

Deficit Childhood- Implication for India's Democracy

I am indeed honored to be asked to speak on this occasion. Coming from Andhra Pradesh, I am naturally proud of Durgabayamma. Her enormous contribution to women's empowerment bringing the issues of education to the center stage of India's development and democracy is indeed formidable. One has heard how she courageously she fought 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 and join public spaces. I cherish her visits to our home with CDDeshmukhji and how much in awe we were of her devotion, courage, forthrightness and ability to build sturdy institutions.

1. Introduction

It is the stalwarts of that era that gave us the framework for India and its people. That children matter and their childhood 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 endeavor 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.**”

A crystallization of such a view was possible in a charged atmosphere of independence from colonial subjugation where liberation of each and every citizen in India including children, was seen in the realm of possibility to be actualized.

After more than sixty years of independence we find that children’s rights as a claim on the State and a State obligation to children of India have yet to become a wholehearted commitment in contemporary India. There is a deficit in childhood in every respect harming development of children’s fullest potential and in the long run in enjoyment of their right to participate as citizens; realize dignity; enjoyment of equality and social justice meted through state laws and policy. This deficit childhood and deprivation has over decades led to deficit citizenship having profound impact on our country’s democracy.

We do have a strong foundation in democracy in terms of freedom of expression, participation and civil and political rights. The more

important tenets of democracy that actually adds to its texture and maturity are the principles of equity and social justice. This would require a look into our institutions. How democratic are they in their actual functioning? Does it provide equal access to all its citizens? Is it inclusive? Is it fair and sensitive to eliminating all barriers such that people (men and women of all ages, conditions and positions) can enjoy these opportunities and benefit from them?

India's democracy cannot be taken for granted. While we are a democracy it needs to be nurtured in a conscious fashion and enjoyed. The issue of India's children and their status has to be reckoned with if we are to be a proud democracy.

2. Institutions and Child Rights

It is always good to start with what our achievements have been. 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 9 lakh schools, 36 lakh school teachers cover 143 million children in the 6-14 years age group in schools and the largest noon meal program in covering 131.69 million children. It has the largest immunization program and nutrition program with 10 lakh, anganwadi centers 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 infrastructure 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 more disadvantaged communities.

3. Status of children-daily lives

Contemporary times have intensified the dangers to childhood and have been extraordinarily harsh to many children in our country. More and more children are 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 labor, 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 in the 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. There is a growing number of children being affected and infected with HIV and AIDS, displacement due to natural disasters and civil unrest, representing a new generation of hazards the child faces in this country.

4. And appalling statistics

India has the highest proportion of undernourished children in the world, along with Nepal, Ethiopia and Bangladesh .46% of children is underweight and 79.2% anemic. 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 to a poor Indian family is twice more likely to die before her fifth birthday than if her family was rich 25 percent of girl children born each year, do not survive to celebrate their fifteenth birthday.

50% drop out even before they complete class 8 and 78% drop out before they complete class 10. 11.2 million girls of primary school age remain out-of-school. She would have been able to increase her chances of survival twofold if her mother had a secondary education rather than being illiterate.

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

Child marriage is prevalent with half of India's girls being married of 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.

5. Gaps in legal framework

One of the important instruments to protect children is through legal instruments. There is an eternal argument on 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 it leaves out a large population of children from any protection through law as in the case of children below six years of age. When a law exists, there have been serious gaps and not often offering a legal justification for violation of child rights.

Thus there is no law protecting children's rights in the 0-6 year's age group at present. There are certain legal instruments derived from the labor legislations pertaining to 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 instrument to provide all such essential services that enable children 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 need for a legal process by which the poor woman in labor can complain about the non-availability of the doctor or even a trained midwife. There is also a need for a law that mandates the state to provide for all the services and procedures any woman can demand in 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 law that would take punitive action because children in a village have not been immunised for months together, because of the absence of an auxiliary nurse midwife (ANM) or the required dosages. There is need for law that guarantees protection for children of informal sector and migrant workers. There is indeed a need for a law that guarantees early child care centers, setting up standards for such centers. It is of utmost importance that there is a debate on the basic entitlements of children in the 0-6 years of age and explore the need for providing them the fundamental rights.

On the other hand when there is a law, it is found that it is 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, excluding however agriculture and allied activities and also labour rendered by the child for one's 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. We have insisted on a gradual approach of removing children working in lists 'prohibited' first'. This is done in the name of being practical. It is commonsense 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 it is practical for the child to be out of school? Whose practicality are we defending?

Likewise, The Prohibition of Child Marriage Act 2006 does not make child marriage totally voidable. A child can petition with help of prohibition officer for nullifying the marriage; adult marrying a minor punishable –rigorous imprisonment and 2 years and a lakh fine; even for solemnization and aiding and abetting a marriage; and a marriage is void if the DM issues an injunction order declaring it void especially in the cases of mass marriages.

6. Deficit childhood and closed options

We witness a deficit in childhood in every respect having 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 in confidence and self-esteem. They are trapped in the labor pool in the informal sector performing jobs that are repetitive, monotonous with no possibility of any other mobility, or opportunities that can give them dignity. Their options in market and employment are only on a casual basis as a daily worker, migrant laborer or as bonded laborers.

One episode of drought or illness of even one in the family, lack of employment for some lengths in 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).

They lack access to decision making structures and processes-except for exercising vote (not if a migrant worker, living in illegal squatter colonies). 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. The 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 sacrifice of thousands who participate in such protests and demonstrations, and call for justice through outside the framework of formal institutions. Or their voices get heard sometimes through the media.

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

7. Childhood, Citizenship and Democracy

A childhood enjoyed on the other hand is having State support; 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.

The right to childhood leads to citizenship: This implies being integrated into the world of State and Market.

A childhood with State protection and societal norms in its favor leads to enlightened citizenship and radicalizes democracy.

8. What must be done?

Process of attainment of childhood involves all to take a categorical stand in favor of children's rights— a moral indignation leading to action and daily practices of respecting all children of all classes

- Cannot be so helpless-question in an institutionalized fashion on beggary, domestic child labour...Join hands and create energy for the State to respond-make long term inter-generational policies –avoid ad hoc schemes
- Take a rights based approach that means 'equal for all'; 'universal and applicable for all'; and human right as an inherent principle/natural; in a sense for rights to be human rights all humans everywhere in the world must possess them equally and only because of status as human beings. These rights are meaningful when guaranteed by the State and are political expressions.
- Ethical-A leap of faith; transcend oneself of imagining someone else is like us; we are all same; think beyond family and primordial and stand by greatness of 'human spirit';

9. Implications

- Every right attained sets new norms, new cultures and traditions, new experiences, and increases our ability to empathize across social classes-‘we are all equal’
- 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 and when such institutions no longer are sites for contestation of power;
- Every right attained indeed radicalizes democracy.