. When a law exists, there have been serious loopholes that do not often offer a legal justification for the violation of the child's rights.

Thus, there is no law protecting children's rights in the 0-6 years age group at present. There are certain legal instruments derived from the labour legislations pertaining to the factories act, mines and plantations, construction workers, etc., which mandate that crèches must be provided. In reality, they 'hardly exist'. There is a need for legal instruments to provide all such essential services that enable children to have access to health, nutrition, care and protection that would set standards for provision of the necessary physical infrastructure and for professional support. There is a need for a legal process by which the poor woman in labour can complain about the non-availability of the doctor, or even a trained midwife. There

is also a requirement for a law that mandates the State to provide for all the services and procedures that any woman can demand at a primary healthcare centre, sub-centre, or a general hospital. There is a need for a law on provision of maternal entitlements enabling exclusive breast feeding. There is a need for a law that would take punitive action because children in a village have not been immunized for months together, because of the absence of an auxiliary nurse midwife, or the required dosages. There is a need for a law that guarantees protection for children of the informal sector and migrant workers. There is, indeed, a need for a law that guarantees early child care centres, and the setting up of standards for such centres. It is of utmost importance that there is a debate on the basic entitlements of children in the 0-6 years of age, and to explore the need for providing them with the fundamental rights.

On the other hand, when there is a law, it is often found to be faulty. The Child Labour (Prohibition and Regulation) Act 1986, seeks to prohibit child labour in certain occupations and processes, and regulate working conditions in other areas of work. However, this excludes agriculture and allied activities as well as labour rendered by the child for its own family. At present child labour is prohibited in 16 occupations and 57 processes and does not cover children in the 15-18 age groups. As a practical measure, we have insisted on a gradual approach of removing children working in lists 'prohibited' first. It is a commonsense notion that as long as children are available in the labour pool, it is impossible to abolish child labour. There will always be a set of children to replace those who have been rescued. One wonders if at all it is practical for the child to be out of school!

Similarly, the Prohibition of the Child Marriage Act, 2006, does not render child marriages totally voidable. A child can petition, with the help of a prohibition officer, for nullifying the marriage; an adult marrying a minor is punishable by rigorous imprisonment for two years and a fine of Rs. one lakh, and that applies to those involved with solemnization and aiding and abetting a marriage; and a marriage is declared void if the District Magistrate issues an injunction order declaring it void, especially in the cases of mass marriages.

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We witness a deficit in childhood in every respect that has a profound impact on children. Having no access to basic nutritional and health entitlements, they grow up stunted, wasted, malnourished and live precariously. Being deprived of education, they lack confidence and self-esteem. They are trapped in the labour pool in the informal sector, performing jobs that are repetitive, monotonous, and with no possibility of any other mobility or opportunities that can give them dignity. Their options in the market and employment are limited to working on a casual basis as daily workers, migrant labourers, or as bonded labourers.

One episode of drought, or illness of even one member of the family, or the lack of employment for some lengths of time, can bring them to destitution and increase their vulnerability. Children, being the last in the family, are worst affected. In fact, this forces many of them into illegal nexuses, and even armed conflict. Eventually, they are led to being marginalized, having no access and capacities to deal with the system (of authority and power).

Children lack access to decision-making structures and processes, except for exercising their vote, but not if the child is a migrant worker, living in illegal squatter colonies. Unfortunately, the voice of the poor has no institutional mechanism to reach their representatives and the legislature. The element of participation of the poor and marginalized is seldom heard in an institutionalized fashion through the gram panchayats, or other elected representatives. These voices do not get heard through a process of political parties that keep in touch with their constituencies through their party functionaries.

In fact, their voices are heard mainly through power of the popular movements, community mobilization, and the sacrifice of thousands who participate in such protests and demonstrations, and call for justice outside the framework of formal institutions. Sometimes, their voices get heard through the media.

Deficit childhood occurs when there is a lack of reach of the State, its institutions and processes, to cover these children. Deficit childhood is, in a sense, an absence or failure of State – Statelessness – or an aspect of deficit in State support. This can result in a child's expulsion from the State and market. Deficit childhood is a situation of failure of the State to reach out to every child, and not the incapacity of the child to access her entitlements.

A childhood, on the other hand, may be enjoyed with State support that could be either direct or indirect. Indeed, I am what I am because of the support I received from the State in terms of subsidized school fees, college fees and university fees, and all indirect subsidies on facilities such as affordable rates for gas, petrol, bus fares and train fares, electricity and water. Without the State's intervention on all such expenditures to protect me, and all my peers as children, and preparing us for citizenship, we would not have had the capacities that we now enjoy. This is the thirty per cent layer of proud Indians who have arrived as the middle class in contemporary India. In this sense, the right to childhood leads to citizenship: it implies being integrated into the world of State and market.

On the other hand, the vast majority of India's population that exists on the fringes consists of those who have not been adequately covered under the State's programmes, either direct or indirect. Nonetheless, some of the poor have seized the benefits of State provisioning through self activity and enormous grit and have made some gains. Children, who have lost out in their battle for entitlements, have indeed been left behind without a say in the process of development and democracy in India.

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Children cannot wait. They have to be protected today with a sense of urgency. This protection is for their present life as well as for removing all their vulnerabilities even as they evolve their capacities as they grow. This they cannot do as an isolated battle through individual assertions of their rights. They need an enabling environment, where each one of us as adults has a sense of responsibility towards them and their well-being. A childhood with State protection and societal norms in its favour leads to enlightened citizenship and radicalizes democracy.

There are some essential measures required to bring about these changes. The process of attainment of childhood involves all those who need to take a categorical stand in favour of children's rights – moral indignation leads to action and daily practices of respecting all children of all classes. It is a harbinger of shared values of humanness in full – a way of life!

There is a need to address the issues of children who are the victims of beggary, labour, marriages, and abuse in an institutionalized fashion. As consumers, it is necessary to consciously boycott products that are produced by child labour. In fact, there has to be a citizen's voice against all forms of exploitation of children. It is through public action and by joining hands that we must create energy for the State and its functionaries to respond and participate in ensuring a childhood to millions of our children.

We must insist on a rights-based approach that ensures 'equal for all' as well as 'universal and applicable for all'. There can be no excuses, or debates, on whether it is feasible for these rights to be guaranteed. They have to be regarded as fundamental and natural values that are essential for one's existence as a human being. These rights are meaningful when guaranteed by the State and are political expressions. To do so, there is a need to lift up the discourse even beyond the political domain to one of ethics and a political leap of faith.

Enumerated below are some implications of the right to childhood:

- Every right attained sets new norms, new cultures and traditions, new experiences, and increases our ability to empathize across social classes.
- Every right attained creates new opportunities, mobility, and bridges gaps and disparities.
- Every right attained brings changes in the existing socio-economic formation towards greater participation and confidence of citizens in its nation.
- Every right attained builds State capacities for democratization of all public institutions even when such institutions no longer are sites for contestation of power.
- Every right attained, indeed, radicalizes democracy.