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Righting Wrongs: A Handbook of Child Rights for Teachers

Introduction

The book *Righting Wrongs* engages with child rights. It focuses on key developments in law, policy and practices linked to child rights. The book attempts to highlight sociocultural practices, beliefs and conventions that lead to denial or violation of rights. Few books exist that engage with these concerns, particularly those that serve as resources for children and teachers. This text attempts to fill this gap, and is designed as a handbook of information, resources and activities for teachers to use with children in formal and informal settings.

The book is based on a year of research on human rights education initiatives. It interviews 600 students, 125 teachers, officials and activists from Tamil Nadu, Odisha, Gujarat and Karnataka. The handbook includes interviews of policymakers. It lays out the groundwork for a rights-based approach. Tracing the historical trajectory that laws related to children have taken, in the context of India and the United Nations, it attempts to situate laws in particular periods and contexts. The book discusses the interventions and strategies deployed by a few non-governmental organisations in ensuring that children get the rights they deserve. It includes a profile of people who have worked on children's rights, as a legacy of social action.

Each section is supported with data visualisations viz., timelines and milestones, display of key points, statistics and field-based vignettes discussing children's violation of rights. The vignettes appear as 'children's voice'. The author uses the

term 'case studies' that provide a glimpse into the many ways children's rights are not guaranteed to them. These also set the tone for child rights education and activism. It focuses on building an awareness in children so that they raise their voice against violations.

The text highlights the causes related to girls viz., prevention of female infanticide, prevention of discrimination, prevention of child marriage and girls' education. The violations linked to corporal punishment and children's labour are also included. The concerns related to Right of Children to Free and Compulsory Education Act, 2009; Prevention of female foeticide and infanticide following the Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994; Prohibition of Child Marriage Act 2006 and (its amendment in 2017) are included. However, the book has some pertinent misses. Recent debates and developments in the Juvenile Justice (Care and Protection of Children) Act, 2015; Anti-human trafficking, 2014; the National Food Security Act, 2013 and the Central Adoption Resource Agency guidelines have not been included directly in the text. Some of the laws that find umbrage under the Right to Life are also not discussed with a direct reference.

Universality versus cultural location

A glaring reality for India is the gap between the actual state of affairs and the legislation. Laws work in conjunction with each other. For instance, the Factories Act (1948) and the Prevention of Child Labour Act (1986, 2016

and 2018) have to be read together. Some child rights have fundamental contradictions, incertitude, lacunae and lack convergence. It is in the interstitial spaces between these acts, that there is scope for violations and for the violator to seek recluse. Yet, it is not the law per se which is the primary culprit in not guaranteeing any child his/her right, but its effective implementation in letter and spirit. It is here that the book places the role of children's participation activated and routed through NGO intervention.

The book begins with the premise that rights are universal, irrespective of socio-economic backgrounds. Instead, they are conferred depending on the child's sociocultural location. While there are children with privilege and those who live in abject poverty, there are those children too whose lives lie in between. The idea of a 'universal' applicable to all children takes away opportunities of debate and deliberation of intervention where it is needed the most. It influences what shapes and forms affirmative action can take. When the state makes a law, the test for the state is 'within what boundaries and over which peoples the state can enforce its legal will' (Hall, 1984, p. 2). The rights of the upper and the middle classes of society are more likely to be guaranteed. A case in point would be the Right to Privacy (2017). How does one guarantee this right to the many children (and their families) living on the urban street? What privacy can be accorded to them? Children living on the street do not have a home address and are therefore, bereft of any entitlements in the name of state welfare or guarantees. Children's rights do not exist independent of their families' socio-economic location. Who is at risk and whose rights will be violated are determined thus.

Lost opportunities

Similar to most other countries ratifying the United Nations Convention on the Rights of the Child, India followed suit. Like the idea of childhood itself, the rights are an import

from the European ideologies and notions. By ratifying the UNCRC on an 'as is' basis, India lost an opportunity to deliberate upon and think according to our own social economic realities. This influenced which 'needs' and 'vulnerabilities' are highlighted and which are left out. Wadia (2011) argues that children who need the state to intervene, get defined in terms of their needs, which fit the predetermined UNCRC categories of development, survival, protection and participation. The organizations that design programmes rarely question their conception of childhood or the UNCRC driven agendas. By appreciating the ratification of UNCRC by India, the book conveys a tacit and unquestioned acceptance of these received constructions of childhood.

How are rights guaranteed? The first guarantor of the right is the state through its various apparatus. For individuals to follow the law of the land, the state uses coercion and consent. How does the state ensure that there are no violations? The state enforces laws through its executive and judiciary functions and apparatuses viz., the police, inspectors, vigilance officers and the courts. Second, the state creates specific mechanisms and apparatus which play the role of a watchdog. The National Commission for the Protection of Child Rights and its state chapters, following the NCPCR Act, 2007 play this role primarily for the state. Third, the state creates awareness in society about the rights as well as implications of violations. It permits a playing field to the non-state actors to help serve this function. The book focuses on the latter two functions, with a concerted focus on 'awareness'.

Awareness is not as deep as knowing, where the latter leads to an empowerment. Once a child/person has a conception of the laws existing in the social world, such knowledge can be used to ensure their implementation. The other approach for social change can be drawn by examining its nature. Social change, as it may be visible in the community is a slow and tedious process. It does not ride piggyback on modernity and



its spoils, and is instead rooted in cultural ethos. The book mentions a cultural practice from Bihar, where parents plant trees for every girl born. The state can use cultural products to disseminate ideas and initiate change, for instance folk songs to create value for girls. The book advocates both these approaches indicating that as far as children's rights are concerned, the rational-cognitive approach alone has proven not to suffice.

How can rights be guaranteed?

In modernity, the child is considered emotionally priceless and therefore, any violation of a child's innocence and protection deems an uproar from society. However, this holds true for children from certain sections of the society alone. The child is also a citizen in potentia and therefore, the best candidate for citizenship training. These two different conceptions of childhood are at play when non-governmental organisations deploy children to create an awareness of child rights. We highlight three contentions at play here, particularly with regard to structure and agency.

First, while the children and adults of the community can be 'woke' to inform the State Child Rights Commission of the violations, they cannot promise or ensure any action on the ground or change reality. 'Coercion' through children's voice is not akin to the woman's voice, the subaltern voice. How do children, the one without democratic representation, raise their voice? Does the voice carry weight or the wherewithal to initiate change? The children from a school (catering to children from middle or higher class families) may perhaps have learnt empathy while participating in a day long exercise of rolling incense sticks (Bajaj, *ibid.* p 55), but what goals do such simulation exercises serve in righting the wrongs? Children's parliaments, watch-groups, awareness groups need to be clear in terms of what purposes they serve and the agendas they forward.

Second, children are aware of the politics of their situations and contexts. Children from lower caste and class groups know that school structures are problematic (Devi & Kini, 2005), that teachers often discriminate, that it's best to be silent in school. They know that going to the police may be counterproductive (Balagopalan, 2014; AIWGCCR, 2018). By citing instances where children approached (or threatened to approach) the police for help, the book takes a rosy face-value view and misses to see the actual state of affairs.

Third, children are not independent entities. Rather, the basic unit of governance is the family. Exactly how does the state intervene in the private space of the family to ensure child rights? How does the state apparatus exercise coercive power over the family so that in accordance to the customary practice, a girl-child is not married off before eighteen?

Children definitely speak for themselves and their voice should be heard. The 'children's voice' that the author advocates, where children speak for themselves and for other children— its location needs to be ascertained in a frame of larger political economic realities. We are contending with an increasingly minimalist neoliberal state, gradually withdrawing from all welfare and intervention despite increasing poverty levels. While the state backs off, children's voice and non-state action is pushed forward. What do these concomitant realities signal?

Complexities of age and gender

In the book, the violations of child rights include children in the age of 6–14 years. Two vignettes mention female infanticide, where one is about children preventing female infanticide in their neighbourhood and the other is a reminiscence of an adolescent girl. Another girl is discriminated against, not given an equal share of food (6-year-old). Girls in the age group of 10–13 years face being married off and do manual work. They are denied education. An 11-year-old

girl who died as a consequence of corporal punishment by her teacher is also cited.

Three boys mentioned in the book are engaged in productive work in a restaurant (9-year-old and a 13-year-old) or a construction site (13-year-old). Two boys (aged 12 and 13 years) whose cases are cited are abused physically by family members, relatives and their employers. A 14-year old Dalit boy mentioned in the text faced discrimination and abuse because of his caste identity.

It appears as if there are differential violations at work, based on age and gender. The girls are vulnerable as infants and then need special attention from 6–13 years of age. Girls need to be protected from being killed, provided food, nutrition and education and prevented from doing manual work. This emphasis captures the stark number of missing girls and women, in terms of missing female births and excess female deaths. The boys are vulnerable from age 9 onwards. They need to be kept away from paid work in the informal and formal sectors, protection from physical abuse and prevention of discrimination due to their caste and class identities. Both of them need provision for the right of education.

The book misses to mention crucial child rights even though the incidence of their violation is quite high. It does not mention the rights of children with disability. The text cites that the productive work children participate in is in restaurants, factories and homes. The fishing, carpet, mining, agriculture, brick-kilns are the highest employers of children between ages 7–14 in dangerous work, even though their participation is down to 1.70 per cent in 2012 from 5.20 per cent in 2000 (Nieuwenhuys, 2005; World Bank Report, 2016). A large number of children under the age of 18 (1.34 billion) are victims of human trafficking (ibid.), begging or are victims of state and military oppression or insurgent movements.

The vignettes highlight schools and workspaces as violent spaces. What the

book misses is that abuse in the private space of home and bullying by peers are realities that children face across their social class. Children are particularly vulnerable to sexual abuse, which includes touching, physically forced sex or unwanted attempted sex. This reality is hidden in plain sight (Ospina and Roser, 2017). It is hushed in most cultures, particularly Indian. Not many children report sexual crimes and boys even less so. Sexual crimes for younger boys are higher than those against girls, and the crimes against girls tend to be more violent. Newspapers and self-reported victimisation are an indication of how common sexual abuse is. While there has been an increase in its severity, frequency and reporting, there has been a concomitant increase in silences. The protection that needs to be guaranteed in this regard cannot be underscored enough.

Children in the age-group of 14–18 years have the highest out-of-school rate. This rate is higher for boys, particularly minorities. They also participate in productive work. These adolescents are subject to systemic and symbolic violence both in and out of school, and are most vulnerable to violence and sexual crimes. The laws in our country do not address the concerns of children beyond age 14, rendering them invisible. Apart from inadequate legislation, the non-state action is also lackadaisical. Where child labour, discrimination at school and child marriage are concerns faced by children across lower social classes, sexual crimes and violence is reported from all social classes. There is a tendency of the non-state actors to focus on certain vulnerabilities, certain social class(es) and ignore others.

The differential bracketing of vulnerabilities and needs as captured by the programmes and agenda of the non-state actors and civil society may not be intentional. However, a closer and critical examination of how social-cultural sensibilities of childhood shape and address childhood in limiting ways needs to be interrogated.



Conclusion

The book misses an opportunity to engage with several pertinent concerns. The first miss is not locating the rights in needs-based assessment and a reality check. It does not subject the statistics to close examination. It does not lend an ear to children's voice's elsewhere, who want to learn at school, acquire a skill, to live together in groups and stay away from the police (AIWGCCR, 2018). The book also misses to engage critically with scholarship in the area of childhood in the Indian context. Had these misses been attended to, perhaps the book would narrate a different story.

A crucial miss is critical understanding of how implementation of rights can be ensured. The enforcement of children's rights, just like other rights of the citizens is through the state apparatus. The 'state of affairs' that leads to guaranteeing rights is linked to local structures, local administrative levels and their functioning. It is at these levels that awareness raising and knowledge dissemination should happen. When advocacy for children is made the prerogative of children, a deeper

understanding of 'what works in society' and 'how it works' is obfuscated.

All texts dealing with child rights need to reiterate the role and responsibility that the state needs to play in guaranteeing them. To ensure that the state is directive, interventionist and has not merely ratified conventions and passed legislation, NCPCR and its state commissions need continued strengthening, especially at the local levels where power plays out differently. For the improvement of living conditions, achievement of social justice and equality, the state needs to be interventionist. The curbs on intervention and reduced welfare of the neoliberal capitalist state and the onus on individuals to change social realities are a dangerous coupling. The state has awakened expectations by passing these laws, yet unless its local power structures are set in motion to meet them, the promised rights become untenable. A translation of rights can only unfold when children's voice (and that of their families/networks) and participation is augmented through deliberate and concerted state and non-state action. Until then, the promises would continue to get mired in perils.

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