Child Welfare, Conflict and the State:
A Study of Anantnag and Srinagar Districts of Kashmir

Thesis submitted to Jawaharlal Nehru University
in fulfillment of the requirement
for award of the degree of

Doctor of Philosophy

Javaid Rashid

CENTRE OF SOCIAL MEDICINE AND COMMUNITY HEALTH
SCHOOL OF SOCIAL SCIENCES
JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI – 110067
2020

RECOMMEDATION FORM FOR EVUALUATION OF THE EXAMINER/S

This is to certify that the dissertation/thesis titled _Child Welfare, Conflict and the State: A Study of Anantnag and Srinagar Districts of Kashmir_ submitted by Mr/Ms _Javaid Rashid_ in partial fulfilment of the requirements for award of degree M Phil/M. Tech/**PhD** of Jawaharlal Nehru University, New Delhi, has not been previously submitted in part or in full for any other degree in this university of any other university or institution.

We recommend that this thesis/dissertation be placed before the examiners for evaluation for the award of degree M Phil/M. Tech/**PhD.**

27/10/2020

Signature of the Supervisor

Date:

Signature of Chairperson/Dean

Date:

30 September 2020

DECLARATION

I hereby declare that the thesis entitled *"Child Welfare, Conflict and the State: A Study of Anantnag and Srinagar Districts of Kashmir",* submitted for award of the Degree of Doctor of Philosophy (Ph.D), is an original work. The thesis has not been submitted for any other degree to this or any other university.

Javaid Rashid

CERTIFICATE

We recommend that the thesis be placed before the examiners for evaluation for the award of Ph.D degree.

Prof Rajib Dasgupta
Chairperson

Dr Sunita Reddy
Supervisor

ACKNOWLEDGEMENT

ABBREVIATIONS:

ACHR: Asian Centre for Human Rights
AFSPA: Armed Forces Special Powers Act
AI: Amnesty International
CRIN: Child Rights Information Network
DIA: Defence of India Act
HRW: Human Rights Watch
IBC: Iraq Body Count
ICP: Institute of Peace and Conflict-Studies
IPA: Interpretative Phenomenological Analysis
ICC: International Criminal Court
ICPS: Integrated Child Protection Scheme
JJB: Juvenile Justice Board
CWC: Child Welfare Committee
MIS: Management Information System
JJA: Juvenile Justice Act
CPP: Child Protection Policy
SWD: Social Welfare Department
ICRC: International Committee for Red Cross
IFHS: Iraq Family Health Survey
IHL: International humanitarian Law
IMF: International Monetary Fund
KMS: Kashmir Media Services
NATO: North Atlantic Treaty Organization
NGO: Non-Governmental Organizations
MRGI: Minority Rights Group International
MSF: Medicines Sans Frontiers
PSA: Public Safety Act
PTSD: Post Traumatic Stress Disorder
JJS: Juvenile Justice SYSTEM
JIC: Joint Interrogation Centre
J&K DDA: J&K Disturbed Areas Act
RAWA: Radical Association of Women in Afghanistan
SAP: Structural Adjustment Programme
SC: Save the Children
SOG: Special Operations Group
UCDP: Uppsala Conflict Data Program
UN: United Nations
UNCRC: United Nations Convention on Child Rights
UNHCR: United Nations High Commission for Refugees
UNICEF: United Nations Child Emergency Fund
UNPJDL: UN Rules for the Protection of Juveniles Deprived of Their Liberty
UNRRA: United Nations Relief and Rehabilitation Administration
UNRWA: UN Relief and Wars Agency for Palestine Refugees in the Near East
WB: World Bank
WHO: World Health Organization

LIST OF FIGURES:

CONTENTS

Child Welfare, Conflict and the State

A: Preface:

The present modern state confers on itself the primary goals of conformity, assimilation and homogenization within a narrow political, ethnic and economic range. The structures and institutions of this post-Enlightenment State *coerce* 'people' to adopt and translate these 'state-goals' into 'public-aspirations'. In case of conflict zones the *same* state assumes newer and complicated roles to legitimate itself. It is being observed that the 'contested states' use 'welfare' just as a veil to cover-up its oppression and to nurture its own political interests. *'Violence'* forms the core of this present day modern state, with *'welfare'* as its peripheral face.

Pertinently, the three-decadal armed conflict situation in Jammu and Kashmir has had serious political, economic and social implications for people of the region. The conflict has caused enormous loss of human lives, injuries and disabilities, mental agony and damage to social and economic infrastructure. Within all these widespread issues and public anxiety, the local people have been facing colossal suffering and pain. In the case of children the situation has been worse. The state and other actors use violence to *create* situations of adversities for children that inflicts suffering and misery on them. Such adversities expose children to numerous vulnerabilities that endanger their survival, health and over-all well-being. Second, these precarious conditions prepare ground for the state to again intervene, in a different way, in children's lives, not as a perpetrator but as a 'provider' of welfare. The state is also seen as partnering with INGOs by *delegating* child welfare to these foreign agencies in order to create rhetorical show among general masses that 'something is being done for children'. These are the critical point where state's violence meets state's welfare in Kashmir. It other words the State in relation to children in J&K enforces a *dialectical paradox* on itself by being *a perpetrator of violence*, *a provider of child welfare* and *a partner of INGOs* at the same time. The dialectical paradox enables this State to flip-flop its identities of

'perpetrator', 'provider' and 'partner' (triple-P) and thereby, derive its legitimacy amidst a conflict situation in the region. It functions and intervenes in the lives of children and their families by adopting these conflicting identities where-in this *triple-P paradox* maintains its power and authority. More so, an argument gets fortified that the modern constructions of childhood are greatly influenced by free-market, neo-liberal capitalism and the rise of 'modern nation-states' with its accompanying dictatorial 'child-focussed' institutions.

Considering this background, the present study aimed to study the role and nature of the State with respect to children and child welfare in Kashmir. It aimed to explore and understand issues that govern relationship between State and children in the region. An attempt was also made to study the nature of international child-rights agencies' partnership with the State vis-à-vis child welfare, and explore why and how these foreign agencies impact the children's lives in Kashmir. This study primarily focused on children's lives, and attempted to study children's experiences with the State's Policy while living through a conflict situation in Kashmir.

The study involved three respondents groups from State (P-I), INGOs (P-II) and Children (P-III). Analysis of literature/data published by the State (P-I) and the selected INGO (P-II), along with Key informants interviews was done. For P-III, children from different districts of the State participated in the study. Though, at the initial stage of the study it was conceptualized to include children from only two districts i.e, Srinagar and Anantnag. But the same was not possible due to diverse limitations on the ground owing to regional, political and administrative situations. The researcher attempted to get a consolidated and holistic view of child protection in the state by focusing on selected themes and accordingly ascertain and ensure the participation of children in the study. This approach proved to be more facilitative, enriching and economical for researcher during his fieldwork and association with different state and non-state organizations. The field-data was compiled and analysed under themes that emerged from conceptual/theoretical framework of

the study, and the subsequent literature review and identified research questions.

B: Background:

"The state is not the reality which stands behind the mask of political practice. Instead, it is itself the mask which prevents our seeing political practice as it is" (Abrams 2006:1). There is a deeper connection of practice and institutional structure positioned in government and almost extensive, unified and dominant in a given society. Moreover, a state-idea exists which is organized, interconnected and executed and variously believed in different societies at different times (Poulantzas 1973 & 1978; *Ibid*). The contemporary modern state confers on itself the primary goals of conformity, assimilation and homogenization within a narrow political, ethnic and economic range. The structures and institutions of this post-Enlightenment State *coerce* 'people' to adopt and translate these 'state-goals' into 'public-aspirations'. The state uses its resources and institutions to legitimate and strengthen its 'power and control' on people and, simultaneously, to thwart any individual or collective 'resistance' that tends to challenge its legitimacy. The state uses different processes and activities to intervene into the lives of peoples and to manufacture their consent in favour of the state (Bates 1975; *Ibid;* Jessop 1982). Unsurprisingly, these processes are generally executed in the garb of 'welfare' and 'national interest'. In all these processes 'children' are seen by the State and its institutions as the potential subjects of 'manipulation', 'regulation' and 'control'.

Extending these assumptions to the conflict-torn region of Kashmir, the scenario turns out to be more complicated. Since late 1980s Kashmir is witnessing an armed conflict which has had serious implications at social, economic and political levels for the people of the region. The conflict has caused enormous loss of human lives, injuries and disabilities, mental agony and damage to social and economic infrastructure. Within all these widespread

issues and public anxiety, the local people have been facing colossal suffering and pain.

In the case of children the situation has been even worse. The wary victimizing and dehumanizing dealing with children by the State and other agencies has had different motives underlying it. The suffering inflicted on people by perpetrating violence against children, is used as "a political weapon by the agencies to create an air of terror and collective fear-psychosis among populations and primarily to weed-out the ongoing so called *'peoples' struggle'* in Jammu and Kashmir" (Rashid, 2012). It has been seen that the state uses violence to *create* situations of adversities for children that inflicts suffering and misery on them. Such adversities expose children to numerous vulnerabilities that endanger their survival, health and over-all well-being. Second, these precarious conditions prepare ground for the state to again intervene, in a different way, in children's lives, not as a perpetrator but as a 'provider' of welfare. The state is also seen as partnering with INGOs by delegating child welfare to them in order to create rhetorical show among general masses.

The state of J&K cannot be seen as an exception when it comes to the use of 'welfare' as a veil to cover-up its oppression and to nurture its own political interests. Especially in the contexts of armed conflicts, *'violence'* forms the core of the present day modern state, with *'welfare'* as its peripheral face.

C: Overview of Thesis Chapters:

The chapters of this thesis begin with three background chapters that introduce and describe the subject, review of literature, methodology and conceptual framework adopted for the study. This is followed by two main chapters describing the work done in the field and its findings and inferences. The thesis ends with a conclusion chapter.

Chapter 1: Introduction and Review of Literature

The first chapter introduces the subject and points towards the basic understandings that this study embarks upon. It gives a detailed review of literature on children and armed conflicts and summarizes the impact of adversities in children and their childhood. It maps the trajectory of historical and theoretical perspectives that have influenced the understanding of childhood across the globe. The different constructions and paradigms of childhood are reviewed that have been used to understand the early years of human life. The chapter builds a case for engaging with the subject and explore the relationship between children and the State especially in case of complex emergencies like armed conflict.

Chapter 2: Methodology and Framework

The second chapter describes conceptual and theoretical framework that informs the current study. It describes objectives and research questions that are explored and studied herein. The research design and methods adopted in this research act have been detailed out in this chapter.

Chapter 3: Understanding Children and the State in J&K: Key Indicators

The third chapter gives key information and statistics about the universe and background of the study area. It describes key figures and indicators about children and other important aspects that help in building a context for the study.

Chapter 4: State's Child Welfare: Functioning of Child Protection Systems in J&K

The chapter four explains the functioning of Child Protection Systems in the state of Jammu and Kashmir by illustrating the working status of a centrally sponsored scheme called Integrated Child Protection Scheme. This endeavor focuses on the implementation status of the Scheme across different areas in

J&K. Moreover, here the focus on Standards of Case in Child Care Institutes across the region has been used as a proxy to understand the overall child protection mechanism in the J&K with special reference to Kashmir valley, where children face additional vulnerabilities and risks due to political strife.

Chapter 5: State-INGO Partnership: Review of Child Protection Policy for Schools in J&K

The fifth chapter attempts to understand the role of INGOs in informing and influencing child welfare and child protection policy in the State. It reviews the Child Protection Policy for schools which has been developed by a prominent Child Rights INGO working in J&K. The chapter details out implementation status of the CP Policy on ground and explores the perspectives of teachers and children vis-à-vis Child Protection in J&K and other allied issues related to the functioning of the State in the field of Child welfare and protection in the region.

Chapter 6: Conclusion: Summarization and Recommendations

Finally, the sixth chapter summarizes the findings, draws inferences and correlations, points towards certain conclusions and identifies relevant implications for designing contextual interventions for children and child welfare in the region. It also observes the limitations of this study.

Chapter 1
Children and Conflict: Review of Literature

1.1: Introduction:

In children, though the biological facts of life, like 'immaturity' are universal, but the meanings and connotations of that 'immaturity' quite significantly vary across cultures (Sommerville 1982; Nandy 1987; Prout and James 1997). These cultural facts and features of any phenomenon add complexities and dimensions to it, as the human populations have innumerable cultural orientations across globe. Besides, the socio-political, economic and regional specificities further complicate such phenomena. Similarly, 'childhood' is conceived to be located in such diverse contexts and factors that necessitate its recognition as a 'social institution' where 'first years of human life are founded and where an actively negotiated set of social relationships' characterize it. Keeping such complex nature of 'childhood' in mind, this chapter attempts to review different paradigms and conceptualizations of childhood, considering the chronological and historical variability of different constructions and conceptualizations of childhood. Simultaneously, it explores the *emerging paradigms* of childhood, and tries to differentiate the childhood-paradigms of 'vulnerability' from those of emergent-ones that focus on children's 'agency' and 'activity', adopting social constructionist and interactionist approaches in understanding childhood. Moreover, the latter values essentialize the study of the broader structural determinants that beset children at diverse levels of social interaction.

1.2 Childhood: Historical Trajectory of its Constructions

Childhood is a multifaceted and vastly intricate phase of life moulded not only by universal biological and psychological forces but also by the environmental, cultural, geographical and other social contexts and factors. Notions and constructions of 'childhood' have differentially varied in relation to children's

body, space and time (James 1993, Hardyment 1995, Reynolds 1996, Woodhead 1998, Boyden 2003, Prout 2008).

Tracing the chronological and historical trajectory of different constructions and conceptualizations of childhood from 1800 onwards, some of the dominant schools of thought would be discussed in this section. There is a consensus among the modern historians that during the late 17th century a new attitude towards children began to emerge that was carried into the 18th century (Hendrick 1997; Jenks 1992). It heralded 'a new world' for children and set in motion the newer notions of childhood. Infact, the seminal work of Rousseau, *Emile* (1762) emphasized the 'natural goodness' of child and advocated that 'nature wants children to be children before they are men' (Sommerville 1982:127-31). These notions heavily influenced some sections of the people in that period who invested their children with a new understanding and affection. Though the view - the naturalness of child, was reiterated by numerous reformers but most of them lost the subtle and sensitive dimensions as identified by Rousseau himself (Horn 1974; Hendrick 1997). Consequently, these notions of childhood were reduced to a crude view of children as distinguished merely by 'natural incapacity and vulnerability (Ibid, Hendrick 2007). At the end of the 18th century, the Romantic revival greatly influenced the notions of 'naturalness' associated with childhood. Children came to be seen as endowed with the 'blessings' of God and the childhood was regarded as the age where 'virtue' was domiciled, and everything thereafter was 'downhill rather than upward' towards maturity (Colls 1976; Hendrick 1997: 37). The Wordsworthian conception of childhood was of a special, genderless phase of life where 'growing up becomes synonymous with the loss of paradise' (Cunningham 1991 & 1995, Hendrick 1997). However, these notions of 'innocent' childhood specifically reflected the elitist, educational and literary themes only. Moreover, the Evangelical movement, with its belief in the Original Sin, perceived children as 'sinful polluted creatures' (*Evangelical Magazine* 1799 cited in Hendrick 1997). The evangelicals produced their own agenda for child welfare reforms that strongly influenced the discussions on the

meanings of childhood in an industrializing and urbanizing contexts of the 19th century.

In that period the influence of growing capitalism and the political economy of emerging child labour-force in the industrial set-ups and mines forced many to raise voices against miseries and exploitation of children in industries and factories. During the course of debates, a new construction of childhood was put together by participants and advocates that no longer considered 'wage-earning child' as a norm. Contrarily, it saw childhood as instituting a separate and distinct set of features wanting protection and nurturing through school education and discipline (Hendrick 1997; Hurt 1979).

Importantly, the more obvious attempt in the direction of universalization of childhood was the reconstruction of children's crimes and felonies in mid-nineteenth century (Pearson 1983 cited in Hendrick 1997). Jenks (1996) points out that characteristics of so called 'criminal tendencies' in childhood serve as a way of 'acknowledging' differences in children's experiences and lives and at the same time also legitimating universalized notions and ideals of childhood. The debate of juvenile delinquency and juvenile justice mainly emerged from the discussions on increasing child labour and huge presence of children at economic sites. Also, the economic and political disturbances of the 1830s and 1840s and the growing approval for the school as a way of 'class' control heightened these middle-class apprehensions (Hewitt 1973; Hendrick 1997; Prout 2007). The institution of schooling was regarded as the symbol of discipline and control for children. It underlined the risk of those who require 'care and protection'. The phrase *'he has to be turned into a child'* served as a fundamental guideline with respect to juvenile delinquency (Carpenter 1853 cited in Hendrick 1997). These middle-class conceptualizations threw apart the child's understanding and lived-experience, gained from parents, native-community, close peer groups and his immediate socio-political and socio-economic circumstances. Rather this approach demanded 'a state of ignorance' in children in order to exercise control and authority and reinforce child's dependence and vulnerability (James, Jenks & Prout 1998). The school

9

underscored the worth of children in family, economic competitiveness, a steady social command and investments in future. Besides, it strongly denounced the wage-earning and working-children and introduced the 'authoritarian State' into parent-child relationship (Ibid; Rosen 2005). Interestingly, the phenomenon of mass-schooling made children easily available to researchers from disciplines like psychology, education, sociology and medicine. School- pupils became attractive research subjects and the studies on children's mental, physical and psychological health and wellbeing started getting impetus (Hardyment 1995; Harkness and Super 1996). However, the findings and results of these studies generated intense debates about the vulnerability of child population and, there-by, attracting the politicians and philanthropists, and also the researchers and scholars across disciplines. This movement, famously known as child-study movement, identified the fears of 'racial deterioration and degeneration' (Colls 1976; Cunningham 1991) and, therefore, aided to place the social, scholastic, mental and racial significance of children and their childhood. It was considered to be socially and politically essential and relevant to understand and develop solutions to a number of dominant problems of that period. The authoritative constructions of childhood attained a new socio-political individuality that described children as beings 'of the nation', and commanded 'children' to get involved in a consciously designed pursuit for 'national competence, learning, racial identity, accountable guardianship, social hygiene and preventive medicine (Ibid; Jenks 1996; Hendrick 1997; Dawes & Donald 2000). The role of state in this regard was conceived as more of an interventionist through legislations and authority. Moreover, the family was seen as a 'haven' in a liberal-capitalist system, where children were being conceptualized as uncritical, passive and universal units of material-investments in national progress (Boyden & Mann 2005; Rosen 2005). These notions got reinforced in the age of violent imperial, political, armed and economic national conflicts. Importantly, the State regarded itself as the sole authority to determine the *'best interests'* of *'its child'*. The state fabricated standards of domesticity and, through psycho-medicine strengthened the universal and decontextualized concepts of childhood in terms of education,

socialization and the culture of dependence. Thus, these several authoritarian conceptualizations of childhood have reinforced the adult hegemony in the form of the 'politics' that pervades the social ecologies and lives of children, in and out. The children's space, body and time is controlled and made to resonate in line with the adult concerns for social reproduction and order (Ingleby 1986; James 1993). These notions have strongly shaped the politics around children and their childhood, thus victimizing them through de-contextualized, hegemonic and imperial policies and interventions.

The chronologies of constructions and reconstructions could be situated in theoretically and ideologically different public identities, starting "from 'Rousseauian natural *child'*, 'Romanticized innocent *child*', 'Evangelical polluted *child*', 'Economically valueless *child*' 'Delinquent vulnerable *child*', 'Schooled industrial *child*', 'Individual utilitarian *child*, 'Psychological developmental *child*', 'State's national *child*', to 'Welfare idealized *child*" (Hendrick 1997; James 1993; Dekker 2009). This historical variability narrates a complex trajectory of the professional middle-class conceptualizations of childhood that were moulded as per their engagement with diverse social, commercial, religious and political situations. The ambiguity and uncertainty around the conceptualizations of childhood in the early 19th century got resolved with the impacts of Romanticism and Evangelicalism, the socio-economic influence of the industrial revolution and the changing socio-political order that involved the creation of a capitalist liberal and industrial democracy *(Ibid;* Ruxton 1999*).* The profound impact of such changes on social relationships and social institutions quite emphatically shaped the constructions and conceptualizations of childhood in those periods and the times to come. As a result, the 'modern' notion of childhood got institutionalized and 'universalized' through various socio-economic, cultural and political structures (Anderson 1980; Jenks 1992). Such understanding of children and childhood was also composed by certain child rights and humanitarian global organizations based in European and North American tradition of thought, emphasising privacy, primacy of individual, family and the other liberal ideals

11

(Boyden 1997; Hart and Tyrer 2006). A new compulsory relationship, as Hendrick (1992) puts it, got instituted and legislated between the State, the family and the welfare, which was an outcome of the 'consciously executed political and cultural enterprise'. On these lines, the universalized notions of childhood like that of a characteristic of "a little human animal destined for the spiritual and moral life", who is in a 'state of dependency'; who is 'innocent', 'passive', 'incompetent', 'weak', 'vulnerable', requiring adult care, protection and fostering; and, while prefiguring adult-life, is in the process of becoming a 'being'; and where adults, owing to their structural position, are expected to exercise power, control and discipline (James 1993, Qvortrup *et al* 1994; Simmerville 1982, Kakkar 1978). These dominant discourses of childhood neglected the variance that children in diverse societies and cultures across globe confront. 'Childhood' was seen as the 'unitary natural phenomenon and 'a monolith' while seriously undermining its situational and cultural dimensions. The 'modern idealized' notions of children and childhood that were exported and globalized through attractive policy structures find too little relevance in the lives of the children across the globe (Oldman 1991; James 1993; Waksler 1994; Woodhead 1998; Ruxton 1999; Patel et al 2007). Particularly, in the context of the third-world, which is diseased by gaping socio-economic inequalities, deprivation, poverty, political unrest and armed conflicts (Black 1986; Machel 2001; UNDP 2010), such de-contextualized and universalistic conceptualization (Boyden 1997) of children and childhood is problematic. In this background, the following sections review these problematic conceptualizations and paradigms of childhood that are located in the ideas of children's vulnerability, incompetence, dependency, and passivity. Thereafter discusses some of the 'emergent paradigms' that take recourse to social constructionist perspective, where children's social relationships and structural position is studied in their own right, not depending on the viewpoint and apprehensions of adults, and where it is correlated with other variables of social analysis like gender, race, ethnicity or political affiliation, that reify this 'one childhood' into a variety of childhoods. It proclaims a new paradigm of sociology of childhood that is interpretive frame for constructing and re-

constructing initial phase of humans, with children as 'active' agents in determining their individual social lives and, simultaneously, influencing the broader social structural order (Boyden 1991; James and Prout 1997; Prout 2005, Hart and Tyrer 2006).

1.3 Childhood: The Paradigm of Vulnerability

Sociology of childhood has devoted very little attention to the study of children and childhood, and in the instances where some research is present, the key concepts used for conceptualizing children, childhood and the related issues have been quite faulty (Dawes and Donald 1994; James and Prout 1997; Boyden and Gibbs 1997). These approaches own this allegiance to the dominant academic and disciplinary developments. Pertinently, the 19th century saw the early years of human life, in particular, and the whole human life cycle, in general, crystallized in the western thought that was rooted into positivist tradition were children are assumed only as *'human becomings'* who are important and interesting because of what they will '*become'* and not what they '*already'* are (Qvortrup 1991; James 1993; Hart and Tyrer 2006). It considered children as 'partial adults', who are led passively into 'adulthood' by the structure, and without having any 'active' role in its processes. Moreover, the notion that *'children must be segregated from the harsh realities of the adult world and protected from danger'* prevailed the scene (Aries 1962).This understanding of children and childhood got reinforced in the 20th century, when psychology filled the theoretical space with 'empirical findings' and dominated the research in this field. The work of Jean Piaget on child development that depicted the stages of human development as 'universal' and 'natural' greatly influenced the understanding of childhood. The dominance of the psychological studies was pretty much connected to its repertoire of the experimental and statistical tools like socio-metric mapping, psychometric testing, longitudinal surveys and other psychological experiments (Donaldson 1978). On similar lines, the emergence and dominance of child-rearing and teaching practices supported the psychological explanation of early years of human life. Within the ideals of Piagetian developmental psychology, the

approach mediated the mainstreaming of the ideals like 'naturalness', 'universality', 'irrationality' of childhood (Nandy 1987; Prout 1989; Jenks 1992; James 1993; Boyden 2003), concealing of the fact that the institution of childhood is a social construction and a complex phenomenon.

Moreover, these positivist, de-contextualized and universal notions of childhood were fiercely propagated across disciplines that greatly influenced the development and orientation of such subjects. Interestingly, the influence on sociology was quite pervasive. The themes of human development like 'naturalness', 'rationality' and 'universality' which the developmental psychology had mainstreamed, profoundly informed the theory and practice of social sciences, in general and sociology, in particular. In 1950s, the emergence of the sociological accounts as the *theories of socialization* could be located in the Piagetian psychological models and the positivist ideals that had cropped into the social sciences (Aptekar 1989; Harkness & Super 1996; Dawes 2000). As a result, the *universality* of social practices was taken for granted and considered unproblematic, emphasizing the *naturalness* of childhood. Such was the influence and sway that too little theoretical space existed to explore alternatives. Childhood was conceptualized as a 'pre-social period' through which children pre-figure a 'full human adult status', and are in a progression towards it while traversing the path from 'irrationality' to 'rationality'. The 'liminality' in this phase of childhood was analysed in a social evolutionary perspective, characterizing the argument that the 'decrease in the irrationality is a measure of an evolving rationality' (James and Prout 1997). Further, the traditional sociological accounts (the structural functionalist approach) emphasized the adoption of social roles through normative socialization that in turn is based on adult perspectives and their concern for the reproduction of social order (Jenks 1992; James 1993). Reflecting the Newtonian notions of universality and physical orthodoxy (as in physical sciences), these conceptualizations depicted social relationships and contexts as fixed by laws of nature, where 'child' is perceived as 'passive' symbol of 'future', subject to adult power and control owing to its structural location. A chronic desertion of

the cultural and contextual factors that affect the lives of children and their meanings they attach to associations of family, school, etc., intensely pervades these adult perspectives. Undermining these inherent contradictions, it, nonetheless, stressed on conformity to such perspective as essential to remain viable in that conceptual and everyday spaces, with-in which children are as "muted or silenced" subjects (Hendrick 1992; Prout 2008) The resulting opposition, contention or non-conformity would mean deviance, irresponsibility, backwardness or disaster.

As a consequence of the historical processes of colonization, de-colonization, civil war and mechanisms of global capitalism, children across world have experienced ruptures, breaches and breakdowns in their lives. These experiences, no doubt, became the subject-matter of research and inquiry among scholars across diverse disciplines (Cairns 1996; Bracken 1998; Boyden & Hart 2007). However, in social sciences the traditional, uni-disciplinary and pre-post-modernist approaches and frameworks dominate the research on children experiencing adversity and victimization. In particular, the discipline of anthropology with the traditional approach - speaking for people (children) who are unable, muted or silent, took the 'burden' of giving voice to such children who are passive, subjugated and exploited. But these 'subaltern voices' of children were often transformed and inserted in different narratives and agendas of the interest groups and there-by ignoring the complexity of the interaction between a child, family, society and the structure (Boyden 1997). Infact, children are forced into numerous actions by the overwhelming structures and practices very little or no control in managing such situations. They are controlled by the institutions of kinship, family, education and 'the burden of past'. As Sartre (1961:15) opines:

"Violence in the colonies does not only have for its aim the keeping of these enslaved men at arm's length; it seeks to dehumanize them. Everything will be done to wipe out their traditions.... If he shows fight, the soldiers fire and he's a dead man; if he gives in, he degrades himself and he is no longer a man at all; shame and fear will split up his character and make his inmost self fall to pieces."

The encompassing state, political system and global market configures and shapes children's lives and experiences. These processes expose them to diverse forms of adversities like war, famine, poverty, homelessness, exploitation, rape, and abuse (Macheal 2001; Doty 2010). As discussed earlier, in such conditions of adversity children utilize their resourcefulness, activity and creative production to 'shape' and 'shake' these structures. It other words, children and young people 'shape and get shaped' by the structure and at the same time they 'shake and get shaken' too (Honwana & Boeck 2005; Comaroff & Comaroff 2005; Honwana 2005: Weiss 2005). At one particular time children occupy multiple positions and categories and represent both an 'emerging influence' and as 'submerged by power' (Coulter 1998). It is this multiplicity of positions and categories that is being neglected in the modern notions of the universalized childhood. And institutions that do not conform or follow these normative Western child-rearing practices are immediately seen as 'irresponsible and deviant' (Levine et al 1994; Ennew 1996).

Childhood is not a fixed group or a demographic cohort, but indeed a relational concept situated in a dynamic and discursive contexts having a social landscape of knowledge, authority, ingenuity and cultural meanings of agency and individuality (Honwana & Boeck 2005). The impacting variables and effects of these discourses are located in gender, religion, class, history, race, caste, ethnicity, and social responsibilities and expectations. In Africa, and the other post-colonial regions, very few children have the 'luxury' of being taken care of by parent, families , communities or the State until they reach the age of eighteen (Reynolds 2005; Weiss 2005). They assume responsibility and work at an early age and participate in the social and economic processes of the family or community. Besides, children and young people have frequently taken part in armed conflicts as child soldiers (Last 1991; Macheal 2001). In such contexts growing 'strong and resilient' is synonymous with future security, wealth, and productive life (Weiss 2005). The earlier analysis of children and childhood in relation to socialization, education and development portrayed them as mere 'objects' of adult activity. But the recent research and experience

is emphasizing their role in shaping the social, economic, and political processes (Hart & Tyrer 2006). In Africa the recent studies have focused on youth and politics, their role in resistance against apartheid, young peoples' participation in armed conflicts and post-war rehabilitation. (Obikeze and Mere 1985; Hyslop 1988; Carter 1991; Furley 1995; Honwana 1999; Reynolds 1995). In 1997 Journal CODESRIA published a special issue on youth, violence and the collapse of the state in Sierra Leone. The contribution analysed and looked at 'youth' from a position of marginality, alienation, underclass- and subaltern status. It explored the underlying factors responsible for the young peoples' central role in war, resistance and other political processes that changed the course of things in the region. Consequently, this special issue generated important debates around dynamics of youth culture, identity, marginality, citizenship and agency. The other literature from outside Africa analysed these situations in a Marxist and Gramcian perspectives, reiterating that the young people have capacity for rebellion, opposition, counter-hegemony and anti-structure resistance (Gilroy 1987; Abdulkader 1995; Valentine, Skelton & Chambers 1998). These specific regional instances about the dominance and influence of young people's 'subaltern grammar' in local contexts have had enormous bearing on shaping young peoples' narratives in other similar contexts of war and armed conflicts. Particularly, the use of technology like Internet by children and young people has created a transnational activism that has transformed the 'local place of youth into a global cyberspace' (Harvey 1989, 2000). It reflects their ability to tap into globalizing spatial politics as a newly found source of power. 'Time' becomes spatialized, annihilating 'place' as the site of being (Ibid). Quite interestingly, during the recent uprisings in Kashmir when print- and TV media were banned, the use of Internet and online social networking by young -people were the only source of information available to people with-in and outside. These new communication tools were put to use to mobilize the masses effectively. So much so, the 'Pro-struggle leaders'[1] with the help of youth communicated their

---

[1] In Kashmir, the Pro-struggle-' or 'Pro-Freedom leaders' are the ones who are identified with the

protest calendars through internet and online e-groups. As a result, the State in J&K booked and detained hundreds of children and young-people, charging them of 'waging war against the State' through internet (Junaid 2010; Greater Kashmir 2009-2010; ACHR 2010, Navlakha 2010). These typical examples validate and showcase the emerging research findings that how children and young people utilize their critical agency, resourcefulness and creativity while confronting structural adversities and victimization. As Sartre (1961:22) befittingly argues:

"The rebel's weapon is the proof of his humanity. For in the first days of the revolt you must kill: to shoot down a European is to kill two birds with one stone, to destroy an oppressor and the man he oppresses at the same time: there remain a dead man, and a free man; the survivor, for the first time, feels a national soil under his foot. At this moment the Nation does not shrink from him; wherever he goes, wherever he may be, she is; she follows, and is never lost to view, for she is one with his liberty." (Sartre 1961:p22)

Contextualizing these instances in Sartre's argument, it is reiterated that children are conscious of their experiences of marginality, dislocation, violence, victimization, disenfranchisement and pain, and they attach their own meanings to such situations from their frames of understanding and analysis. Nonetheless, agency and resourcefulness in their contexts is also painful, yet pain can produce 'agency' in them (Weiss 2005). On the other hand, they also have hope, desire and longing to be as active participants in social relationships and other spaces of empowerment (Honwana 2005; Hart & Tyrer 2006). But the colonial processes and the neo-colonial agendas construct for children and youth of colonized and collapsed states, a world that is *'lost', 'ruined', 'destroyed'* and *'without future'* (Dawes & Donald 2000; Comaroff & Comaroff 2005). The neo-colonial discourses of loss, absence and inferiority empties them of their 'intrinsic content', turning them into a receptive and empty shell for external cultural colonization. This logic is the integral part of the neo-colonial and global neo-liberal forces (Seremetakis 1994; De Boeck 1999). The logic glorifies western culture and lifestyle, and projects 'colonized

---

'*Azadi* movement*'* and who support the cause of the *Right to Self Determination* in Jammu and Kashmir.

and exploited' sites as having 'violence', 'poverty' and bereft of opportunities for youth people, in particular, and people, in general. The logic tends to be a global norm. There is literature (Hall & Jafferson 1976; Abdulkader 1995; Rashid 1999; Abdullah 2005; Rashid 2009; Navlakha 2010;) that has explored that how children and young people contest such grand narratives by having self-invented and explored spaces and practices of resistance, negation and opposition. This power and resourcefulness is derived from the diverse spaces of confrontation, resistance and movement in which cultural itineraries meet and mix (De Boeck 1999; Honwana 2005) Thus, the juvenile vocabulary and grammar finds itself in conflict with the official culture and political order, particularly when the latter is based on the colonial and post-colonial models. This juvenile culture stands against structural inequality, suppression and victimization, and breeds continuous efforts that contest the hegemonic and unjust world they are forced to live in. It has become increasingly global in reach while taking different forms in different locations and through domestication and contextualization it is reshaped then to address local concerns (Ibid). Yet the fact remains valid that the marginalization and victimization of children and youth is intense, and it is being perpetuated through powerful global structures and systems.

Relevantly, Foucault's (1976:80) claim that the 'modern Western society accentuated the gap between children and adults' holds much weight. The political hegemony of Western and European nation-states commodified and romanticized this 'space' and projected 'children' and 'young-people' in a life-phase whose liminal force could be tapped tor 'collective good' and also which reflects a source of '*surplus value*' (Horn 1974; Comaroff & Comaroff 2005; James and Prout 1997). Children from this perspective are potentially a category of exploitation and exclusion, reducing them to uncritical foot-soldiers of adult hegemony. In neo-liberal states, especially in the post-colonial Africa and elsewhere, children are victims of the industrial capitalist economies and political orders. As mentioned earlier, a new compulsory relationship has been created between the neo-liberal state, family and children, which idealizes the

principles of production and coercion to utilize and exploit the physical and imaginative resources of children, and thus, control their bodies, energies and imaginations (Ibid).Thus, the marginalization of children is a structural consequence of the overwhelming rise of neoliberal capitalism that has got insinuated even into the research, policy and practice of international organizations and humanitarian agencies.

1.4 Childhood: Policymakers Dilemma and Predicament

The 'instrumental value' of children has eroded in the current times and has been replaced by the 'expressive value'. That is, children have developed economically insignificant, but precious in terms of psychological and emotional worth. (Boyden 1997). As pointed out earlier that notions of childhood are ethnically and traditionally bound to the fixations and standpoints of Europe and US, which had been caused from the historical interaction of Judeo-Christian belief system and the alterations in the production and demographic base of society consistent with capitalistic development. The growth of private property and ideals of privacy in the middle-class families led to the 'demonization' of 'street' (Hendrick 1997 &; 2000). Homeless and street-children were seen as untamed, 'wild' beings and a threat to community and social cohesion. The institutions of family and school were regarded as the chief legitimate agents of socialization, development and empowerment. Interestingly, the emerging research contradicts these prepositions. In the research studies on street children by Boyden (1985) and Swart (1989 cited in Boyden 1997) they found that 'street-children' are more creative, intelligent, resourceful and independent than the *ideal* home-child. These researchers considered them as the victims of 'structural violence' and their acts of theft and looting as 'survival strategies'. Yet there is dominance and influence of the disciplines and professions like Social Work and Law on policy and welfare (Zietz 1968; Younghusband 1981). Their vulnerable constructions of childhood are the focal points of child policy and welfare, and, there-by, the pretext for the 'state manipulation' of the affairs between children, family and community. Moreover, both the professions - *Social Work and Law*, down-play the social,

economic, political and structural determinants that actually shapes any social phenomenon. These subjects advocate individual and remedial solutions to problems by emphasizing on the individual causation, personal dysfunction, individual pathology and piece-meal rehabilitation. In fact, the United Nations (UN) is the highest negotiator of the principle of liberal democratic rule across globe and has solid concern in dissemination to the poor countries of the South the ideals and models of practices designed by the public sector in industrial North that has a completely different social, political, economic and cultural identity and ethos. By encouraging private and voluntary sectors, it is ensured that the state regulation of childhood is done in line with colonial diktats. Simultaneously, schools of social work are being developed and supported by such forces to churn out thousands of social work professionals that work as man-force to Ministries of Social Welfare, especially in the third world countries (Hardiman & Midgley 1982; Boyden 1997). Further, there is an enormous focus on family planning, counseling, anti-labour laws, schooling and population control (Qvortrup 1994; James & Prout 1997). These kinds of approaches study and analyze the problems of third world in a neo-Malthusian frame of understanding. The over-emphasis on education, schooling and vocational training is to supply uncritical foot-soldiers for the production of capitalism (Sadgopal 2010). In spite of the fanfare around the modern liberal discourses on child rights, the condition of children is exacerbating in the present circumstances. In most parts of the developing and under-developed regions across globe they are victims, directly or indirectly, of the global capitalist hegemony, and are facing the worst forms of structural violence and inequalities (Bequele & Boyden 1988). The extreme forms of poverty and inequalities are being created and perpetuated by the present models of development and policy. In such precarious circumstances children are bound to get exploited and victimized in diverse forms. Ironically, the legislations that are being developed to secure the so-called child welfare and development are the colonial products and heavily influenced by the European and North American contexts. In other words through these legislations and policy structures the so called 'ideal and normative childhood' is being exported and

globalized (Boyden 2003; James & Prout 1997). For instance, the United Nations Convention on Child Rights (UNCRC), ignores the evidence that formation of 'rights' is closely tied up with cultural values and outlook of populations and communities. It could only relate to a particular geo-political area in which the same approach to law, the same political system and attuned cultural conducts are ingrained resolutely (Ibid; Qvortrup 1991; Rosen 2005). Nonetheless, the role of UNCRC in moulding and developing new discourses around child rights and development is profoundly acknowledged. Yet, without contextualizing such universal and global normative ideals of childhood and child-rights, its relevance is severely questioned then. For example, it is illegal to leave infant in charge of juveniles and small children under fourteen. While in Peru National census records shows a substantial number children between 6-14 years heading households (Boyden 1985). In India in a survey of 600 children in Bangalore 6% of them were the sole working and earning member of families (Patil 1986). Also, the neglect of extended-family system and preference to nuclear-family system illogically undervalues the lived-experiences of the children in such contexts, like Middle East or other Muslim nations, where extended family or shared parenthood is a cultural norm and deeply embedded in the social structure. Similarly, the juvenile justice system on the Western pattern proved inefficient and ineffective in Nigeria. (Igbinovia 1985; Midgley 1986) Thus, it is the socio-economic and politico-cultural milieu that mainly determines the conditions of children.

Much similar to the analysis by feminist theorists of women's position in the overarching male-dominated social structure, the status of children in the dominant paradigms remains dotted with incompetence, vulnerability, dependency, immaturity, and irrationality, and in want of adult protection and supervision, who are regarded as mature, competent and autonomous. These psychological models, reflecting Cartesian dualism or Binarism, were uncritically absorbed into the theory and practice that affected constructions and conceptualizations of childhood (Mackay 1972), and, subsequently, that informed the de-contextualized child policy frameworks across globe (Boyden

1994 & 1997; Qvortrup 1991). In a Foucauldian sense, these vulnerability-paradigms of childhood draw institutional legality from 'regimes of truth' that pervade the social structure and institutions. Such institutional power and authority validates certain ideals and practices, and resists the 'others'. In such a scenario, any new or emergent paradigm would definitely meet resistance from the existing dominant academic discourses and that resistance is located in the same structural functions. Nonetheless, the dissenting and critical voices made some impact and mediated *'a re-arrange'* in disciplinary fundamentals. Similarly, the psychological models of childhood attempted to take into account the social context, and thus trying to bridge social and psychological perspectives. Though, this contextualization of child development turned out to be too superficial. Here, it is emphasized that that this dominant 'development-in-a-social-context' or 'individual/ society binarism' merely introduces the psychological processes to social forces, without identifying the links and pathways that actually determine this complex and dynamic relationship (Ingleby 1986). It assumes individual subject, here child, separate from the social structure, and being in the process of 'becoming' adult. In this dissertation, this debate has been taken a bit further in the following section that discusses the emergent social constructionist paradigm of childhood originating from the post-structuralist and post-modernist discourses.

1.5 Understanding Diversity in Childhoods:

In dissolving the academic distinctions between psychology and sociology, the inclusion or taking into account the 'social context' in the developmental psychology models was a pioneering advance. In fact, it was the first step towards a social constructionist analysis of childhood. Quite interestingly, it became a precursor in the deconstruction of the *grand narratives* of 'universality', 'vulnerability' and 'naturalness' of childhood. Even though there have been tendencies in developmental psychological tradition to overcome the Cartesian dualism by taking recourse to Foucault's work, preoccupation with the individualistic focus has not changed radically. These emergent notions of childhood are not a complete disjuncture from the dominant childhood

discourses. Moreover, the influence of Cartesian dualism (Binarism) that assumed 'subjects' to be outside the social relationships and social context, on the childhood-conceptualizations got overcome mainly with the work of Foucault *(Ibid)*. One of the main distinctions between Structuralism and Post-Structuralism that heavily shaped the social constructionist notions of childhood was that the former 'abolished' the 'subjects' and consider them just 'bearers' of social relationships, but the latter retained them as 'effects' of 'discourse (Oldman 1991; James and Prout 1997; Prout 2005). Arguably, it is these discursive 'effects' that are differently constituted as *'childhoods'* within these structural arrangements of social practices and institutions. This emphasis on 'subjectivity' traverses the diversity of these social relationships and arrives at a social constructionist interpretation of early years of human life-course *i.e.* childhood. Moreover, the discursive transformations or different forms of childhood are assumed to be happening even within one *'child'*.

Nonetheless, the social constructionist approach to children can't be one more paradigm of 'compartmentalization', diseased with self-fulfilling prophecies, individualism and complacency. A lot many problems emerge from the fact that both the biological and social factors constitute childhood and the variability of different biological and physical stages of growth in early years of human-life need to be counted too. What weight should be given to each factor – social and biological, in the construction of childhood(s). Is there anything called 'real' or 'authentic' experience of childhood? Pertinently, the proponents of social constructionist paradigm emphasize that each 'variant' of a childhood is 'real' in its own 'regime of truth' (James 1993; Hart and Tyrer 2006; Prout 2008). The contribution of ethnography in this emergent paradigm has strongly been recognized as that methodological tradition (Boyden 2003) which gets nearer to the truth in conceptualizing children and childhood by giving voice to 'previously silent' or 'muted' groups like children.

1.6 Childhood: Agency/Structure Debate

Much in congruence with the present debate of 'agency' and 'structure' in the contemporary sociological thought, the emergent paradigms of childhood certainly confront the same. In the social constructionist paradigm the focus on children 'having agency' or on their 'activity' and 'creative production' in social life quite significantly influences the constructions and conceptualizations of childhood. On the other hand, the dominant discourses around childhood stressed the role of 'structure' and 'social relationships' in determining the social life of children. The 'one-against-other-approach' of this debate was somewhat negotiated by taking recourse to the works of the theorists like Giddens. His theory of 'Structuration' attempts to dialectically link the 'Interpretivists' – who focus on 'agency', with the 'Interactionists' – who emphasize on 'structure', essentially forms a theoretical space, where the construction of childhood extends beyond compartmentalization and uni-disciplinarity. More importantly, it reifies it onto another interdisciplinary plane with dimensions of 'time', 'space' and 'body'; considers childhood as an institution, and simultaneously, values children's 'agency' that they execute upon the structural and institutional determinants (Qvortup 1991). Significantly, the social construction of time or the incorporation of temporality, into this emergent discourse of childhood broadens its scope for analysis and practice (James and Prout 1997). The attention, a comprehensive one, on the children's 'body, space and time' is an indispensable component of the analysis. This is a departure from the dominant conceptualizations of childhood rooted in developmental psychology and social evolutionary perspectives. The latter frames of analysis regard the 'past' and 'future' of children's life-course, and the 'present' gets cornered in oblivion. Thus, placing all accounts of childhood in spatial and temporal context, and deconstructing the notions based on social reproduction and socialization theories, have great influence on understanding the 'variance' in experienced childhoods across globe. Such an approach has an enormous bearing on the policy and practice

affecting children's daily lives across different regions, particularly in those confronting complex emergencies like armed-conflicts, etc.

1.7 Children and Armed Conflict

The dominant research, policy and practice in the field of 'children confronting armed conflicts', has focused, too narrowly, on the affected and disadvantaged children and the survivors of war, rather than on the structural determinants and social formations that actually give rise to such conditions of conflict. These approaches employed of to study childhood in conflict situations reflected the over-arching influence of the bio-medical paradigm on childhood theory and practice. Moreover, most the social science research has been established in the settings not similar to armed conflict. The policy and practice concerning children facing wars is greatly preoccupied with the psychological and psychopathological research done in some 'unrelated' contexts and with problematic conceptualizations of childhood. The use of the therapeutic work conducted in West enormously emphasized the psychopathological impact and resorted to intense psychological categorization by using the universal PTSD criteria (Boyden 1991 and 2003; Hart and Tyrer 2006). The children's responses to the traumatic situations, as usual in an armed conflict, were explained through Piagetian stage, cognitive depiction, psycho-dynamic and attachment theories (Bracken 1998 and Le Vine 1999). In its sheer simplistic understanding, the PTSD was regarded as the 'global response' to the exposure of any traumatic experience, ignoring the cultural and historical origins and variability's of the coping and management of risk and stress. Such was the influence of the psychological and emotional focus of this research that the global policy concerning children witnessed a drastic shift from addressing the structural determinants and outcomes of any disadvantage – inequalities, nutrition, survival needs, water and sanitation, etc. to focus on the psychopathological interventions. The excessive stress on the individual pathology, quite in congruence with the bio-medical paradigm, changed the nature of the 'aid packages', where the major portion of allocation is for psychopathological issues in children facing armed conflicts. The emphasis on

the psychological and emotional treatment and rehabilitation is located in the redefinition of the children's needs in a conflict zone - security, continuity and stability (Boyden 1991, Doty 2010). The conceptualizations of children as passive victims of war, conflict and violence, rather than competent survivors, excludes them from the decisions and planning concerning them (Bracken and Petty 1998). In a qualitative study on Palestinian children, Gillham *et al* (2008) cautiously concludes that the Western models of dealing with children in conflict zones ignore 'a local idiom of community care and support'. Much problematic is the concept of having a 'universal' and 'uniform patterns' of children's response to a traumatic event. This oversimplification of the patterns of responses of children in conflict situation further narrows the scope of acknowledging the cultural and social constructions of children and their experiences. As Boyden (2003) reiterates:

"Scientific studies that claim to have discovered a general condition of childhood believe the ethnographic evidence that childhood is an extremely diverse life phase and ignore the fact that the globalized image of childhood they project is in many respects a normative one. In practice, childhood is not a fixed state bound by predetermined developmental stages, but a diverse, shifting category that follows certain biological sequences, and responds to the cultural and social environment, genetic heritage, personal agency and economic and political circumstance. Social constructions of childhood are extremely variable and context-specific." *(Boyden 2003; para 7).*

Thus, there are no common patterns for growth, development and socialization, and it is actually the interplay of 'biology', 'culture' and 'structure that determines the personality, perceptions, and behavioural inclinations in a social being. Similarly, the responses of children to violence and trauma in an armed conflict are quite dynamic, varied, unpredictable and not universal. As Gardener (1983) argues that children's responses are varied and diverse and 'not simply a function of age or any developmental-stage'. Alternatively, the focus of the policy and practice must be the social reconstruction and reconciliation that aims to restore social structures and social ecologies of childhood by actively working with the community. Building participatory networks and constituencies that are informed by the principles of justice and equity, is the foundational process involved in such an approach. The basic

conceptualizations of childhood that garner such orientation are to consider children as active agents for overcoming adversity; who resolve problems and explore alternatives; who guard their self-worth; and who actively cope with social relations, that in turn enhances their resilience (Doty 2010) and coping mechanisms (Beristain 1996; Patel et al 2007). The self-defeating and self-destructive responses get prevented by consciously exploring alternative and developing survival strategies to face adversity (Nandy 1987; Boyden 2002; Prout 2007; Ibid).

The role of culture in the cognitive, emotional and mental development of children is an essential aspect on which policy makers could focus (Vygotsky 1978 cited in Boyden 2003; Oldman 1991). Pertinently, the responses of children to any traumatic experience in a conflict situation have an 'active and structuring' effect on such children. These adverse circumstances or exposures to traumatic events enable them to acquire skills, coping strategies and survival competencies. In the emerging literature on children and conflict, the enhancement in children's resilience and coping in the abnormal and dehumanizing conditions has been significantly documented (Woodhead 1999; Dawes 2000, James and Prout 2007, Harkness and Super 1996; Boyden 2007; Gillham et al 2008; Patel et al 2007; Doty 2010). As pointed out in the earlier sections, the de-contextualized, universal and vulnerable discourses of childhood prove to be quite problematic in this scenario. The adoption of such conceptualizations of childhood in international policy and practice has chronically neglected the child's personal agency, resilience and capabilities to explore alternatives in the contexts of adversities like armed conflicts. However, it is also emphasized that even with in a specific context a child's structural position is subject to his social power and status. Acknowledging these dynamic and complex aspects of childhood is quite essential in determining children's responses to a traumatic experience and its subsequent impact. To develop a comprehensive policy intervention in complex emergencies, the stakeholders ought to be conscious of the dynamic relationships and pathways between children's social structural position,

relativity in exposure to vulnerability and trauma, and their resilience, coping and survival strategies. It is reiterated that in the emergency situations, the vulnerability of children with less 'power', 'value' or 'status' gets accentuated (Woodhead 1998). The emergency bereaves them of the protective mechanisms and support networks, and thus exacerbating their susceptibility to diverse hazards and risks. Bringing in the 'age' and 'gender' variables further complicates the problem: where elder boys (sons) get exposed to violence and direct confrontation, and elder girls (daughters) are prone to sexual assault, extortion, trafficking and prostitution (Black 1986; Cairns 1996; Boyden and Hart 2007). The lower age-group children face risks of abandonment, forced labour, sexual abuse, etc. The risks and vulnerabilities of children confronting complex emergencies have determinants in the broad socio-cultural, political and economic milieu that pervades the social ecologies of these childhoods. Unfortunately, in the international research and policy too little attention is paid to such broad structural formations and children's own social power and agency (Cairns 1996; Prout 2005).

1.8 Armed Conflicts Across Globe

The Heidelberg Institute for International Conflict Research defines conflict as "a clash of opposing interests or positional differences over national values and issues like independence, self-determination, borders and territory, access to or distribution of domestic or international power" (Conflict Barometer 2003[2]). It further states that "a conflict has to be of some period and scale involving minimum two parties that are firm to follow their interests and win their case. At least one party is the State". Also, an armed conflict is defined by the Uppsala Conflict Data Program (UCDP) as a disputed unsuitability that concerns regime or land or both, where there are at least 25 combat-related deaths in a year with the use of weapons between two parties and among one

---

[2] *Conflict Barometer* is an annual conflict analysis report of the Heidelberg Institute for International Conflict Research, Department of Political Science, University of Heidelberg.

has to a government or State. (Harbom & Wallensteen 2010). In such a conflict situation open armed clashes between two or more centrally organized groups, with continuity between clashes in disputes about power over government and territory (Smith 2004).
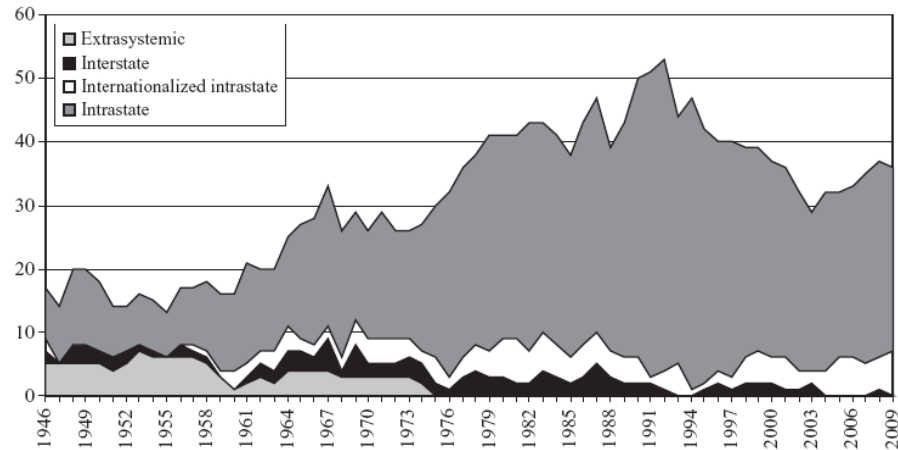
Figure 1: The graphic representation of the annual incidence of armed conflicts (with types) from the year 1946 to 2009; adopted from Harbom & Wallensteen 2010.

Armed conflict is generally categorized into the following forms: 1). Interstate conflict; 2). Intrastate conflict; 3). Internationalized Internal conflict (Transnational conflict), and 4). Extra-systemic conflict. The *Interstate armed conflict* occurs between two or more states while the *Internationalized internal armed conflict* occurs between the government of a state and internal opposition groups, with intervention from other states in the form of troops. The *Internal armed conflict* occurs between the government of a state and internal opposition groups. UCDP has also coded a fourth type, *extra-systemic armed conflict*, a conflict that occurs between a state and a non-state group outside its own territory. These conflicts are by definition territorial. The last such conflict ended in 1974.

The conflicts are also divided according to their intensity into two categories:
-*Minor armed conflicts*: at least 25 battle-related deaths in a year but fewer than 1,000.
-*War*: at least 1,000 battle-related deaths in a year (UCDP; Vayrynen 2006).

After the World War-II, 244 armed conflicts have been active in 151 locations across globe. In the early years of 1990s, almost 50 armed conflicts were recorded. The early years of this decade saw the higher annual incidence of armed conflicts with the year 1992 having highest annual incidence, that is, 53 armed conflicts prevalent across 39 locations. (Harbom & Wallensteen 2010). In 2009, there were 36 armed conflicts active across 27 locations. Though the figure is quite low as compared to the annual incidence in early years of 1990s. Nonetheless, it has increased by 24% (see the figure 1) as recorded in the early years of the same decade. *(Ibid)*

Moreover, 45 active dyads operated in 2009. Also, a little over $1/5^{th}$ of the armed conflicts active in 2009 saw more than one rebel group challenging the government (Harbom & Sundburg 2010). In 2009, no interstate conflict was recorded, but seven intrastate conflicts were internationalized, which involved support in the form of military aid from external agency or foreign government. These conflicts were in Afghanistan, Algeria, Iraq, Rwanda, Somalia, Uganda and USA. Pertinently, 15 armed conflicts were active in Asia in 2009 (Harbom & Wallensteen 2010).

Why do Conflicts Emerge?

A wide range of conditions and circumstances prefigures any conflict situation. The start of armed clashes or first use of weapons and arms in a conflict situation is a complex process having diverse and intricate factors and actors operating in it. Any theoretical endeavor to develop explanations for the causes of armed conflict must, therefore, broaden its frame of analysis and holistically include multiple and interactive variables of analysis. Here, it is worth mentioning that the conflict research prior to 1990s studied causes of armed conflict as a global phenomenon in a typical international perspectives. That is, it focused on interstate or international conflicts, despite the fact that the world witnessed a substantial decline in *interstate* conflicts and remarkable upsurge in *intrastate* or civil conflicts (Singer 1996). It is only in the post-Cold war era that the importance of civil and intrastate conflicts for global peace and stability

has been recognized. As the annual incidence of armed conflict was very high in 1990s, there has been a substantial growth in the research and literature on the causes of armed conflict that are civil or intrastate. Research on internal conflicts takes into account, more-or-less, wide ranging factors and contexts to study and develop explanations for the causes and genesis of armed conflicts across various regions in the world, having specific social, political, cultural and economic conditions (Smith 2004). Particularly, it focuses on the ethnic, environmental, political and economic factors and dimensions.

There have been many endeavors in the theoretical domain to explain the phenomenon of armed conflicts and its genesis. The theory of Relative Deprivation (Gurr 1970, 1995; Copson 1994) describes the conflict as based on the dissimilarity between groups' "expected" and "actual" contact to power and affluence. The theory has a close relationship with the Group Entitlement theory (Horowitz 1985), which stresses the ethnic factor along with commercial and political underpinnings. Imperatively, it is reemphasized that ethnic identity or diversity may not in itself be the main or major cause of armed conflict. In other words it is the ethnic politics rather than the ethnic diversity that cause conflict, and that use ethnic identity as the most sensitive and effective tool for mobilization.

The diverse and relative political and economic conditions and circumstances that prevail or accompany any population with ethnic variety may increase the possibility of hostilities and encounters, and ultimately result in armed conflicts. Interestingly, the ethnic diversity may indeed reduce the risk of conflict and violence, as it encourages conflicting groups and parties to adjust and adopt the skills of existing with cooperation, peace and mutuality. Nonetheless, the ethnic identity could easily be used, and in fact is being used across conflicts, as the most sensitive tool for mobilizing and motivating masses or specific groups to confront the 'other' (Collier 1999).

It is reiterated that causes of armed conflicts must be located in the historical, political and socio-economic conditions and contexts. Generally, the factors

that facilitate and even could be the main causes of armed conflicts are the repressive and oppressive political systems, exploitative models of development, socio-economic inequality and injustice and environmental degradation. However, projecting any one factor or condition as 'the' cause of any conflict situation is quite problematic. In fact, it is the interplay of a wide factors and conditions, having political, economic, social and cultural dimensions that motivate or mobilise groups to fight against the 'other'. Both the macro- and micro realities of any armed conflict must be studied to comprehensively understand the underpinning dynamics and complexity. As Smith (2004, p7) argues that any attempt to understand armed conflict as a global phenomenon must deal with the socio-economic picture, while efforts to analyse a particular armed conflict will need to focus instead on politics and on the actions of specific organizations and individuals.

Thus, integrating the different causal explanations of armed conflicts – the broad structural background causes and the context-specific foreground causes, and analysing it at multiple levels, one arrives at a comprehensive explanation of the cause of armed conflicts that reflect the social, cultural, economic,

WHO region	Deaths			Disability adjusted life years		
	Number due to war (1000s)	% of total due to war	% of total	Number due to war (1000s)	% of total due to war	% of total
African	167.5	53.96	1.58	5 476.2	53.07	1.55
Americas	2.1	0.66	0.04	69.9	0.68	0.05
Eastern Mediterranean	39.0	12.56	0.97	1 365.9	13.24	1.02
European	36.7	11.83	0.38	1 043.1	10.11	0.68
South East Asia	63.2	20.35	0.45	2 210.3	21.42	0.52
Western Pacific	2.0	0.63	0.02	1 54.3	1.50	0.06
World	310.4	100	0.56	10 319.9	100	0.70

Figure 2: Burden of Conflict reported in World Health Report 2001, cited in Murray et al 2002: p 348.

environmental and regional dimensions. Moreover, there have been, and are still continuing, numerous peoples' movements and struggles across globe that challenge the dominant and exploitative political, social and economic regimes. In many regions such movements have also taken shape of armed struggles that use weapons and arms against the State oppression and suppression[3]. One has

---

[3] The armed movement that erupted in Indian Administered Kashmir; the Naxalite and Maoist Movement; the Telengana movement in India; the peoples' struggle for justice in Pakistan Adminstered Kashmir are some of the relevant examples.

to be careful about these dimensions of any conflict situation. These movements are generally influenced by certain religious or political ideologies that motivate and mobilize people or specific groups against injustice, exploitation or any kind of oppression.

1.9 Issues of Children Experiencing Conflict

When exposed to any complex emergency, children owing to their physical, social and structural position in the society are prone to have serious and wide-ranging consequences on their lives. During crisis situations children's social ecologies get profoundly transformed and altered. This sudden or undesirable change, in fact, is not always negative or catastrophic for children or their conditions. Nonetheless, the exposure of children to serious adversities has both direct and indirect consequences in terms of their social, economic, physical and mental wellbeing. However, it is also recognized that besides the extreme negative impact, the exposure of children to adversities also makes children to confront such precarious situations effectively and to consciously act upon such environments and develop innovative survival strategies and adapting mechanisms. There is enormous literature (Nandy 1987; Oldman 1991; Qvortrup 1987, 1991, 1994; Boyden 1991, 1994, 1997, 2003; Jenks 1996; Cairns 1996; Boyden & Gibbs 1997; Dawes & Donald 1994; James & Prout 1997) that showcases the 'positive contributions' of the adverse circumstances on the children's social and mental ecologies. For instance, the enhancement of resilience and coping mechanisms in the context of armed conflicts has been fairly documented in the recent research studies (Prout 2005; Hart & Tyrer 2006; Patel et al 2007; Doty 2010). Here it is important to clarify that such 'positive contributions' are in no way desirable. But keeping in view the fact that the children in present times are confronting diverse complex emergencies in the form of armed-conflicts, wars, torture, incarceration or displacement, it becomes imperative to intensely reform our conceptualizations in congruence with the social realities and contexts of the subjects so that our policy is adequately informed and relevant. In this scenario, the inclusion of such dimensions both in research and practice brings more relevance to the policy

formulation and interventions concerning children in adversities like war, conflicts or natural disasters.

Keeping in view the focus of this analytical review, the following section will elaborate on the theme of children in conflict situations. The literature that has documented the impact of armed conflicts on the lives of children would be reviewed and analysed in the background of the objectives of this research study. The main purpose of this exercise would be to understand the vulnerabilities, risks and issues that children get exposed to in the context of armed conflicts. It would also explore the trends and the dynamics of the sensitive issues concerning these children.

It is projected that annually more than one million people die and many more get injured as result of violence or any other conflict-related tragedies and events. In fact, violence is the leading cause of death between the age-group of 15 to 44 (Welch 1993; Valenti et al 2007). It has been seen that conflict or violence related situations have been more prevalent in the low- income countries, where there is more strain on resources and where weapons and arms are easily available (Murray et al 2002; Ibid). If this argument is given due consideration then regions in Africa could be categorized as the most vulnerable to develop conflict situations. What makes it more evident is the fact that the largest number of conflict related deaths since 1990s has been witnessed in African countries (Lacina & Gledisch 2005 cited in Valenti et al 2007). Moreover, interpersonal violence is 3rd only to HIV/AIDS and Tuberculosis as a foremost cause of death for the ages 15 to 29 years (WHO 2002; Kobusingye 2006; Valenti et al 2007). Quite interestingly, these data indicators reflect a very major concern in the form armed conflict, particularly, in those countries that have a colonial past (Sadowski 1998). It also brings into debate the growing relevance of armed conflict and violence in the arena of public health. Here, it is summarily argued that the incorporation of the holistic public health perspective in the area of conflict mitigation and resolution becomes imperatively essential (Zwi, Fustukian & Sethi 2002; Smith 2004; Boyden 2003). Health interventions and initiatives could add fuel to the peace

building processes in any conflict-torn region. At the World Health Assembly 1996, the WHO declared violence "as leading worldwide public health problem" (WHO 1996, 2002), and called for the public health strategies to address and deal with it. It adopted a broad definition of 'violence':

"The intentional use of physical force or power, threatening or acting against a group or community, that either results in or has a likelihood of resulting in injury, death, psychological harm, mal-development or deprivation." *(WHO 2002, p5).*

The direct consequences of violence include mortality, morbidity, destruction of economic resources and assets, collapse of welfare institutions and mal-functioning of other social security systems. In conflict situation men are generally more prone to get killed while women suffer other forms of victimization like sexual violence, physical abuse, etc. The indirect consequences of violence include poverty, where families get caught in its vicious circle as they lose their access to
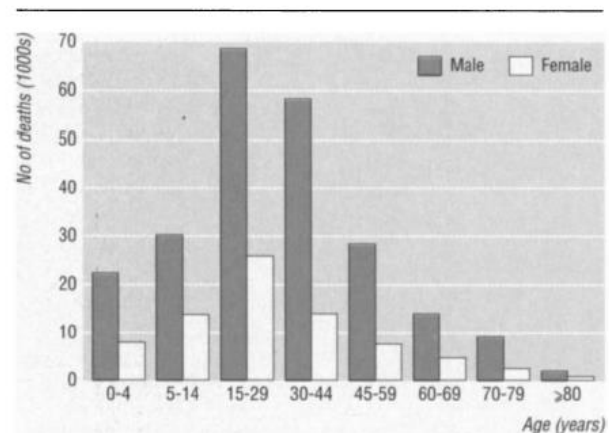
Fig 3 Estimated age and sex distribution of deaths due to conflicts in the year 2000

Fig 3: Adopted from Murray 2002: p 348

economic resources. The problems of trauma and implications for mental health have been rigorously studied and documented in the context of armed conflicts (Dawes 1989; Leavitt & Fox 1993; Cairns 1994; Green & Wessels 1995; Patel 2007; Doty 2010) Moreover, the collapse of health services system is one of the serious concerns in a conflict situation. Such circumstances increase the chances of the epidemic emergence of infectious diseases like malaria, tuberculosis, diarrhoea and respiratory infections, which take heavy toll of children, in particular. These diseases are otherwise easily preventable in the absence of such precarious conditions like armed conflict. Moreover, the treatment cost for injuries and wounds caused due to armed clashes and

violence are very high seriously affects the budgets of the other health programs like that related to malaria, tuberculosis, HIV/AIDS, nutrition, etc. (Stover 1994; Zwi Fustukian & Sethi 2002; Valenti et al 2007). Further women and children in armed conflicts bear very often bear long-lasting and indirect consequences of war and fighting. It is being estimated that women and children have as much mortality (as a result of indirect and lingering consequences of war) as men have from direct exposure to fighting and armed clashes (Plumper & Neumayer 2006). The impact of conflict and violence on school education, child nutrition, immunization, child survival and overall social ecologies of children has been quite devastating. The issue of child combatants or child soldiers has been enormously highlighted by the human right organizations. Besides, the armed conflict also creates huge barriers and difficulties for aid and humanitarian organizations in delivering their duties (Muggah & Batchelor 2002 cited in Valenti et al 2007). In general sense, any conflict situation has very grave implications for the prosperity, peace and overall development of that region.

Armed conflicts gravely affect, both directly and indirectly, the mortality and morbidity patterns of the affected-regions over time, having immediate and long-lasting consequences for human populations. As armed conflict is known to cause killings and has deleterious implications on public health and human welfare, it becomes indispensable to study and understand these conflict situations in a much broader framework. The framework to study armed conflicts and any other situations of conflict must take recourse to interdisciplinary, holistic and a systems approach.

Apart from health, there are various direct and indirect mechanisms through which armed conflict affects humans and society. Conflict directly reduces the overall life expectancy of the affected populations. The causalities are caused to civilians, combatants and soldiers. It includes injuries and disabilities caused to people due to armed violence. The impact of armed conflict on national economies is quite catastrophic. The destruction and other costs due to war seriously affects the economic prosperity and stability of the nation, having

drastic consequences for the people, especially poor, disadvantaged and under-privileged (Li & Wen 2005). Consequently, the problems of wide-spread homelessness, unemployment, forced migration and displacement, deterioration of health services system and collapse or under-development of other essential sectors like education, food security, and water & sanitation and environment. Moreover, this disruption in economic infrastructure and collapse of social security institutions exacerbates poverty, forces people into mass-migration, increases illiteracy and hampers health interventions. The emergence of infectious diseases, which are preventable and non-lethal in normal conditions, take a heavy toll of people, especially children. The diseases like malaria, diarrhoea, respiratory infections, tuberculosis, etc. are the most prevalent diseases in the areas of conflict (Murray et al 2002; WHO 2002). The scenario of HIV/AIDS also worsens in a conflict situation because of the mal-functioning of health programmes and initiatives, and also due to other dangers meted out to health personnel and health related facilities and infrastructure. Likewise, the social implications of armed conflict further exacerbate the already malaise-ridden situation. The deterioration of social cohesion, cooperation and integrity has serious consequences for the overall human relationship in such volatile contexts. Moreover, the temporality in the effects and consequences of conflict makes the problem more complex and intricate. That is, some effects are immediate and instant that dissipate once conflict ends like direct killings. The other effects linger beyond conflict, such as the impact on the social cohesion and mental wellbeing of the populations (Li & Wen 2005).

1.10 Children and Armed Conflict - Issues and Impact

Historically, children have been victims of wars and armed conflicts that have taken a horrific toll on them. Recent armed conflicts and wars cause more civilian causalities that have increased from 5% to 90% of all causalities (Machel 1996, 2001). Modern armed conflicts more consciously and systematically kill, rape, abuse and exploit civilian populations than ever before. Children in such circumstances bear the brunt most horribly. They are

drawn into the unending endemic conflicts of power, control and resources, whereby they are exposed to the spiral of violence. During 1990s, 2 million children died in armed conflicts targeted deliberately and strategically (Zwi 1995; Ibid). Many more millions, in fact 6 million children, were seriously injured or permanently disabled (*op. cit.*). Moreover, the problems of diseases, malnutrition, sexual abuse and violence accentuate the miseries of children in armed conflicts. The preventable and non-lethal infections and diseases prove excessively lethal for children experiencing armed conflicts (Zwi, Garfield & Loretti 2002). It is reported that more than 20 million children are displaced from their homes and communities and living their lives, accompanied or unaccompanied, in the camps for refugees and internally displaced (Brett & McCallin 1998). 3,00,000 child soldiers are stated to have joined armed groups at any given time (Brett 2000 cited in Machel 2001). In 2009, nearly 4000 new casualties were reported from landmines, un-exploded explosives and victim-activated improvised explosives devices. One third of the victims were children, as reported by Child Rights Information Network[4] (2010).

The present wars and armed conflicts also have roots in the struggles for gaining control over natural resources like crude oil, etc. With the global dominance of international capital in almost every sphere of life, such global businesses make wars and armed conflicts not only possible but profitable too. As conflicts have markets in the affluent countries, the dominant policy institutions and instruments seem to perpetuate the conflict through highly de-contextualized and problematic policy and humanitarian interventions. The international legal instruments have proven to be ineffective because of the unwillingness of the state parties to uphold them. Though, these were somewhat powerful and formidable instruments to uphold human rights and to prosecute the perpetrators of genocide. The international market for small arms and light weapons has grown tremendously in recent decades. The easy

---

[4] Child Rights Information Network is a global child rights network that work in the area of child rights and development. It has a network of more than two thousand organization. For more information see www.crin.org ((Visited before May 2011)

availability and access to such weapons and arms among general populations encourages violence, turning a mere difference of opinion into a bloody slaughter and thus sowing seeds of conflict. Moreover, the relief and aid interventions are inadequate, uneven and irrelevantly conceptualized and operationalized. The issues have been taken further in the following chapters of this dissertation. The following sections of this chapter briefly discuss the issues that children face in the conditions of armed conflicts.

Child Soldiers: Politics of Age

The majority of the recent modern armed conflicts are characterized by the widespread use and exploitation of children as active combatants or as members of armed groups. It is being estimated that about 3 lac child soldiers are active at any given time (Machel 2001). The huge availability of small arms, rifles, grenades, pistols, etc. have greatly encouraged the trend. Machael (2001) defines a child soldier:

"A child soldier is any child boy or girl- under the age of 18 who is compulsorily, forcibly or voluntarily recruited or used in hostilities by armed forces, paramilitaries, civil defence units of other armed groups." (p7)

Children quite often are forced to play gendered roles in any armed groups. Generally, girls are used for sexual services, cooking, as messengers or porters while boys as active combatants and fighters (Ibid, Hart & Tyrer 2006; Rosen 2007). A myriad of factors and conditions could be identified that beset children and consequently force them to join armed groups. There are economic, social, political and cultural circumstances and contexts that impact the social ecologies of such children in armed conflicts. The vicious circle of poverty in a continuing armed conflict makes children and adolescents of poor families more vulnerable to get recruited in armed groups. Moreover, children working on streets, orphans, unaccompanied displaced and refugee children are abducted and forced in military life. For instance, Myanmar represents those conflict zones where one of the highest number of active child soldiers are present, not only in armed insurgent groups but in governmental forces too.

40

More often, children of minority, disadvantaged and oppressed sections of populations are forcibly taken into the armed groups. In other cases the indigenous children, like in Guatemala civil wars[5], are forcibly pushed into armed violence and fighting. In the regions where government control is weak, the armed groups kidnap children from streets, schools, orphanages or other institutions. Quite horribly, the Militia government in Myanmar, many a times announce forced recruitment of children, particularly adolescents, in armies or state forces (Brett & McCallin 1998). Likewise, the Islamic *madarasas* in Pakistan and Afghanistan were believed to supply new and young recruits to Taliban across the region in late 1990s (UN 2000).

More often than not, the recruitment of children in armed groups is depicted as 'voluntary', and a matter of free choice of children. But many critics vehemently argue that such a choice is in reality a reaction to the interplay of economic, political, social and cultural forces that overarch the social ecologies of children. Nonetheless, there can be no denying the fact that in many cases children do consciously exercise their agency. Although, such reactions do have determinants in the broad structure that overwhelm their lives in a conflict situation, without ignoring the so called 'positive' contributions of exposure to adversity like enhancement in resilience and coping (Boyden 1997, 2003; Prout 2005; Hart & Tyrer 2006). Interestingly, some children in armed conflicts join armed groups in order to ensure their or even family's safety, survival, food, medical care and protection in violent and chaotic environment around (*Ibid*) And yet for other children the state's oppression, harassment and human rights abuses on their families and community motivates them to join insurgent groups. In Indian-administered Kashmir, for instance, hundreds of adolescents in the age group of 13 to 18 have joined the insurgent-ranks to fight and agitate against the state repression and extensive human right violations (Hussain 2007; Rashid 2009).

---

[5] Children from Mayan community were forcibly recruited into Guatemalan Army. The forces used to terrorize the indigenous community by paring its girls, destroying crops and agriculture, humiliating women and frequently killing ad torturing adults. (Macheal 2001)

Moreover, the attraction and allurement of military life and feelings of power and control when handling deadly weapons, encourages many adolescents to join armed group. Also, the influence of religious and political ideologies on children is one of the important determinants of children participating in combatant groups. The ideals of martyrdom, freedom and self-determination are indoctrinated into their personalities. Pertinently, it is worth-mentioning that in the recent agitation of 2010 in Kashmir, there was a huge participation of school children and adolescents in the public protests in favour of the peoples' struggle for right to self determination and against the human rights abuses by the State. More than 120 youth, mostly in the age group of 9 to 18 were killed in firing by the security personnel (Junaid 2010; ACHR 2010).

Eventually, children who escape or are released from armed groups often have to confront problem of stigma, alienation and rejection from their communities. Especially for girl child soldiers the reintegration and reunification with the family or community is excessively difficult particularly in those who have faced sexual violence. Most of them end up in prostitution (Brett 2002 cited in WHO 2002). The physical, emotional and intellectual instability of child soldiers offers little prospects of life for such children and endanger their acceptance, reintegration and mainstreaming in the community life. There military identity and earlier association with violence creates severe abhorrence against them. In the lack of alternatives or any support, such children develop more aggression, alienation and sullen personalities that may force them into more serious and higher order crimes[6]. In other cases, a proper environment of restorative justice, acceptance and support would ensure his physical, psychological and social rehabilitation to a large extent. Though, many children find it hard to disregard violence as a legitimate means of acquiring their goals, especially when they still live in poverty, injustice and oppression. Amazingly and interestingly, there is a rich amount of emerging literature (as mentioned

---

[6] This phenomenon has been discussed thorough Escalation Theory that there is career escalation or offence specialization from status to misdemeanor to felony offences (Erickson, 1979).

earlier) that argues that exposure of children to adversity like armed conflict enables then to enhance their resilience and coping mechanisms. In the case of child soldiers it has widely been seen that after their reintegration in the community they are more resourceful, patient and innovative in developing survival strategies and who consciously take decisions on their own. This phenomenon was also starkly visible in the study conducted by this researcher on the children exposed to torture and incarceration (Rashid 2009). The discussion on this subject has been taken further in the 3rd and 4th chapter of the dissertation.

Displaced Children

Forced displacement or migration from a region caught in armed conflict is a common phenomenon. People abandon their communities, families and property in fear of death, torture, abuse or exploitation at the hands armed groups or enemy parties, It has been estimated that almost 40 million people are living a life as 'refugees' or 'internally displaced'. Around 20 million are children who are deprived of the family protection and community security (Machel 2001). Such children get exposed to diverse vulnerabilities and risks that have catastrophic bearing on their lives. Their survival and security gets engendered, becoming victims to sexual abuse, trafficking, illegal adoption, psychological trauma and other forms of violence and exploitation. The 'unaccompanied-children, and 'separated-children' prove to be more prone to such dangers. In the case of girls and women, their lives in the camps of refugees and internally-displaced are fraught with immense vulnerabilities and dangers for their safety, protection and health. They become victims of the difference and conflicts that emerge in the camps between diverse groups. The risk of being exploited or sexually abused by military and other armed groups is also quite high. The rejection from the local and host community exacerbates their living conditions and endangers their food and health needs. The lack of reproductive health care, in particular, deleteriously affects their condition and exposes her to reproductive tract infections and other related ailments that may prove fatal and life-threatening (Plumper and Neumayer 2006).

Moreover, the people, especially children, of minority and indigenous groups are among the most vulnerable within the displaced populations (MRGI 1997). The most powerful groups in the refugee camps exploit the disadvantaged populations in diverse ways. The latter's children suffer higher rates of infections, malnutrition, mortality and morbidity due to intense lack of food, health, water and sanitation facilities. The scenario of education in such precarious circumstances for these children exacerbates continuously. The threat to the cultural and lingual identity of the displaced populations has serious implications for the coming generations. Thus, the phenomenon of displacement and migration due to armed conflict devastates the social ecologies and social security systems of children. Children lose the protective environment and supportive network and thus become prone to violence, exploitation and abuse.

Children's Health and Armed Conflict

Children living or confronting an armed conflict are not only killed and injured in direct armed violence, but the indirect impact of the conflict situation and violence also takes a heavy toll on children's health. Children of conflict-zones are beset by malnutrition, infectious diseases, acute respiratory infections, besides complicacies developed out of injuries and disabilities caused by armed violence. Wars and armed conflicts disrupt food supplies, agriculture, health services system and water & sanitation network. The collapse of these essential and basic needs system throws thousands of children into a deadly spiral of disease and illness. The mortality and morbidity rates increase manifold and drastically for those uprooted from their homes and communities and living in the camps for refuges and internally displaced. In these conditions, the most vulnerable to disease are the children under the age of five. The already-malnourished or weak face the greatest risk to survival and development.

Machael (2001) has stated that armed conflict is responsible for deteriorating health indicators having direct consequences for children. She argues that out of 10 countries with the highest rates of under five deaths, 7 are facing or have

experienced armed conflict and violence. The child survival and development scenario in the countries caught in armed conflict is worst: Angola, Afghanistan, Democratic Republic of Congo, Liberia, Mozambique, Sierra Leone and Somalia. It is estimated that nearly 1 child in 3 dies before attaining the age of five (UNICEF 2001).

It has been reported by the IRC that 2.5 million civilian died s a result of armed conflict in Democratic Republic of Congo between August 1998 to April 2001, and alarmingly, one-third of them were children under five. The children who face permanent disability due to armed violence are three times more that those who get killed (WHO 2002; UNICEF 2011). Landmines viciously and greatly contribute to the casualties among children in conflict zones. Moreover, the children permanently disabled or seriously injured hardly have any access to social or rehabilitative services due to the collapse and dwarfing of the welfare and social security institutions, and more so , because of the changing priorities of the States. UNICEF reports that only 5% of children with disabilities in developing nations have access to rehabilitative and social support, and less that 2% of children with disability go to mainstream schools (UNICEF 2001).

Infectious Diseases:

The population that are uprooted or driven out of their communities and environment face immense vulnerability and risks of infectious diseases. Particularly, the impact of forced migration or displacement on children is accentuated by exposing them to infections like malaria, measles, acute respiratory disorders, tuberculosis, diarrhoea, cholera and other communicable diseases. The factors of food insecurity and unhygienic water and sanitation exacerbate the situation from worse to worst. UNICEF (2009) reports that diarrhoeal diseases cause half of all the child deaths in conflict regions. The growing problem of tuberculosis in the camps of refugees and internally displaced people and accentuated by HIV/AIDS, throws such people into the fatal spiral of death and destruction. The WHO estimates that half of the world's refugees are tuberculosis carriers (WHO 2010)

Besides, the negligence of reproductive health facilities for women and girls in conflict zones gravely complicates the issue. The vulnerabilities of women and girls to sexual abuse and violence, unsafe sex, pregnancy and abortion related emergencies increase their risk to disease, illness and death. It has been estimated that between 25% to 50% of maternal deaths among refugees are the result of post-abortion complicacies (UNFPA 2010). It is reemphasized that the health of newborn and children is strongly linked to the health and wellbeing of their mothers and families.

Health Services:

In conflict situations around the world the health services remain sub-optimal or completely devastated. The direct attacks on hospitals, clinics, ambulances take a heavy toll on doctors, nurses and other medical and paramedical staff. The basic health facilities and infrastructure remains poor or totally collapsed. The armed violence halts medical supplies, distribution of drug and other essential health activities like immunization, vaccinations and awareness drives. The wartime travel restrictions also affect the movement of the people. Event the humanitarian organizations like International Red Cross, Save the Children, UNICEF and other UN agencies have lost hundreds of medical, professional and civilian staff to violence. Moreover, the disruption and collapse of health systems severely breaks down the vaccination and immunizations initiatives. In war-torn regions like Democratic Republic of Congo, only 15% children get immunized for measles. In Somalia it is 25% only. Likewise Afghanistan, Angola, Liberia, Ivory Coast have very low rates of vaccinations and immunization coverage (UNICEF 2001, 2009).

Food insecurity and Malnutrition:

The agriculture and food security is often disrupted and destroyed accidentally or intentionally in armed conflict situation. Besides the direct use of agriculture and food as a weapon of war by armed forces, the prevailing dangers and disruption de-motivates people to venture out for agricultural practices. The restrictions on movement, the fear of landmines and disruption of market

seriously affect food production, supply and distribution. These miserable conditions of food systems worsen food scarcity and malnutrition especially in children. Such chronic hunger and food insecurity many a times escalates armed violence among diverse groups in a region already war-torn. Moreover, this chronic hunger and malnutrition is of the most important causes of death and disease among children in armed conflicts (Zwi Fustukian & Sethi 2002; Zwi, Garfield & Loretti 2002; UNICEF 2011). It has been found that the malnutrition increases the risk of death in children under five by 4 to 8 times that of children who are adequately fed (Pelletier et al 1998). The most malnourished children are found in the region caught in armed conflicts. The unhygienic water and poor sanitary conditions further accentuates the already malaise-ridden situation, and thereby exposing populations to communicable diseases when their mal-nourished bodies develop low resistance and less immunity.

Sexual Violence and Exploitation

While conflict imposes misery on everyone, women and young girls are mainly affected by its varied and complex short-term and long-term impact and experience conflict in a different way. Conflict increases the crimes of violence against women and girls. Sexual violence is frequently employed. Victimization results in isolation, alienation and prolonged emotional trauma among women (HRW 1996; Amin & Rashid 2010). Conflict often increases the number of households with female heads and as a result women assume a role of primary provider, which subsequently exposes women and girls to further abuse in conflict settings. Conflict situation more-or-less destroys the comfort assured by daily routines and expectations from social institutions. Although conflict may, in some cases, improve gender relations as a result of shifts in gender roles - by and large its impact on women is terribly adverse. Moreover, the involuntary displacements of people are often used for tactical purposes in conflicts in order to subvert the social organization of fighting groups. These dislocations impact women inexplicably given that they restrict access to

resources aimed at managing with household responsibilities, and thereby increasing their exposure to adversities and (Watts & Zimmerman 2002) to physical and emotional violence.

Rape in a conflict zone is often related to the dynamics of power and aggression rather than to sexuality only (Tompkins 1995; Coomaraswamy 2001). It is prevalent during conflict situations and is perhaps least scrutinized and recognised aspect. Though often related as the accidental extremes of poorly organized soldiers, it is more exactly viewed as apparatus of terrorization positioned on more or less regular basis. It functions like other practices of torture and is used as a strategic weapon of war to demean and subdue the morale of native or victim populations. A study conducted by an International organization working in Kashmir, Medicines Sans Frontiers, revealed that the women in the region are among the worst victims of sexual violence in the world. "Sexual violence has been routinely perpetrated on Kashmiri women, with 11.6% of respondents saying they were victims of sexual abuse," says the 2005 study (MSF 2005 cited by Motto 2009). Moreover, the study contests that the magnitude of violence is quite high than that of Sierra Leone, Sri Lanka and Chechnya. Shopian incident[7] that involved rape and murder of two young women in 2009 was further addition to it. While as imprisonment and deaths are immediate dangers for men, the circumstances vary for women and are quite different in nature. Women and girls are often deliberately targeted for sexual abuse as a means of "dishonouring" their community or "demoralizing" their male populations in liberation or ideological struggles (Amin & Rashid 2010). The use of sexual violence in conflict zone is too widespread, too frequent and seemingly too calculated and effective (Machel 1996, 2001). In conflict zones rape is frequently used as

---

[7] Allegedly, between the night of May 29 and 30, 2009, one woman and a young girl were first raped and then mercilessly murdered in Shopian, which is one of the district of Indian Administered Kashmir.. The incident resulted in wide-spread protests and 61days of complete strike in the district, leading to the disruption of normal life.

means of psychological warfare in order to humiliate the 'enemy' and undermine their morale. In war zones when part of a widespread and systematic practice, 'rape' is now recognized under the Geneva Convention as crime against humanity and also as an element of the crime of genocide, when committed with the intent to destroy, in whole or in part, a targeted group. The International Criminal Court (ICC)[8] explicitly identifies rape as prosecutable as a crime against humanity. Strategic rape attacks not only the victim but also aims to impair the social structure of the attacked group, creating serious social pathologies. It heavily weighs on the collective honour and dignity of the community as a whole. It is usually characterized by any physical invasion of a sexual nature perpetrated without the consent of the victim, that is by force or coercion, such as that caused by fear of violence, pressure, detention or by taking advantage of a coercive environments (*Ibid*). Rape as an event is a nightmare that sends shivers down a women's spine no matter, who she is, how old she is, whether she is illiterate or literate, urban or rural. Something no woman ever wants to go through in her life time. It leaves the scars of brutality so extreme that survival seems for some a worse fate than death (Amin & Rashid 2010). There is no consensus as to whether sexual violence is a question of sex with a violent manifestation, or it is opposite, i.e. violence with a sexual sign. The meaning of sexual violence has altered greatly over time. The Psychoanalytical theory describes the perpetrator of rape as the one with aberrant and abnormal conduct. While as feminist authors have understood this as criminal attempt of violence, supremacy and control aimed at continuing patriarchy and women's subservient place within the society (HRW 1999; Watts & Zimmerman 2002). In addition, the impact of sexual violence or rape on the women in the community, particularly young and adolescent girls has horrible implication on their career and prospective life. These traumatic events and experiences have wide range of vile ramifications that disease their psychological identity, social position, cognitive disposition and behavioural inclinations. Fear of getting raped can lead to disruption of normal

---

[8] See http://www.icc-cpi.int

developmental course, which can cause numerous effects on ones wellbeing. In conflict zones, like in Kashmir security personnel have searched, initiated unsolicited physical contact, imprisoned, sneered, harassed, passed lustful comments, mentally dishonoured, propositioned, extorted, bodily harassed, mistreated, and attacked girls/minors and females in the course of daily routine life (Rattan 2001; Amin & Rashid 2010). However the trauma of rape is worse than any kind of bodily harm. The rape victim often identifies herself as an 'wretched', as a 'dirty', inferior person, and the same is often repeated by close family members (Tompkins 1995; Amin & Rashid 2010). The perpetration imposes on her family and friends a mark, a shame, which cannot be deleted. This distress has a communal aspect as well, as the family is also faces stigma from the community and in neighbourhoods. Rape often leads to the destruction of the essence, of the determination to live and of being itself. More often than not women are held responsible for tempting the offender to act that way (Snow 1994:397). However, the opinions with respect to it vary from culture to culture and region to region. Consequently, the act of rape has wide and far reaching psychosocial ramifications, the entire community experiences a sizeable impact, as it traumatizes the community members, particularly the close associates of the victim. Moreover young children exposed to such violence are at greater risk of getting adversely affected.

Hence, children living or experiencing armed conflicts have myriad of issues and concerns that are both directly and indirectly related to the large scale destruction, devastation and disruption caused to the social, economic, political and cultural institutions and structures that are very closely and dynamically related and linked to the social ecologies of children. As discussed in the detailed description above, the exposure of children to adversity like armed conflict, tremendously affect and endanger their life, survival and development. Nonetheless, the exposure of children to such extreme adverse conditions makes them to consciously take decisions and exercise their personal resources to adapt and develop survival and coping strategies. The enhancement in their resilience and coping mechanisms in such precarious circumstances has been

thrown into an intense debate in the academic corridors. Interestingly, the ethnography and anthropological studies (Boyden 1991, 1994, 1997, 2003; Jenks 1996; James and Prout 1997; Hart & Tyrer 2006) have taken a great leap forward in raising such debates. It has questioned the vulnerability paradigms of childhood that conceptualize children as weak, dependent and passive. Contrarily it argues that children's agency, resourcefulness, activity and creative production must also be taken into consideration particularly when policies are being formulated and implemented.

More importantly, the issues and problems which children face in conflict situations are only the manifestations and symptoms of a much bigger and complex problem. That is, the global political and economic structures have an immense role in creating or perpetuating the armed-conflicts. As witnessed in the African context, the aggression of the imperialistic and colonial powers have bred or sown the seeds of various civil wars and armed conflicts. The case of Rwanda perfectly epitomizes this trend (Sawdoski 1998). There is an immense role of the international capital in determining the nature of the social, economic and political relations between and with-in the nations across the world. For instance, the international humanitarian organizations' policies and priorities are greatly influenced by this global politics. Children, in particular, become victims of such global order and processes. An attempt to understand these complex issues has been made in the proceeding chapters of this dissertation. The next chapter traces the historical variability in the meaning and concepts related to children and childhood, and will also focus on the conceptualizations, debates, diverse and emerging perspectives on childhood.

1.11 Resilience and Resistance of Children amidst Adversity

Humans have socially-mediated mechanisms, patterns and approaches to manage adverse and complex emergencies. Their indigenous notions of well-being, causality and spirituality, power and identity, define their perceptions of and responses to any event (White 1998). Thus, to formulate and develop policy intervention for children in adverse contexts, the approach necessitates a

departure, though not in totality, from the dominant biomedical paradigm that claims to have an 'objective' closeness to reality and causality, demeaning subjective interpretations of human life. The positivist frameworks on which the present child policy and practice rests, de-contextualises and reduces 'children' to replicable units having universal patterns of development, socialization and adaptation. As mentioned elsewhere, this approach is in contradiction with the revelations from the emergent literature on the children's agency and resilience in adverse contexts (Dawes 1992; White 1998; Prout 2008, James and Prout 2007, Black 2001, Punch 1998; Waksler 1994 cited in Boyden 2003). It is emphatically concluded in these studies that children reared in the environment that guarantees self-assurance, autonomy and independence had promoted-levels of self-esteem, well-being and self-efficacy (Aptekar 1989; Patel et al 2007). Children have valid insights and analytical perspectives of their own and which may not be perfectly congruent with the adult perspectives and notions. However, the present dominant childhood research and policy-orientation is based on adult opinions that regard children as 'mass of victims' and 'passive' objects of adult decision. The overwhelming and pre-conceived notions of vulnerability of children create barriers to understand children's varied-responses to complex traumatic experiences. It poses threat to their self-esteem, self-efficacy and personal strength. Similarly, the misplaced policy-interventions neglect the creative approaches that children take recourse to manage risks and adversities (Oldman 1991; Qvortrup 1994; Cairns 1996).

The growing literature on the subjects of 'children facing adversity' has enormously focused on the children's exercising of agency, exploring alternatives and consciously taking control of their lives in the adverse situations (Dawes 1992, Hart and Tyrer 2006, Doty 2010). Surprisingly, it is revealed that how the emergency situation and upheavals create additional obligations and possibilities for children to explore, think and contribute their ideas, skills, and energies that enhance their resilience and coping mechanisms. Thus, the resourcefulness, competence and contribution of children must be integrated with the global and national policy and practice that affects children

directly or indirectly. This argument is no way to generalize that *all* children manifest resilience or resourcefulness in the times of trauma and damage, but it is reemphasized that the assumptions – children have *inherent* vulnerability, could blind our vision and distract policy makers and researchers and make them complacent in not taking into account the self-protective strategies, strengths, capacities and participation of children in policy formulation. Moreover, it is reiterated that the complete departure is not what is being argued here. Rather, a deconstruction of the *grand narratives* like 'universality' in the globalized notions of childhood is advocated. The approach takes into account the structural causes and effects, social formations and contexts, children's own agency and resources. It gives children a space in both the theoretical and practical domains, to assert their views and perspectives. These insights of children are considered as 'sources' of learning and informing the policy and practice affecting them in complex emergencies like armed conflict.

In conflicts children are not just the passive victims but also active participants. They identify with the movements or struggles of their people and communities against imperial or foreign aggression and occupation, state repression and human rights abuses. Hein et al (1993) found in a Palestinian-community sample of 1200 children that in spite of facing severe atrocities and repression at the hands of Israeli army these children's identification with the intifada as a struggle for Palestinian identity seemed to be socially and psychologically protective. It was found that those children who reported a 'willingness' to confront 'enemy-soldiers' included many with history of confrontation and beatings and had higher 'self-esteem' than the others. Similarly, in Kashmir conflict since 2007 the massive public protests[9] in favour of the Right to Self

---

[9] After passing from a two-decadal militant phase, the Kashmir conflict has witnessed huge public participation of common masses irrespective of age, gender and region. Particularly, since 2007 massive public protests and demonstrations have taken place in support of the Right to Self Determination and against alleged human rights abuse by the army and other security personnel. These demonstrations have seen unprecedented participation of young people and children, and from where the revival of 'stone-pelting' on security forces took place.

Determination and against the human rights abuses, witnessed a huge and persistent participation from children and young people (Junaid 2010; Navlakha 2010; Kashmir Media Services[10] 2011) When these public protests and demonstrations are dispersed and thwarted by the state forces, these children and young people actively confront the security-forces with stones and engage them for days together. Since 2007 more than 150 'teenagers' got killed and many hundreds seriously injured in the firing on 'child stone-pelters' by the police and para-military forces. A lot more have been tortured, booked and incarcerated under severe punitive acts like J&K Public Safety Act (Ibid). Yet the persistent and undeterred participation and confrontation of children and young people with 'stone-pelting' brought the Kashmir conflict once again in the international limelight. The young peoples' resistance contests the grand-narratives of the 'state-perceived' peace, security and normalcy. As Wessells (1998) argues that young people may define own identity in part by extreme opposition to those perceived as 'enemies, and they find considerable meaning in identifying with and working for the cause or struggle of their people and communities for liberation and nationhood. This pattern of associations and identifications of children with popular struggles and resistance movements has been associated with the reduction of anxiety and depression (Straker 1992; Punamki 1996). In South Africa similar observations were made by the research on children of Soweto (Swartz 1989).

The disparities exist among diverse groups and categories of children with respect to their exposure to dangers, existence, surviving and health (Boyden and Mann 2005). The inequalities and disadvantages have structural causes that heavily influence or mould lives of children. Being seldom in the control of the individual, these disparities get transmitted to successive generations. These structural inequalities emanate from the political, economic and social conditions besetting such people and communities. As a child grows up in such

---

[10] For more details and statistics related to Kashmir Conflict see www.kmsnews.org/ (Consulted on May 10, 2011).

circumstances these structural risks get compounded and accumulated at various levels of socialization and interaction, rendering it susceptible to social, economic and psychological disruption and distress. Some 'radical' child rights advocates have strongly emphasized the *role and responsibility of state* in perpetuating these disparities and inequalities among various groups and categories of children, owing to the latter's ethnicity, race, religion, political or cultural origins. Gathering evidence pointing to the political causes of childhood suffering and problems, they have shown that the states and political structures victimize and imperil children, and sometimes even under the guise of 'protection' (Kakkar 1978; Qvortrup 1994; Woodhead 1998; Macheal 2001; Boyden & Mann 2005; Rashid 2009; Amin and Rashid 2010). Thus the social, economic and political arrangements and structures heavily influence the lives of children, directly or indirectly. The policy and practice, however, rarely considers such structural determinants and dimensions in its understanding of children and their issues. The policy makers are quite often unwilling to involve with the issues that have socio-political or cultural roots. Though, it in itself reflects the underlying and implicit politics that diseases such problematic conception and perception. In a typical biomedical paradigm, they prefer to 'depoliticize the suffering and deprivation, and advocate individual remedial interventions and programs. Such a narrow simplistic and trivializing analysis of these complex issues deepens the suffering and victimization of children and creates more dangers to their wellbeing, prosperity and development. Pertinently, the growing emphasis of present research on mental health, especially of children, in the regions of armed conflicts, and categorization of the human response to adversity in the *'global PTSD syndrome'* (Bracken, Giller and Summerfield 1995) detracts attention from the social, political and economic nature of the adversities, suffering and victimization. Unfortunately, the majority of humanitarian aid allocations are made or diverted to sectors of psycho-medicine and mental health and to 'address' such psychopathology and problems. The approach emphasizes individual psychopathology and reductionist therapeutic model in clinical settings and undermines the structural determinants and contexts that actually shape and lie at the roots.

As pointed out earlier, the policies affecting children, especially in the context of armed conflicts, has been unjustly dominated by the European and North American values and ideals. This dominance of North ethnocentrism and hegemonic conceptualizations is influencing and informing the mandates and programs of the major humanitarian agencies and international child rights organizations (Keen 1998). Contrarily, in cultures where life is colored by spiritual cosmology, the people have faith-based mechanisms of healing, treatment and purification, In Angola, for instance, the local people prefer to use traditional methods and ritual-purification of 'child-soldiers'. It is believed that a child soldier is haunted by the 'spirits' of those he killed (Green & Wessells 1995; Wessells 1998). In such a scenario the excessive reliance on Western methods of psycho-medicine marginalize the local cultures, adding irrelevance to the lives of the local people, particularly children. The problematic individual focus of the western models undermines the communal and community-based support for children in distress. These models fail to acknowledge that 'trauma' is viewed as a manifestation of a social disorder deeply embedded in the social structure and not as an individual phenomenon.

Thus, the shortcomings in policy and practice concerning children in armed conflicts are the result of the erroneous and problematic conceptualizations of the issues and their solutions, insufficient empirical evidence to formulate specific policies, and undisputed suppositions about children's development, capacities and vulnerabilities. The social science research in the field of 'children facing adversity' has challenged the conventional paradigms and provided new insights into how to assist children who are experiencing complex emergencies like armed conflict. The emerging perspectives have questioned the relevance of child policy and practice executed from 'outside' the child's social, economic and ethnic milieu. This approach makes it imperative that the policy interventions must not be hegemonic and decontextualized, but inclusive and culturally relevant and meaningful. Moreover, the dominant child protection philosophy is beset by the challenges posed to it at conceptual, methodological, theoretical and practical levels

(Boyden and Mann 2005). The children's experiences of difficulty are arbitrated by a host of internal and external factors that are attached to the social, political, economic and cultural milieus in which children live. Besides, the research has documented that 'resilience' of children gets enhanced if they experience 'approval, acceptance and opportunities' but decreased if children face 'victimization, rejection, failure and humiliation' (Tompkins 1995; Amin & Rashid 2010). The role of family, extended-households and community is essential in enhancing the skills, competence and resilience among children. Though the phenomenon of 'resilience' is a complex and developmental process, yet in most of the literature on children and conflict it is considered of more as the absence of pathology rather than the existence of the subjective agency in children. The main reason of this trend is the privileging of adult perception over children's experience.

CHAPTER 2:
METHODOLOGY AND FRAMEWORK

2.1: Introduction:

Children live and experience their childhood in congruence with their cultural, social and economic norms and systems that prevail in their communities. Their socialization with the customs, traditions and norms in a particular context defines their position and status in the community's social formations (Nandy 1987; James & Prout 1997; Wilkerson 2020). These communities have own context-specific, local and indigenous understandings and meanings of any phenomenon pervading their lives and social ecologies. Similarly, the notions of 'suffering', 'loss', and 'pain', while living through the armed conflict, are deeply embedded in the socio-cultural and politico-economic formations. Thus, in case of a community experiencing armed conflict, its responses to such situations are intensely defined by the prevailing social, cultural and local institutions and systems as mentioned earlier. However, the interpretations and meanings children attach to their suffering and adversity may not be congruent and compatible with the western interpretations of suffering and loss as projected by the state in their support to INGOs and their interventions (Davis 1992). In fact, armed conflict is depicted as the mental health emergency and where PTSD is described as a hidden epidemic capable of causing large scale pathology (UNICEF 2011). It has been widely seen that schools and other educational institutions in conflict zones including that of Kashmir, are primarily approached because of the easy availability of school-pupils and young-people as research subjects and potential targets for psycho-pathological intervention (Rosen 2005; Patel et al 2007).

2.2: Armed Conflict and Children in Kashmir

It has been widely realized that in conflict children are not just the passive victims but also active participants. They identify with the movements or struggles of their people and communities against imperial or foreign aggression and occupation, state repression and human rights abuses. Hein et al

59

(1993) found in a Palestinian-community sample of 1200 children that in spite of facing severe atrocities and repression at the hands of Israeli army these children's identification with the intifada as a struggle for Palestinian identity seemed to be socially and psychologically protective. It was found that those children who reported a 'willingness' to confront 'enemy-soldiers' included many with history of confrontation and beatings and had higher 'self-esteem' than the others. Similarly, in Kashmir conflict since 2007 the massive public protests in favour of the Right to Self Determination and against the human rights abuses, witnessed a huge and persistent participation from children and young people (Junaid 2010; Navlakha 2010; Kashmir Media Services 2011) When these public protests and demonstrations are dispersed and thwarted by the state forces, these children and young people actively confront the security-forces with stones and engage them for days together. Since 2007 hundreds of children and young people have got killed and many hundreds seriously injured in the firing on 'child stone-pelters' by the police and para-military forces. A lot more have been tortured, booked and incarcerated under severe punitive acts like J&K Public Safety Act (Ibid). Yet the persistent and undeterred participation and confrontation of children and young people with 'stone-pelting' brought the Kashmir conflict once again in the international limelight. The young peoples' resistance contests the grand-narratives of the 'state-perceived' peace, security and normalcy. As Wessells (1998) argues that young people may define own identity in part by extreme opposition to those perceived as 'enemies, and they find considerable meaning in identifying with and working for the cause or struggle of their people and communities for liberation and nationhood. This pattern of associations and identifications of children with popular struggles and resistance movements has been associated with the reduction of anxiety and depression (Straker 1992; Punamki 1996). In South Africa similar observations were made by the research on children of Soweto (Swartz 1989).

The growing literature on the subject of 'children facing adversity' over the years has enormously focused on the children's exercise of agency, exploring

alternatives and consciously taking control of their lives in the adverse situations (Dawes 1992, Hart and Tyrer 2006, Doty 2010). Surprisingly, it is revealed that how the emergency situation and upheavals create additional obligations and possibilities for children to explore, think and contribute their ideas, skills, and energies that enhance their resilience and coping mechanisms. Thus, the resourcefulness, competence and contribution of children must be integrated with the global and national policy and practice that affects children directly or indirectly. This argument is no way to generalize that *all* children manifest resilience or resourcefulness in the times of trauma and damage, but it is reemphasized that the assumption – *children have inherent vulnerability,* could blind our vision and distract policy makers and researchers and make them complacent in not taking into account the self-protective strategies, strengths, capacities and participation of children in policy formulation. Moreover, it is reiterated that the complete departure is not what is being argued here. Rather, a deconstruction of the *grand narratives* like 'universality' in the globalized notions of childhood is advocated. The approach takes into account the structural causes and effects, social formations and contexts, children's own agency and resources. It gives children a space in both the theoretical and practical domains, to assert their views and perspectives. These insights of children are considered as 'sources' of learning and informing the policy and practice of both the state and INGOs, affecting them in complex emergencies like armed conflict.

2.3: Growing NGOs and Shrinking State:

An important shift was seen in 1970s and 1980s humanitarian discourses with governments and states directly funding NGOs and integrating them in the policymaking and international politics with respect to children and child-welfare (Billon 2000; Chandler 2001). The organizations like Christian Aid, Oxfam, Save the Children and many other received huge financial grants from the state institutions and were tremendously relied upon to execute government and international relief and aid operations across regions. In such a scenario the

manipulation of the humanitarian aid and assistance has been quite effectively used as a substitute to any resolute political action or intervention. Moreover, humanitarianism is seen an alternative to diplomacy just making the world believe that 'something is being done' (O'Hagun 1999). There is a serious lack of concerted endeavours to devise coordinated and comprehensive political and economic solutions to the crises. On the other hand, there is extreme form of readiness in the international humanitarian organizations to fund aid programs and intervention that are in itself too superficial and narrow. Moreover, on the pretext of humanitarianism different actors, having their own or of their donors' stakes in the activism, intervene in the regions caught in complex emergencies (Rashid 2012).

In the context of armed conflict it has been seen that INGOs strategically exaggerate and mystify suffering of children and warn of dire predictions if their *messianic* interventions are not carried out (Rieff 1995: Billon 2000; Curtis 2001; Barakat and Wardell 2002). Children especially, experiencing conflict, are depicted as 'helpless victims of distress', 'who are mentally-ill', generally 'suffering from PTSD', and above all who need a saviour in the form an external aid agencies or professionals (Summerfield 1996; Boyden 2006; Hart & Tyrer 2006). Their nexus with media further facilitates the promotion of their narratives and gives them a global reach to attract funds and grants from donors. Ironically, the media industry in the conflict situations is pre-occupied with the 'search for victims', where journalists are desperate to find 'a good' story, i.e. *a mass atrocity,* for media promotion of humanitarian cause. As Chandler (2001) argues:

 "Human rights NGOs have described the civil encounters as events in and of themselves, from which it can only be infered that the natives of these regions are uncivilized, predisposed to violent and brutal ethnic urges, or at the very least easily influenced by governmental propaganda because they lack autonomous critical ability" (p691).

 Thus, by dehumanizing the indigenous populations and communities, the external agencies legitimize the western activism by emphasizing the rhetoric

of rights-based approach and 'best-interest' politics. The intense ethnocentric bias, de-contextualized problematization of issues and universalistic programs and polices get clearly reflected when we review and analyse the policy response towards children in armed conflict zones. The psycho-social work or mental health in conflict has seen an overwhelming focus of humanitarian aid interventions in the recent past (Boyden 2003). There has been redefinition of suffering and victimization of people facing conflict especially of children, into a psychological condition and traumatisation, where the western psychosocial models are replicated. This creates inappropriate sick-roles and neglects the cultural and local understandings of loss, suffering and illness (Summerfield 1995; Boyden *Ibid*; Patel 2007). This individualistic and narrow approach sidelines people's own choices, traditions, communal and indigenous healing and support structures.

2.4: Children amidst conflict in Kashmir.

First of all it is pertinent to mention here that no substantial literature and reliable data is available that depicts or documents the impact of armed conflict on the people in the Kashmir region. The researcher could hardly find any authentic research-study regarding children's experiences of armed conflict in Kashmir. There are many reasons to such a situation, and prominent among these is that the academic and research institutions in Kashmir do not encourage scholars to work in this field of research. There have been instances from the region where the research proposals aiming to study conflict in Kashmir, or other related issues, have been out- rightly rejected by the institutional boards or university committees (*personal experience*). Moreover, there is either no documentation or very poor data management in relevant government offices like that of health, education, social welfare, police, etc. The access to information, records or documents is greatly restricted that generally de-motivates the research scholars to work in the area. Also, the researchers have to bear the brunt of security or intelligence agencies if their work entails 'security-related' sensitivities. Thus, the present researcher has

observed that there is dearth of literature/data on Kashmir conflict and related issues. Besides the adequately available studies on children in conflict across globe, the researcher has used a very few available studies and data in the field based in Kashmir, that also includes his M Phil research and other personal project work with certain child rights organizations working in Kashmir.

2.4.1: State Welfare and Children

Globally, in addition to the influences and consequences of the neo-liberal economic order on the nature of 'state' and 'welfare', the 'contested' character of a state further determines its nature and use of its 'welfare' policies for the native populations. In other words, when a neo-liberal and 'illegitimate' state is contested by native populations, the former strategically uses its 'welfare policies' to dilute and disband the peoples' resistance. The situation is Kashmir has not been in any way different. While on one hand the government takes pride in delegating peoples' resources and public services to private corporations, on the other it uses its 'strategic welfare' for promotional and declamatory use to establish its presence and control. Irrespective of the party ideology, the governments in Kashmir have had an uncritical praise for privatization of public services like health, education, transport, etc. The private players have been given a free hand to function without any regulation and control from the state authorities. The chronic corruption and nepotism has become an integral part of the state functioning in the valley. The nexus between corporate giants and politicians has resulted in tremendous malpractices and huge losses to public resources. This has led to a chronic deterioration of public services across the valley and unregulated dominance of private sector especially in health and education. Thus, the declining child sex ratio in J&K as per 2011 census, the 3000 more deaths[12] in a single hospital

---

[1] Sudden increase in neo-natal mortality in Kashmir triggers protests; refer to http://health.india.com/news/g-b-pant-hospital-infant-deaths-who-is-to-be-blamed/; accessed 21 June 2012.

[2] Government responds to infant deaths; refer to www.greaterkashmir.com/news/2012/May/17/ govt-wakes-up-to-infant-deaths-73.asp; accessed 29 May 2012.

over a couple of years, the glut of spurious medicines[3] and other malpractices in health care should not come as a surprise in such a precarious scenario. The development or up-gradation of public services in J&K has not been the government's priority. Instead, under the name of 'reforms' it has allowed corporate loot and malpractices in these essential services. The recent evaluation of ICDS in J&K done by the PRC division of the Ministry of Health and Family Welfare has revealed the dysfunctions and irregularities in the whole scheme. The expenditure on child health component is lowest when comparing with other components of health services in J&K.

 The education system in J&K is in shambles, where the private sector is on its way to replace the government schools both in quality and quantity. This fact is even acknowledged by the department of School education in J&K. A report (2010) released by the Director of Education J&K confesses:

 "In the National Educational Scenario, J&K State is subsumed as educationally backward in reference to the established indices namely literacy rate, teacher pupil ratio, dropout rate and the absorption pattern of the educated persons. The disquieting features are low literacy rate, higher drop-out rate, gender disparity and mismatch between education and employment." *(DEJK 2010;p61)*

 The statistics from the Directorate of School Education (J&K) shows that more than 300 government schools in Jammu and Kashmir have recorded zero percent result during the past academic session for the Class X and Class XII examinations. The figures show that while the literacy rate in the state has gone up to 65.57 percent as per 2011 census against 55.52 percent as per 2001 census, but the number of schools showing zero percent pass percentage has also shown steep increase. The Finance Commission report has shown that the number of schools in Jammu increased from 4,953 in 1980 to 8,285 in 2007 (a 67% increase). In Ladakh, the number rose from 411 to 729 (a 77% increase). The corresponding increase in Kashmir was far lower, from 4,901 to 6,844

---

[3] Spurious Drugs in Jammu and Kashmir: SHRC accuses Government of carelessness; refer to http://www.greaterkashmir.com/ news /2013/Apr/26/shrc-accuses-government-of-carelessness-82.asp; accessed 26 Apr 2013.

(only 40%) (JKFCR, 2010)[4]. Macro figures showed a high dropout ratio of 53.75% in 2004-05 in the state (Government of J&K 2008). This is mainly because the government has not contributed much in improving the educational system. Most of the government-run educational institutions fall in the negative list. The MHRD's recent program of developing Model Schools, under which schools of KV-level infrastructure was envisaged, has not progressed in J&K because of the Govt. inactivity. The Annual Status of Education Report (Rural)[5] 2011 reveals that 47.2 percent of schools have no facility for drinking water while as 33.4 percent have no toilet facility. At least 49.3 percent schools are without a library and 84.5 percent of schools don't have a computer. The report adds that 72.8 percent schools have not repaired drinking water facilities, 85 percent schools have not made payment of bills of essential services and 82.7 percent have not repaired the toilets.

Moreover, the State-level macro figures reflect a steep increase in the child workers/labourers. The state had 70,489 child labourers in 1971, which increased to 1,75,630 in 2011, an increase of 149%. Comparable figures for the whole of India show an increase of 17.7% (NCPCR nd cited in Dar & Khaki 2011). Unofficial sources give even higher estimates of children who are out-of-school and who work as labourers mainly in carpet and handicraft industry in Kashmir. It is estimated that there are 2,40,000 child workers in Jammu and Kashmir (Nika 2011). A report (2012) by Save the Children claims that children employed in the carpet business sector lack basic facilities and work for seven days a week for extended hours. It has been also reported that 80 % of these labourers suffer from eye-related disorders like myopia, retinal detachment, etc. and a wide range of diseases. The informal sector has been more oppressive to women where huge gender disparities go unnoticed. More -

---

[4] JK Finance Commission Report news; refer to http://www.greaterkashmir.com/news/2010/Nov/30/ finance-commission-to-submit-report-today-34.asp; accessed 13 July 2012.

[5] Annual Status of Education Report; refer to http://www.dailykashmirimages.com/news-prof-talat-releases-annual-status-of-education-report-27074.aspx; accessed 13 June 2012.

over, almost 69 % of child labourers in the handicrafts industry are women who are paid less and work in extreme unfavourable conditions. Despite these shocking details, the government has not been on forefront to control the issue or implement existing labour laws. The state's social welfare department and department of labour and employment do not possess any substantial data and information on child labour and associated aspects of this grave issue. No research endeavour has ever been conceived by these authorities in this regard.

2.4.2: State-INGO Partnership

Moreover, as a global norm the conflict situation in Kashmir has attracted a good number of influential humanitarian aid and child rights INGOs into the territory. Most of these are closely working with the State. In other words, these organizations have *taken over* the area of 'child policy' in Jammu and Kashmir and the State has been prompt to *'handover or delegate'* the field of child welfare to these organizations. According to the estimates of UNICEF and Save the Children the Kashmir Division has more than 200 thousand children whose parents have been killed in last two decades (SC 2012). There has been no substantial welfare policy from the state to alleviate the suffering of these children. Instead, it has 'handed-over' these children to unregulated NGOs and civil society institutions.

Moreover, the influence of the INGOs on child welfare policies for children in J&K must not be seen uncritically. By depicted 'conflict situations' as a mental health emergency and where PTSD is described as a hidden epidemic capable of causing large scale pathology, the INGOs flood regions like J&K and enforce their unrelated, western and ethnocentric programs on local populations. In a study conducted by MSF (2006) in the rural districts of Kashmir the 'mental health aid, psychiatric help and counseling' have been aggrandized as the *primary* and the most pressing needs of the people facing conflict. This study had quite narrowly used and described the notions of 'illness', 'ill-health' and 'suffering' as mere in terms psychological trauma, stress and mental depression. Ironically, the study itself demonstrated that in

the local perception 'counseling' did not exist. It showed that 68% of the respondents did not know what 'counseling' meant. Yet quite interestingly, the report recommends counseling and psychological help as the primary strategies to deal with the self-created 'mental health emergencies' in the region in lieu of armed conflict, and thus justifying their presence. Similar INGOs in Kashmir have been quite engrossed and involved in trauma and psychosocial work. These examples depict the nature and focus of international aid organizations in any conflict zone. In fact, the local and regional NGOs are only funded and their projects only accepted when the concepts and objectives of that activity are 'psycho-social' and 'trauma-related' (*Personal experience*). Thus, working on mental health and providing psycho-social support seems to be the most attractive and fashionable modes of intervention and enforcing the foreign, un-related and irrelevant notions of wellbeing and suffering on the local victimized populations, and in reality to re-victimize them. The media propaganda is used to give this view of mental emergency a global reach and warn the self-created stakeholders of a psychological fall-out of the war, The western donors are increasingly becoming interested in such psychological or trauma work which has been termed by many an 'attractive and fashionable (Summerfield & Toser 1991). The 1996 estimates of UNICEF claim that 10 million children were traumatized by war in past ten years. In 2011, it estimates that 20% of world's adolescents have mental health or behavioural problems, describing that mental health problem in young as 'the present major public health challenge worldwide (UNICEF, 2011). In the same breath, it advocates and prescribes that psycho-social trauma programs must form a cornerstone of the aid interventions in conflict zones. Thus, the conflict situation and wars, especially in the developing and poor nations, have attracted a large number of psycho-social projects that are sponsored by the major humanitarian aid organizations and child rights agencies and charities. The excessive emphasis on the 'traumatisation' of war and projecting war as psycho-pathological emergency is seen as too problematic and narrow. Categorizing every individual member as per psychological ailment and having no empirical basis and evidence for this

sweeping generalization, has raised serious methodological, ethical and relevance-related questions regarding the psychosocial and trauma projects.

Moreover, the chronic neglect of problems like poverty, deprivation and uneven development nullifying the pathologizing claims of aid agencies. In fact, these organizations are governed through a broader level politics that includes international capital, western interests and ethnocentric bias (Parekh, 1997; Weiss, 2001). The suffering of the people is objectified and reduced to a technical problem, to which psycho-medical or psycho-social work is assumed to offer ultimate solutions. Hardly, there is any focus on the root-causes of conflicts, growing inequalities and created dependency and underdevelopment in these regions. The scarce attention is paid to the development of primary health services and other public level services (Zwi. Fustukian & Sethi, 2002). It has been seen that armed conflict and war tremendously increase infectious diseases, malnutrition, reproductive health ailments (WHO, 2002; Gobarah et al, 2004; Thoms & Ron, 2007) and so on. Consequently, the higher infant mortality and morbidity rates in the regions of conflict significantly reflect that the pathology lies at a broader level of structures and institutions. The welfare services, health system, food security, water and sanitation get frequently collapsed and ignored in a conflict situation. Besides getting killed and injured directly, millions of children throughout the regions of conflict die of otherwise curable and preventive diseases like diarrhoea, respiratory infections and malnutrition (Zwi, 1995; WHO, 2002).

Thus, the vicious circle of victimization, armed-conflict, poverty and ill-health is chronically neglected by the international agencies and aid organizations, and more often than not, this negligence is doubtlessly conscious and deliberate. The local states and governments play an equally criminal role by delegating essential areas of welfare services to the humanitarian agencies.

2.4.3: State Violence against Children:

Children in J&K have been direct victims of the state violence in the past two decades. A large number of children have been detained and tortured on allegations of anti-national or subversive activities. (Rashid, 2009 & 2012, ACHR, 2011). The state agencies in the shadow of the draconian laws like AFSPA, PSA and DAA, unlawfully arrest, agonize and neglect all the standards of justice (*Ibid*). A report by Asian Centre for Human Rights (ACHR, 2011) documents the ill-use of laws like PSA by security agencies against children in Kashmir. Minors are illegitimately incarcerated under PSA under which any person can be detained for up to two years without trial. The Amnesty International puts the number of people booked under PSA over the past two decades around 20,000. The J&K High Court Bar Association says that over 35,000 persons, majorly in the age group of 13 to 35, have been detained under PSA since 1989 (JKCCS, 2009).

The defective JJ Act of 1986, which has been substituted in the States of India with The JJ (Care and Protection of Children) Act, 2000, still continued unchanged in J&K up to 2013. By virtue of the Article 370, no law of India can be extended to J&K unless the J&K government extends it by an Act of the J&K State Legislature. Though, the government in Kashmir has been quite eager to enact the anti-people legislations like Armed Forces Special Powers Act (AFSPA), Disturbed Areas Act (DDA) and Public Safety Act (PSA) into Kashmir, it has shown no concern to pass the progressive welfare legislations. The various human-rights agencies and advocacy groups, including India's MWCD (Ministry) have endorsed the up-gradation of the JJ system and enactment of welfare legislations in J&K, but all these recommendations are predominated and blocked by the Indian rhetoric of peace and normalcy. For instance, the amendments proposed in February 2012 to the Juvenile Justice Act (1997) in J&K are on the verge of rejection. The J&K government is sensing that the amendments would encourage 'children and young people' to participate in anti-state protests which is seen as a 'national security issue'.

Though after great pressure and advocacy from Child Rights activities the JJ Act was finally amended and brought at par with the Central JJ Act (of 2007) in 2013.

2.5: Conceptual and Analytical Framework:

Keeping the above analysis in the background, the present study focuses on the practice and nature of the state vis-à-vis child welfare while functioning in a conflict situation in Kashmir. It aims to understand the processes that '*a locally- contested and delegitimized state'* uses to establish and legitimize its 'existence'. These processes entail strategic use of the state- apparatuses (welfare and violence) to control and regulate people and manufacture their consent in favour of the state. Here, it becomes imperative to briefly describe the theoretical and conceptual bases of the study that would also illumine our analytical framework.

2.5.1: State of Exception and Childhood in Kashmir

The Georgio Agamben's concepts of 'State of Exception' and 'Inclusive Exclusion', has been borrowed for the analysis of the data from the field and to understand the nature and practice of the State in Kashmir. As per these theoretical perspectives, Agamben holds that the 'State' is unable to function without being transformed into a paradoxical entity which he calls 'a lethal machine' (Agamben 2005). The 'State of Exception' has been defined as a paradigm of 'governmentality' through which the contemporary bio-political regimes masquerade as democracies, and assume sovereign powers to kill, monitor or control dissident populations. The state normalizes and transforms the *'exceptional measures'* into a regular *'technique of government'*. By using the above discussed framework an attempt will be made to understand whether the J&K government enforces a 'state of exception' on the 'category of children' and uses the 'space of childhood' to meet its own political interests. The invoking of the legislations like Armed Forces Special Powers Act, Public Safety Act or Disturbed Areas Act into Kashmir by the State and its parallel

aspirations for welfare, were also assessed within the framework of Agambenian 'inclusive exclusion'.

2.5.2: Gramscian Notions on Civil Society

The role of international humanitarian organizations in the sphere of child welfare and policy is one of important aspects of the study. The state has delegated the major part of 'child welfare' to the INGOs and civil society organizations. Here, the study uses the Gramscian Cultural Theory of Hegemony to conceptualize the role of INGOs in Kashmir. Gramsci (1971) defines 'civil society as a domain of powerful historical action, which relates not to the structure but to the superstructure of the society that is the state (Bates 1997). It is not a sphere of market or business, but of ideology and "cultural organizations" in the widest understanding.

2.5.3: Praxical Approach

The use of 'Praxical' in the conceptual framework of the study is drawn from the definitions of 'praxis' by Hannah Arendt, and Paulo Freire. Hannah Arendt (1958) in her book, *The Human Condition,* argues that 'humanity has frequently been led by the western philosophy to miss much of the everyday relevance of philosophical ideas to real life'. She contests that Western philosophy has overemphasised '*the contemplative life/intellectual speculation'* and has neglected '*the active life'*, i.e, the practice of everyday life. Hannah calls '*praxis'* the highest and most important level of the active life, where the dichotomous gap between theory and practice is dissolved. Further, Paulo Freire's (1968) describes praxis, in his book the *Pedagogy of the Oppressed* as, 'reflection and action upon the realms in order to change it in and out'. It is a movement amidst people rather than a conversation with texts in authorial isolation in academe. But, this approach is in no way to demean the latter. Thus, the adoption of the 'praxical thinking' in this study is a theoretico-practical engagement that values critical awareness and reflection upon the macro- and micro- processes which determine children's lives in Kashmir.

2.6: Objectives

The broad objectives of this study are:

A: To study role and nature of the State with respect to child welfare and child protection in Kashmir.

B: To study the nature of international child-rights agencies' partnership with the State vis-à-vis child welfare and child protection in Kashmir

C: To study children's understanding of Child Protection Policy in Kashmir.

These broad objectives necessitate study of the following specific aspects:

- The *ways and means (policies, programs and legislations)* through which the State and NGOs intervene in children's lives in Jammu and Kashmir:

- *By studying functioning of Integrated Child Protection Scheme (ICPS) and Juvenile Justice Act in J&K.*

- By studying Status of Child Care Institutes in the State.

- By understanding status of Child Protection Policy across J&K

Research Questions:

1. What is the implementation status of ICPS in J&K?
2. How do welfare structures like Child Care Institutions work in the State?
3. What are the issues that govern and define the relationship between 'State' and 'Children' in J&K?
4. How international child rights agencies as partner to 'state's child welfare' inform child welfare policy and influence the lives of children in Kashmir?
5. Whether the state policies are located with-in the local contexts and needs of these children or there exists a disjunction?
6. What are the notions and meanings that children attach to their *suffering* and *pain*? How do they build *resilience* while contesting the state in their daily-lives?

2.7: Method

The study focuses on the three respondent-groups namely, *State* (P-I), *INGOs* (P-II) and *Children* (P-III) in selected regions of Kashmir valley. The Figure A shows the various elements of each of the respondent and delineates the key

steps in the methodological process. The methods used in the study with relation to data collection, interpretation and analysis are as follows:

1. ***Analytical Review:***

   Analytical Review an interdisciplinary approach to the study of discourse that views language as a form of social practice and focuses on the ways social and political domination are reproduced in text and talk. This study uses this tool to review the state/INGOs polices, documents, reports and legislations w.r.t to children and child welfare in Kashmir.

2. ***Key Informant Interviews (KII)***

   Key officials from the government departments and international child rights agencies would be interviewed w.r.t child welfare.

3. ***In-depth interviews with children (IIC)***

   In-depth interviews with children will be conducted in each field-site by using in-depth interview schedules.

   The Analytical Review and key informant interviews were used with both P-I and P-II. The in-depth interviews with P-III were conducted across the selected villages in the districts. The findings and inferences drawn from the interactions with all the three respondent-groups were analysed in a comparative framework. In other words, this comparative framework compares the narratives of State, INGOs and Children keeping in background the themes that emerge from the specific objectives and research questions of the study. Considering the theoretical, conceptual and interdisciplinary framework of the study, a range of methods was used for data collection. These include: a) Bibliographical Studies for P-I and P-II, b). Interviews for P-I, P-II, P-III; and c). Case Studies for P-III.

P-I
(State)

P-II
(NGOs)

Key Interviews
Interviews with key officials in both P-I and
P-II

Review and Analysis of:
Policy Documents
Official Reports
Media rep[orts
Other Data

Review and Analysis of:
Project Documents
Policy and Practice Reports
Media rep[orts
Other Data

P-III
(Children)

**Integrated Child Protection
Policy (ICPS) and Status
of Child Care Institutions
in J&K**

**Experiences and
Engagement of Children
from the Field**

**Child Protection Policy in
Schools of J&K**

Figure 1 Diagrammatic Representation of Methods

The following sub-sections present a detailed account on each of the three respondent-groups with respect to their nature, type of data required, elements of data, tools for data collection, interpretation and analysis.

Participants: P-I (State), P-II (NGOs) & P-III (Children)

P-I (State):

As the study focuses on the practice and nature of the State in J&K vis-à-vis children, it is imperative to study the governmental policies, programs and schemes that are in place for children and that influence their lives, directly or indirectly. Analytical Review was adopted to study the relevant policy documents, legislations, case-laws, reports and data regarding 'child welfare' with a focus on Integrated Child Protection Scheme. This approach has been helpful in understanding the official narrative of the state with respect to children and child welfare. It helped us to explore the dynamics that governs the relationship between 'State' and 'children' in Kashmir, and also enhanced our understanding that how the State apparatuses conceptualize children, regulate their 'space of childhood'; and whether the *'state of exception'* is enforced on children's social-locales.

P-II (INGO):

A major child rights organization (INGO) working in J&K was also in focus of this study. Its programs and interventions for children in Kashmir and its relationship with the state have been thoroughly studied, considering the fact that the influence of the INGO on State's child welfare and policy has been quite enormous. The key informant interviews with the INGO's senior staff and chief functionaries of CCIs were conducted. It also includes the interviews of the officers in the government who liaison with the INGO through the J&K Department of Social Welfare.

The studying of this aspect furthered our understanding that how the 'partnerships of the state' in relation to children's welfare works in Kashmir.

The fact that why NGOs are making strong appearance in child welfare sector in Jammu and Kashmir while the state seems to withdraw, has also been brought into the discussion.

P-III (Children):

To gain an in-depth understanding of children's experiences amidst conflict and explore their notions of state and welfare, children from different districts of the State participated in the study. Though, at the initial stage of the study it was conceptualized to include children from only two districts i.e, Srinagar and Anantnag. But the same was not possible due to diverse limitations on the ground owing to regional, political, administrative and personal situations. The researcher attempted to get a consolidated and holistic view of child protection in the state by focusing on selected themes and accordingly ascertain and ensure the participation of children in the study. This approach proved to be more facilitative, enriching and economical for researcher during his fieldwork and association with different state and non-state organizations.

2.8: Sampling:

The *purposive sampling method* guided the selection process of children in each field-site. Children in the age-groups of 11-18 years have been included in the study and with-in this range no definite categorization was followed.

In each field-site, the local level leaders and workers from both the government and INGO have been consulted in order to get an overview of the contextual factors of the villages in terms of socio-economic situation of population, status of children vis-à-vis education, health, and nutrition and welfare services. The children care institutions and other civil society organizations like J&K Yateem Trust, J&K Yateem Foundation, J&K Coalition of Civil Societies, etc. were approached to procure the list of children exposed to conflict-related adversities; children who are beneficiaries of any welfare program or INGO intervention and children without parental support in the respective field-sites. These local meetings and local level data were used to identify key informants,

officials and children from each field-site. 'In-depth' interviews were conducted with participants that enhanced our understanding of the welfare services in their respective areas; issues of children with regard to physical security, education, health, nutrition and psychological wellbeing; the notions of children regarding the intervention/services of the State and Non-State actors; the meanings children attach to prevailing political circumstances; and how children perceive or conceptualize the 'State apparatus' and other 'Non-State actors'(INGOs).

2.9: Field of Investigation:

For P-I (State) the data collection was conducted in Civil Secretariat Srinagar/Jammu and Mission Directorate IPCS, District Child Protection Units (DCPUs), Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs) across various districts of J&K. The data includes policy documents, reports, and interviews with the key informants. For P-II (INGO) the data includes reports, policy documents and interviews with key officials of a prominent child rights INGO working in Kashmir. For P-III, children residing in Child Care Institutions across the State and also students from Schools in Srinagar, Shopian, Jammu and Kathua districts participated in the study.

For reviewing the Child Protection Policy in Schools and ascertaining its implementation and perception among teachers and students, the researchers identified 40 schools by employing a random sampling technique in each of the 4 sample districts of the two provinces of Jammu and Kashmir, leaving behind the third province of Ladakh due to paucity of resources, both human and material. The main research tool used were interviews, Focused Group Discussions and questionnaires with the concerned school authorities, which include the administration, teaching and non-teaching staff, volunteers and everyone else responsible under the policy. Interactions were also held with the students in the school to understand their perspectives and to check the veracity of the claims made by the school authority. The school premises were visited to

check if the concerned infrastructure required under the policy have been put in place in the premises and prescribed procedures followed.

Interviews were also conducted with the concerned government officials responsible for the implementation of the policy at the state level.

Sample of schools included both government and private schools from each district to ensure that the lack of implementation, if there is any, was not confined to only one type of school. Among the private schools, the researchers assessed the best institutions in the district so that in case the policy lacks implementation, an analogy can be drawn for other private schools also that would be lesser placed in terms of resources and accessibility. In each school Children were randomly selected from VI to X standards within the age group of 11 to 18 years. The researcher randomly selected child-participants from their attendance-registers and ensured to interview both male and female children within a school ensuring confidential and comfortable environment for interaction

Respondents

- The following schools were randomly selected and visited in four Districts:

District Srinagar:
Govt. High School, Batamaloo
Govt. Middle School Batamaloo
Govt. Higher secondary School, Khanyar
Govt. Middle School, Khanyar
Government Boys High School Rawalpora
New Caset School Rawalpora
Government Girls High School Saderbal
Government Girls Middle School Saderbal
Caset School Karanagar
Kashaypa School Karanagar

District Shopian
Govt. High School Batpora, Shopian
Govt. Middle School, Main Town Shopian
Govt. Primary School, Kanipora Shopian
Spring Dales Institute, Shopian
Makhtabiya Educational Institute, Shopian
Govt Boys High School, Shopian
New Greenland Educational Institute, Shopian
Govt. High School, Pinjura, Shopian

Mohammadiya Institution, Shopian
Shah-e-Hamdan Institute, Shopian

District Kathua:
Govt. Middle School, C Desa, Kathua
Govt Primary School, Changran
Govt High (Boys) School, Katkua
Govt High (Girls) School, Bain, Kathua
Shri Mata Satayavati Public School.
Krishna School, Katua
Govt Primary School Kooka, Kathua
Govt Middle School, Kirpa Ram, Kathua
Sun Rising Public School, Kathua

Govt School, Chak Soona , Kathua

District Jammu:
Govt. High School, Digiana
Govt. Middle School, Bathindi
Govt. Middle School, Trutta Talab
Tagore Public School, Jammu
Govt. High School, Sunjwan
Govt. High School, Gandhi Nagar
Green Field Public School, GN.
Jyoti P School Inst., Bahu Fort
Govt. Primary School, Pacca Talab.
Govt. High School, Channi Himmat.
Principals/Head Masters: 48
Teachers: 105

Figure 2:Consolidated Details of Participants of the Study		
P-I (State)	**P-II (INGO)**	**P-III (Children)**
State Functionaries with focus on ICPS and Social Welfare: *- Child Protection Officers / Counselors/Probationary-cum-Legal Officers/ - - Superintendents of CCIs/Caretakers and other functionaries of CWCs/JJBs/DCPUs/CCIs/ICPS Secretariat.*	Functionaries of the INGO with focus on implementation of Child Protection Policy in Schools: *No. of Participants in 40 Schools Visited* Principals/Head Masters: 48 Teachers: 105	Children: 185, across 40 schools and Community [11-13 Years = 65 13-16 Years = 69 17- 18 Years = 51]

2.10: Ethical Issues

Considering the sensitivities involved in working in/on conflict regions, all the names/ locations/addresses of the all the participants have been kept highly confidential. Verbal/informed consent (competent, knowing and voluntary) was taken from all the respondents. In case of children extreme care was taken while interviewing/interacting with them. A feasible and safe surrounding was ensured during interaction and care was taken not to re-traumatize them or expose them to any physical, mental or emotional harm. Pertinently, the proposal of this study was confirmed in 2013 and not reviewed by the Institutional Ethics Review Board (IERB), JNU. However, SOP issued by the IERB in 2014 was carefully read and due care was taken to adhere to these guidelines while conducting field or writing the thesis.

2.11: Analysis

The data collected during our fieldwork with the participants i.e, P-I, P-II and P-III, have been compiled and analysed in the background of the themes that emerged from the conceptual and theoretical framework (as discussed in previous Sections), and also from the subsequent review of literature and research questions of the study (as detailed out earlier). Especially with P-III (Children), the *Interpretative phenomenological analysis* (IPA: Osborn, 1999) was used. IPA is specifically designed to explore the participant's thoughts and beliefs in relation to what has happened to them. The approach has its roots in phenomenological philosophy[6], and endeavors to understand how participants make sense of their experiences and the meaning they hold for them. It is concerned with illustrating the personal perceptions of topic rather than being an attempt to produce an objective statement of the event (Crouch & Wright, 2004). It is therefore considered to be the best suited way of analyzing the data produced by P-III in this study. In recognizing the research process as dynamic

---

[6] Phenomenological Philosophy gives emphasis to the meanings people find in their world;
perspectives from which they see themselves and others; and the motives that underlie their behaviour.

(Smith et al., 1999), there is an acknowledgement that the participant's perspective 'depends on, and is complicated by, the researcher's own conceptions and indeed these are required in order to make sense of that other personal world through a process of interpretative activity' (Smith et al., 1999, pp. 218–219). Thus, an interpretative element is also inherent in the approach.

While discussing the data under various themes, this study has attempted to understand the processes that underpin the functioning of the 'welfare state's ICPS program in Jammu and Kashmir vis-à-vis children and child welfare, and also understand the lived-experiences of children in the region, with special focus on children in need of care and protection.

2.11: Discussion:

In the end, it is important to note that the present study falls in line with the researcher's previous work on the themes like torture and incarceration of children, juvenile justice and child protection in Jammu and Kashmir. At the conceptualizing phase of this study the researcher was quite over-zealous and ambitious with his aims and objectives in this research act that were majorly drawn from Layder's (1993) work. Basically, the study was originally hypothesized in terms of four main levels of importance: *the self,* where the focus was on the personal journey of the researcher amidst a conflict situation that influenced his identity, knowledge and experience; *situated activity*, where the researcher's attention was on the inferences and meanings that develop in social interaction within one's community or socio-cultural milieu pervading the region; *the setting,* where the emphasis was on the influence of one's discipline, training and intermediate organisations within social work and child welfare in J&K; and *the context*, where the focus was on 'macro' social structures, such as state, legal, economic and political structures that determine children's lives in J&K.

Yet it is necessary to acknowledge that the current study could not cover all aspects of children's lives and child welfare in the region. The researcher feels

that this study has pointed towards, not detailed out or discussed, more themes and areas in the domain of child welfare that need to be taken up for future research. There is huge scope to engage with the identified themes in much rigorous manner in future research pursuits. The researcher is aware of the diverse socio-economic and cultural dimensions that determine children's lives and wellbeing. But due to limitations of varied sorts, all these dimensions could not covered by the researcher. For instance, the class variable could not be figured in the analysis in detail and even though children from marginalized groups were included in the study.

The researcher had to go a long way in his career and context where diverse challenges influenced his research from time to time. Prominent among these challenges was the researcher's job-assignment in 2014 in Labour and Employment Department of J&K Govt. and consequent posting in a difficult terrain of Ramban district, which almost completely detached him for 18 months from research and its allied engagements. The journey of this research thesis in itself describes the researcher's life progression which was starkly fraught with ups and downs of both professional and personal life. Indeed, the researcher's appointment in 2017 as a teacher at Department of Social Work, University of Kashmir was probably the most empowering event that helped him to regain that confidence and zeal which had been lost among hills of Ramban in previous years. He burnt his odds and restarted to work with full energy on this incomplete but cherished research endeavour. In all these productive years, the researcher got numerous opportunities to work with State and other agencies in the field of child welfare and child rights. The engagements with Mission Directorate ICPS, J&K Child Resource Centre, J&K Social Welfare Department, J&K School Education Department. UNICEF and Save the Children were instrumental in enriching the researcher's understanding of the context and scenario of child right, protection and child welfare in the region. Further, the debates and discussions with university-students, colleagues and other practitioners in conference, workshops and trainings enabled us to contextualize the research findings and field-inferences

and more importantly, shifted our focus from *'contemplative life/intellectual speculation'* to *'the active life/the everyday life'* much in line with what Arendt (1958) and Freire (1968) emphasize while describing *praxis*. The researcher attempted to adhere to this *praxical thinking* across this thesis, which, in fact, led him to adopt a theoretico-practical approach valuing critical awareness and reflection upon the macro- and micro- processes which determine children's lives in Jammu and Kashmir. Moreover, an implicit inclination in this research was to dissolve the dichotomous gap between theory and practice and consider it to be a movement amidst people rather than a conversation with texts in authorial isolation.

CHAPTER 3:
UNDERSTANDING CHILDREN AND THE STATE IN J&K: KEY INDICATORS

3.1: Introduction:

Children ought to have stable and empowering environments so as to be guarded from abuse and exploitation, and to have their developmental needs cared for. The essential need to offer a protection net for children and ensure that their primary needs and basic rights are met makes it imperative to have comprehensive Child Protection System in place especially in situation of adversities and where a child's own support networks fail to act caringly, or are themselves liable for the ill-treatment of their children (Boyden 2007). A cursory look at the hard facts about children in India (UNICEF 2011, MWCD 2012, SC 2013) would shock a person to the core. The largest child population in the world resides in India (430 million), with 170 million children who are vulnerable and in need of care and protection (CNCP), 177 million children who are out of school, 88,000 children as victims of rape reported in single year, over 50% of children having faced sexual/verbal/physical abuse, 43% children as underweight, 20 million orphans in 2011, 7 out of 10 children are anaemic, over 40% are malnourished and 18 million children who live in street (*Ibid*). Such a plight of children necessitates that all the stakeholders work in synergy to alleviate suffering of children who in real sense are future of any nation. The situation of Children in Jammu and Kashmir could in no way be better as the region has been witnessing, in addition to other complex issues, a political strife from decades, which has impacted all the aspects of children and their childhood. The following sections present some hard facts about the status of children in the State of Jammu and Kashmir. These focus on some of the Key Child Protection Pointers that give an insight into the issues and challenges in the domain of Child Rights and Child Protection in the State. A model presented in the diagram (UNICEF) may enable us to envisage the concept of a functional, embedded and effective child protection system. It is noteworthy to mention that Child Protection System is closely linked to economic, social, political and cultural factors of a given society. Its association with allied systems like Education, Health, Social Welfare and Social Control & Security is indispensable. In the similar vein, the special status that the J&K State enjoyed by virtue of Article 370 has added critical dimension to the State's social development policy and planning, and in case of the State's policy response towards children the impact has been unconstructive as numerous progressive

legislations/schemes on child rights/protection could not be directly extended to J&K. This has had perilous implications for social ecologies of children bringing about increase in school dropouts, child labour at a tender age, mistreatment, spiral of malnutrition, hunger and anaemia, poor sanitation, health and hygiene situations and lack of mental wellbeing. Such a scenario hugely complicates the child protection issues and deliverance of rights to children in the region, and makes a strong plea for proactive involvement of all the stakeholders.

3.2: Children in J&K: Key Statistics

3.2.1: Child Population:

As per the Census 2011, the State of J&K has around 54 Lac children in the age group of 0-18 years, which constitutes 43.68% of the total population of the State. Of the total children, male and female constitute 2895536 (52.85%) and 2582636 (47.15%), respectively. In the age-group of 0-6 Years, the total population is 2018905 (16%) with 1084355 as male and 934550 as female share.
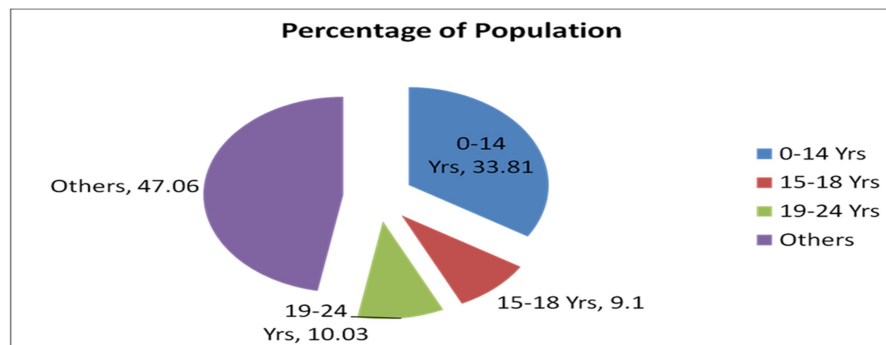
Figure 3: Age-Group Wise Share in Population (J&K)
Source: Census 2011
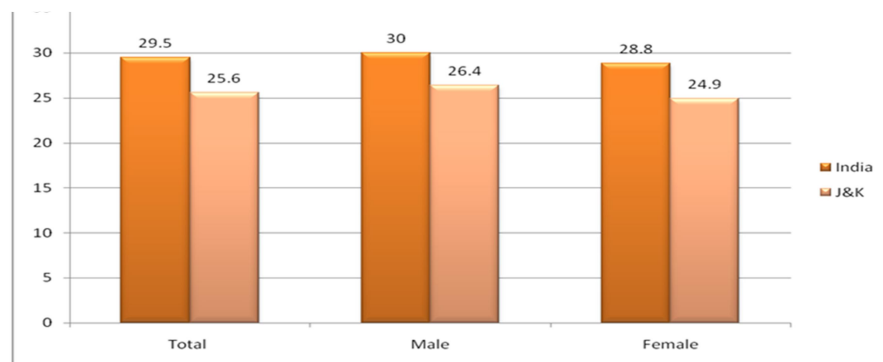
Figure 4: Percentage of Population in the age-group 0-14 to Total Population
Source: Census 2011
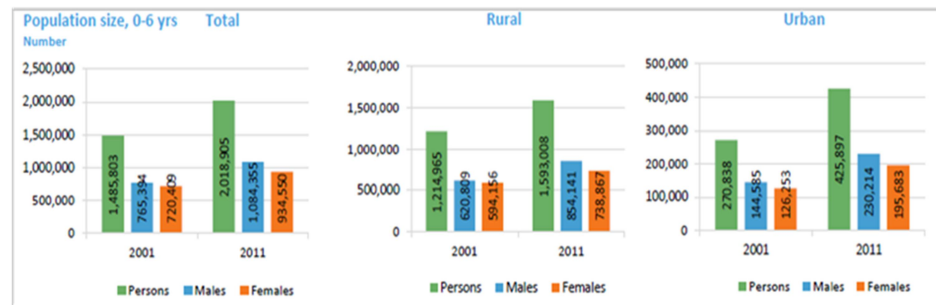
Figure 5 Comparison Child Population Size (0-6 Years) from 2001 to 2011
Source: Census 2011, UNICEF 2012

3.2.2: Child Sex Ratio:

The Census 2011 indicates overall Sex Ratio in J&K as 889 for each 1000 male which has declined since the last census of 2001 in which the sex ratio was 892 per 1000 males. The child sex ratio is 862 per 1000 males and has also lessened as matched to 941 in the 2001 census.
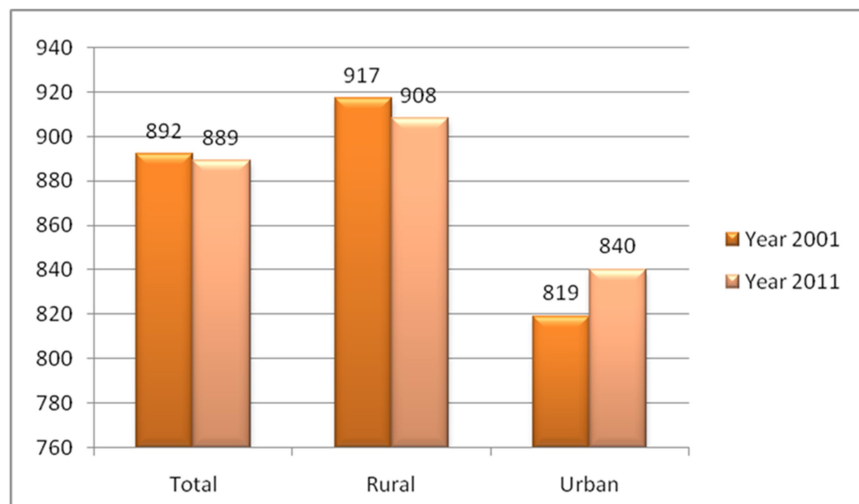
Figure 6 Comparison of Overall Sex Ratio (J&K) from 2001 to 2011
Source: Census 2001, 2011

Sex ratio is one of the most important components of any census as it largely reflects the underlying social, economic and cultural patterns of a population in different ways. The declining Sex Ratio is an alarming and sensitive issue for the policy makers as it is a powerful indicator of low status of women depicting gaping socio-economic inequalities and marginalization based on gender (Sen 2011, 2013, Baru 2010).
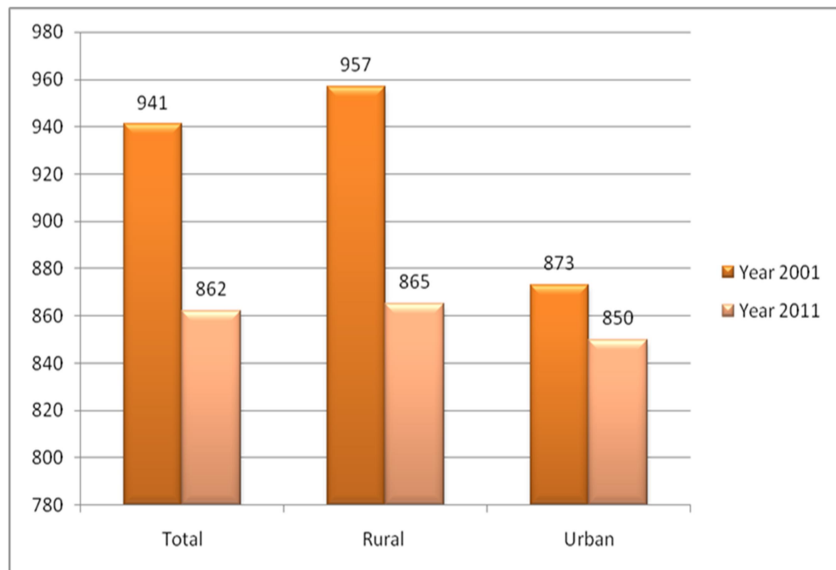
Figure 7 Comparison of Child Sex Ratio (0-6 Yrs) from 2001 to 2011
Source: Census 2011

Figure 8: Mapping Sex Ratio in J&K (2011)
Source: Census 2011, Govt of J&K 2012

Similarly, the child sex ratio (CSR) is an efficient indicator for determining the status of a girl child in society. The negative imbalance in the CSR points towards some of the serious problems prevailing in the social setup like male child preference stemming from the dominance of patriarchal and long-established gender norms and easy access to Pre-natal sex determination test that facilitates detection of the sex of the baby *(Zwi 2002, Sen 2011)*.
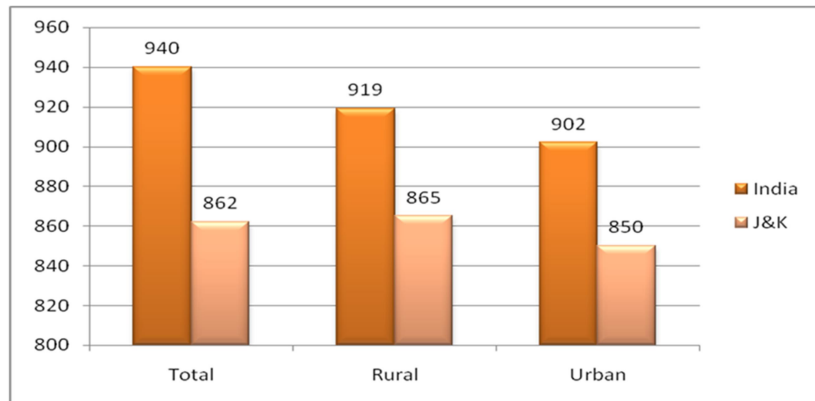
Figure 9 Comparison of Child Sex Ratio India & J&K Year 2011
Source: Census 2001, 2011
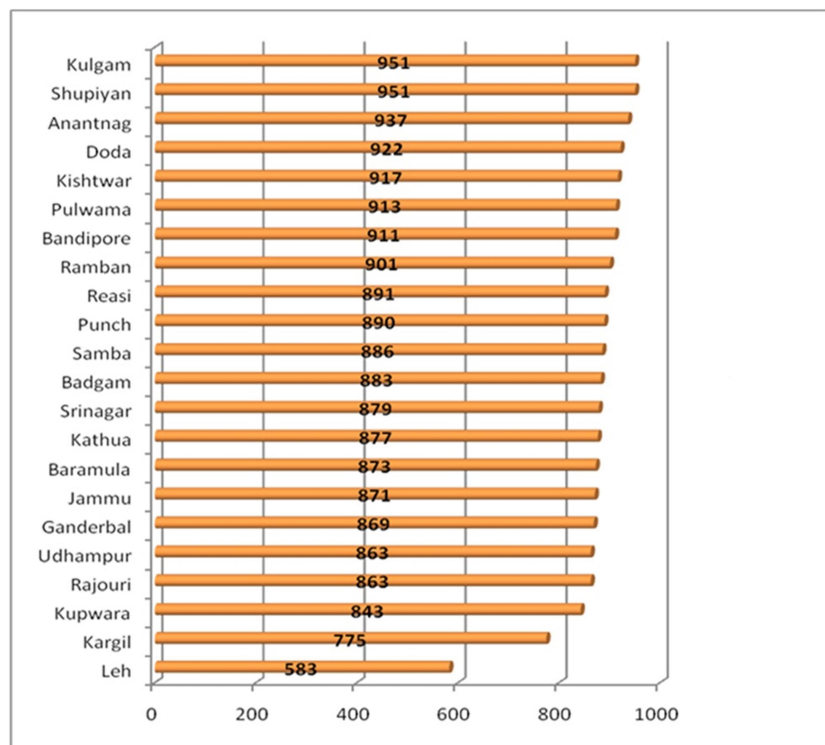
Figure 10:District Wise Sex Ratio (J&K) Year 2011
Source Census 2011, Govt of J&K 2012

In Kashmir Division, the Sex Ratio is more skewed in Kupwara, Baramulla, Ganderbal, Leh, Kargil and Srinagar while as in Jammu Division Rajouri, Udhampur, Jammu and Katua have declined sex ratio. The skewed nature of the child sex ratio across different districts of the J&K State point to the fact that girl child is facing diverse vulnerabilities and risks. It is incisively reiterated that gender-based discrimination and violence needs to be dealt with coordinated approach from all the key stakeholders.

3.2.3:Education:

The J&K has literacy rate of 68.74 percent, with 78.26 percent male literacy and 58.01 percent female literacy. The total number of literates in J&K is 7,245,053 out of which males are 4,370,604 and females are 2,874,449. (Census 2011). The State has established huge number of schools at primary, middle and high/higher secondary levels, i.e 15335, 10077 and 3769 respectively. The corresponding student enrolments at these levels is 11.64 lac, 5.45 lac and 4.79 lac (DSEK 2011). The data does not include the institutions run by private players. It is important to mention that the quality of education in Govt. run schools has always been controversial.

J&K State is incorporated as educationally regressive in light of the established indicators like literacy rate, teacher student ratio, dropout rate and the employment of the passed out learners. The alarming issues are low literacy rate, higher drop-out rate, gender disparity and incongruity between learning and job markets. A difference of 5.3% remains between J&K's literacy rates and that at national level. Also, a high dropout ratio of 53.75% in 2004-05 in the region is disturbing (Government of J&K 2008). As per the figures of the Annual Status of Education Report (Rural) 2011 47.2 % of schools have no drinking water provision and as 33.4% have no facility for toilet. Besides, almost 49.3 % and 84.5% schools are without a library a computer, respectively.
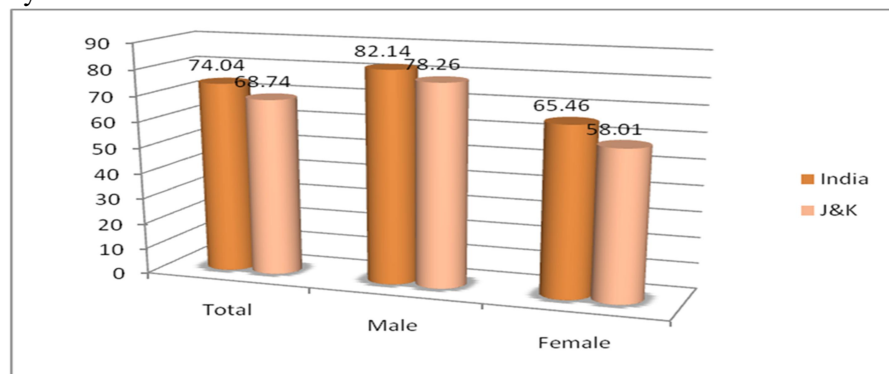
Figure 11: Comparison of Literacy Rates (J&K and India) Census 2011
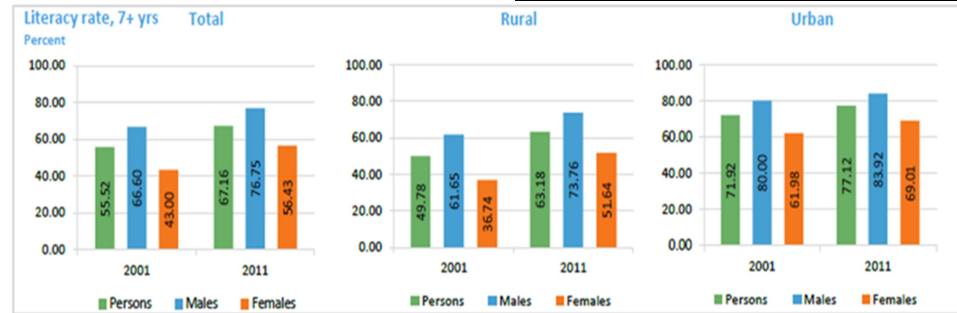
Figure 12: Comparison of Literacy Rate 7+ Years from 2001 to 2011
Census 2011, UNICEF 2012

The report adds that 72.8 % institutions have not renovated facilities for drinking water, 82.7 % have not renovated the toilets, 85% schools have not paid of outstanding bills of essential services. The poor quality of education is leading forcing significant population of children out of the school system. It also results in poor learning outcomes in case of children admitted in government schools. Such a state of affairs exposes children to diverse adversities like child labour, abuse and violence. Apart from that, the impact of political strife on the education system in Kashmir valley has been detrimental. For primary level students in the region, 57.41%, dropout rate was projected during the conflict. The rate was 48% at the middle level and 25% at the secondary and above levels. An estimated drop-out rate for J&K at the onset of political strife was projected at 55.11% for 1st to 7th standard, and the same increased marginally to 58.16% for the whole region and for the valley, it was recorded as 57.41% (SoHRJK Report 2006). Moreover, thousands of school buildings have been gutted in the past two decades of conflict in Kashmir, which has resulted in deprivation of education for huge number of children. The frequent shutdowns, protest rallies, curfews and restrictions in the recent past have further deteriorated the scenario of education in Kashmir.

3.2.4:Child Health:

It is interesting to note that important macro figures about the social and economic situations of the people in J&K depict a brighter set-up, in comparison to other parts of the country. Especially, many of the child health indicators in J&K signify better performance in health sector. Infant Mortality Rate in J&K comes out to be 24 and in India as 34, 55% institutional deliveries in J&K against an all India average of 47%, 62.5% full immunization coverage against 54% on all India Level, 84% if any antenatal check-up against an all India average of 75.2% (NCPCR 2013, DSEK 2012).
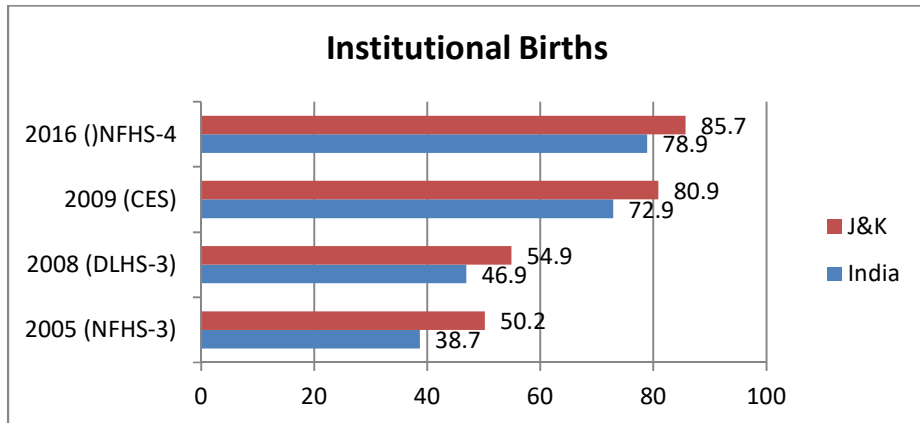
Figure 13 A: Institutional Births: Comparison India and J&K (Source: NFHS-3, -4, CMS2009, DLHS-3)
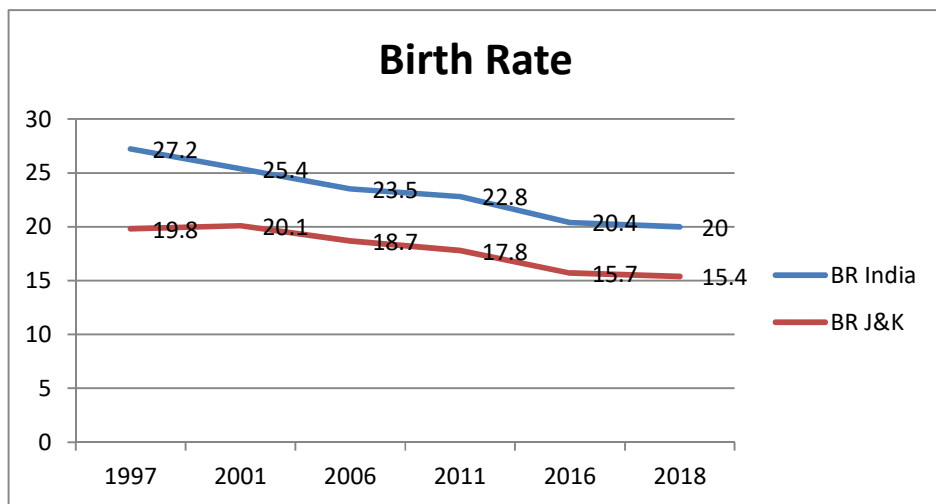
Figure 13 B: Birth Rate Comparison: India and J&K (Source SRS Reports, 1997-2020)
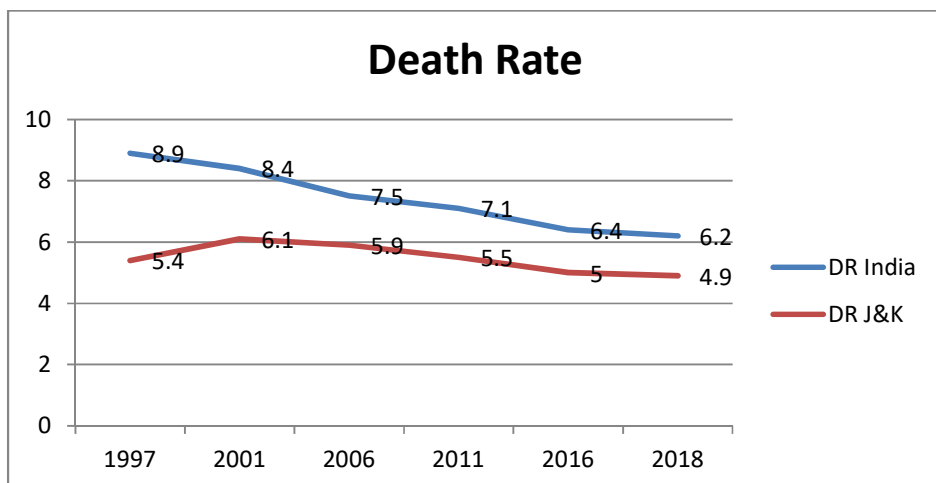
Figure 13 C: Death Rate Comparison: India and J&K (SRS Reports, 1997-2020)

93
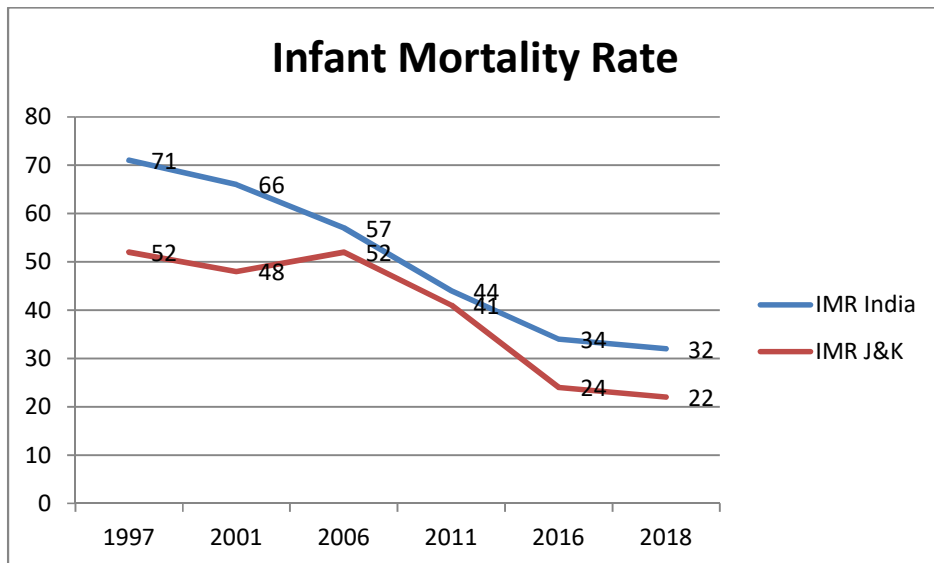
Figure 13 D: IMR Comparison: India and J&K (Source 1997-2020)

Owing to its egalitarian tradition and implementation of early & extensive land reforms, the State of Jammu and Kashmir (10.35%) has much lower share of population living as BPL (Below Poverty Line) category than the total BPL population (22%) in India (PC 2013). Consequently, the better socio-economic conditions of people have paved way for better wellbeing and health indicators in many instances. Besides, the region is confronting myriad of problems, as it has been experiencing complex phases of violent strife and conflict for the last three decades. The reports depict that thousands have directly been victims of the protracted violence especially those whose families have been witness to conflict-related deaths. Besides, loss of life directly to conflict. Besides, the scenario of mental health has been deteriorating heavily as more young people became victims of mental illnesses. As conflict has impacted every aspect of peoples' lives, yet some of the indicators on health of children display a decent scenario. Although, the situation is very depressing with reference to their mental health and other allied as aspects of child development. The prevalence of mental health illnesses among large groups of people including children is increasing (MSF, 2006). The aggravating exposure to traumatic events is seen as the defining cause of mental health problems which in turn affects wellbeing of general populations but children, in particular, face both its direct and indirect consequences.
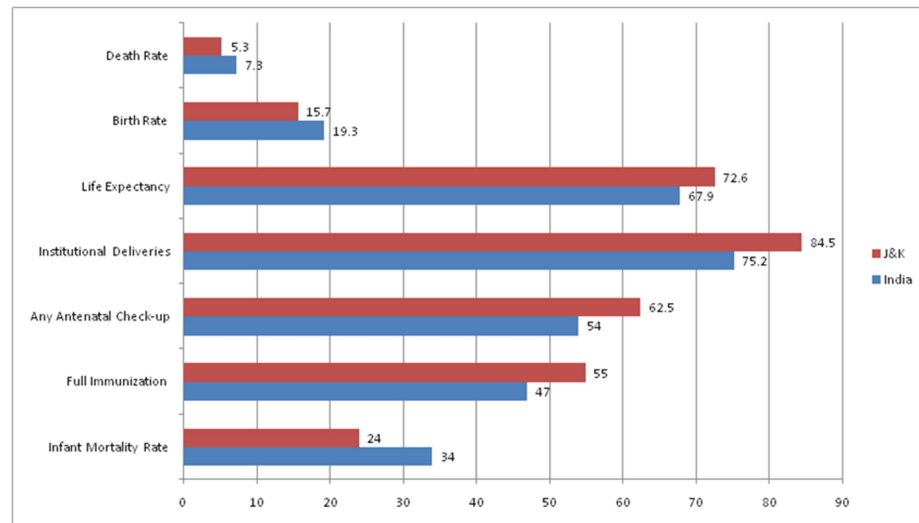
Figure 14: Comparison (%) Few Child Health Indicators (J&K & India)
Source: NRHM 2017, NHM J&K 2018

3.2.5: Child Labour:

The State-level macro figures reflect a steep increase in the child workers/labourers. There has been increase of 149% in child labourers since 1971. It is estimated that the state had 70,489 child labourers in 1971, which went up to 1,75,630 in 2011. At national level the macro figures show an increase of 17.7% for entire India (NCPCR 2011). Unofficial sources give even higher estimates of children who are out-of-school and who work as labourers mainly in carpet and handicraft industry in Kashmir. It is estimated that there are **2,40,000 child workers** in Jammu and Kashmir. A report (2012) by Save the Children claims that child labourers engaged in the carpet sector lack basic facilities and work for stretched hours without any rest day during a week. Nearly **80%** of child workers suffer from vision and eye-related disorders like myopia, retinal dysfunction, etc and a wide range of diseases. The informal sector has been more oppressive to women where huge gender disparities go unnoticed. Over 69 % of child workers in the handicrafts sector are females who are paid lesser wages and work in extreme adverse settings. Despite these dismaying details, the government has not done anything substantial to control the issue or enhance implementation of existing labour legislations and to come up a contextualized policy for such families. Although, the Constitution of J&K under Article 19 reiterates that "…*children are not abused and are not forced by economic necessity to enter avocations unsuited to their sex, age or strength*". The Child Labour Act 1986 also places outright ban on child labour below the age of 14 years in any hazardous process or occupation. The Act has

provisions for managing and monitoring engaging of children in non-hazardous process or occupation. It is highly anticipated that the implementation of ICPS would lead to some positive developments in this regard.

3.3: Children and Political Strife in Kashmir:

The two-decadal political strife in Jammu and Kashmir has had serious political, economic and social implications for the people of the region. The turmoil has resulted in direct killings, injuries & disabilities, mental illnesses and deterioration of social and economic situations. Within all these pervasive issues, the local populations have been going through immense suffering and pain. In the case of children the situation has been worse. The conflict has been featured by the loss of safety, uncertainty and the lack of order in routine-life. The progressive enterprises have got dwarfed; the welfare activities collapsed and the schools and health institutions have failed to cater to the changing needs and sensitive demands of people. Among others, children have been the worst sufferers of the conflict, directly or indirectly, bearing the brunt from all the sides --- physical, social, educational, sexual and mental. Children have been detailed & arrested; killed or orphaned; harassed by armed-groups; many humiliated & exploited; tortured and receiving 'degrading' treatment especially at a time when Child Protection Systems in the region were at its weakest. (Hussian 2007; ACHR 2010a; Rashid 2012). The rights and entitlements of children including access to progressive learning, & education, food programmes and public health & medical services and recreation have been delivered sufficiently. It has resulted in hampering the development trajectory of children especially in the context where the State is overburdened by law and order situations (NCPCR Report 2011). The situation has been worsening after the enactment of Armed Forces (Special Powers) Act, 1958 (AFSPA) was extended to Jammu & Kashmir w.e.f July, 1990, which empowers the security apparatuses to take custody, detain, conduct searches and seizures notwithstanding the age or other sensitivities guaranteed under different progressive legislations. In absence of a proper and effective Juvenile Justice or child protection systems the situation for children is bound to exacerbate.

Child as Victims of Violence:

The growing crime rate in a society is an indication of the increasing vulnerabilities and risks to weaker populations of the society especially women and children. The increasing rate of crime against children is greatly alarming for all the stakeholders.

Crimes against children in the form abuse, neglect, exploitation and sexual assault is increasing rapidly having wide ranging implications for their future and overall wellbeing. As per the NCRB data 2016, around 800 cases under various children related Acts were registered in the State of J&K.
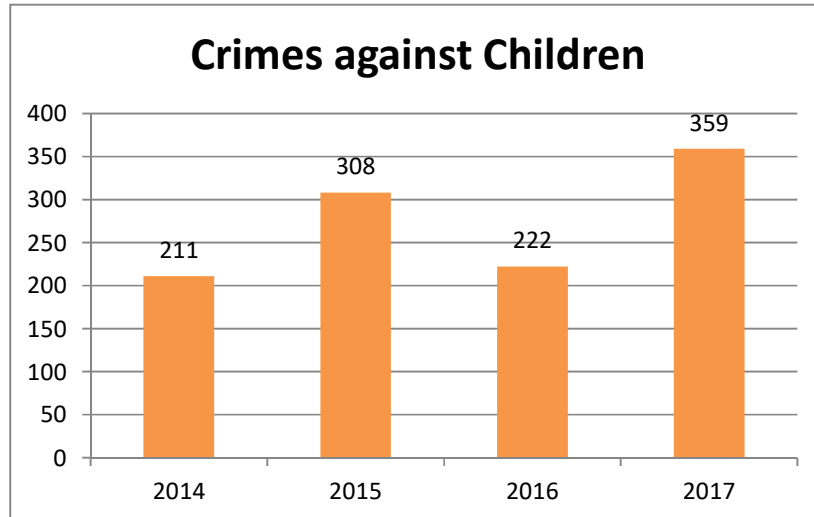
Figure 15: Crimes against Children (RPC & SLL)
Source: J&K Police 2018, NCRB 2018
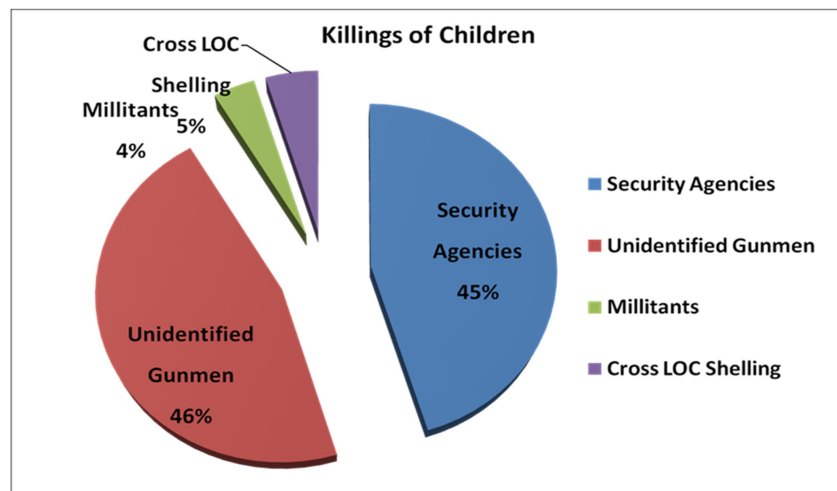
Figure 16: Killings of Children in Violence J&K
Source: JKCCS 2019 Greater Kashmir 2010-20.
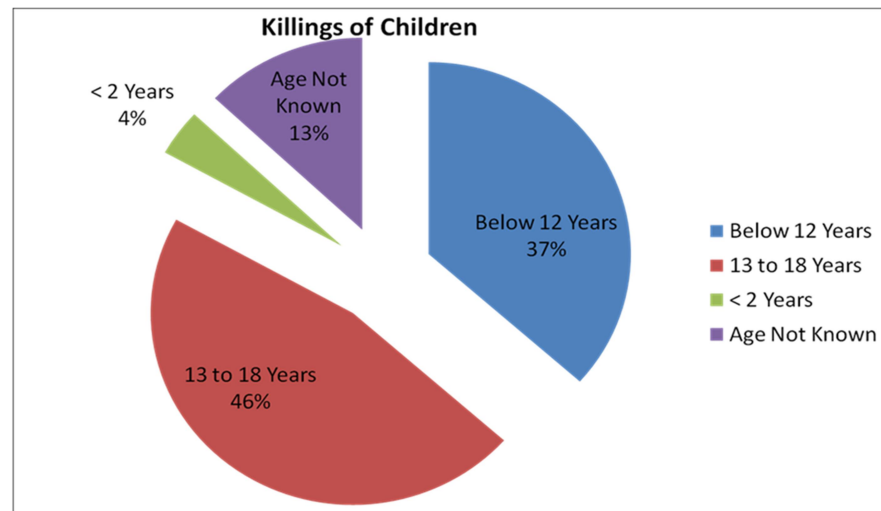
Figure 17: Age-Group Wise Killings of Children J&K (2003-17)

As far as cases registered under POCSO Act are concerned, it was reported by the DCPU unit in District Shopian that till Dec 2019 eight cases have been registered under the Act in the District and out of which three cases are of very serious nature. In one of the cases a female child, who is differently abled and can hardly talk, was sexually abused by a person aged 65 years. The child-victim also delivered a baby whose custody has been given to the Childlline. The DNA samples have also matched and accused is bound to be convicted as per the DCPU unit. It is important to note here that many crimes against children remain unreported due to myriad of reasons including cultural & social pressures, fear of stigma & discrimination or fear of reprisal from criminal offenders.

Unfortunately, since 1990s because of the political strife children in J&K have been exposed to diverse forms of adversities that have ripped apart their well-being and inflicted huge suffering on them. Children especially in Kashmir valley are living through a conflict situation that has impacted every sphere of their life including education, health, mental well-being and other areas essential for normal development of children. Moreover, children have also been direct victims of violence from different agencies and armed groups especially during law and order disturbances in the valley. There are several agencies that report illegal or arbitrary detention of children under J&K Public Safety Act which is not only against the International covenants on justice but also in contravention to J&K Juvenile Justice Act (Rashid 2012, 2010; CDR Report 2013). In many instances security forces are blamed for tampering with the age records of the detained/apprehended children and showing

them above 18 years that enables them to impose oppressive provisions of Public Safety Act. Such practices on part of security agencies have drastically increased since 2008 as the participation of children and youth in political protest has also exponentially increased. A report published by the Centre for Dialogue and Reconciliation (2011) critical notes that almost 70 percent of children that had died in 2010 summer were from relatively poor working class backgrounds and whose parents were either farmers, labourers or having very low land holdings. The report reiterates that strife in the region is assuming newer and complex dimensions that are in-turn exposing children to diverse forms of vulnerabilities and risks. Apart from that, a survey conducted by JKCCS (2006) in two Districts (Baramulla and Bandipora) reveals that 392 children, including 43 girls have been killed among the total 5106 casualties since political strife in 1989 to 2005. It further reports that killings of children in these said regions from 1989 to 2006 constitute 8% of the total killings.

Instances like these can be found across all the districts of the State where children have been direct victims of the deadly strife. The last 15 years of political strife in J&K have been more brutal to children. As per the data compiled from different agencies including media and civil society organizations (JKCCS), **318** children been killed in various conflict-related incidents, which includes 72 female children. In other words, among total civilians (4571) killed in last 15 years around 7% of them where children below 18 years of age (JK CCS 2018). It must be noted that 45% of children have been killed in security action during law and order situations and 46% of children have been killed by unidentified persons. Children living across the Line of Control (LOC) starkly bear the brunt of conflict. Around 6% of killings of children take place along LOC due to shelling or artillery fire across border. Also dozens of children get killed or injured due to littered shells.

Data shows that around 40% of children killed since 2003 were below 12 years of age. Children in the ages of 8 or 9 years have also fallen to bullets during law and order situations. Similarly, 48% of children aged 13 to 18 years have lost their life. A JKCCS report shows that the north Kashmir districts of Bandipora, Baramulla and Kupwara together witnessed 110 killings, while the four south Kashmir districts of Kulgam, Anantnag, Shopian and Pulwama had 59 killings. 45 killings were reported from Srinagar, Budgam and Ganderbal. Kupwara district of north Kashmir reported the maximum number of 53 killings, trailed by Baramulla, which had 41 killings, and

Srinagar had seen 27 killings. Kashmir division accounted for 67% killings of children.
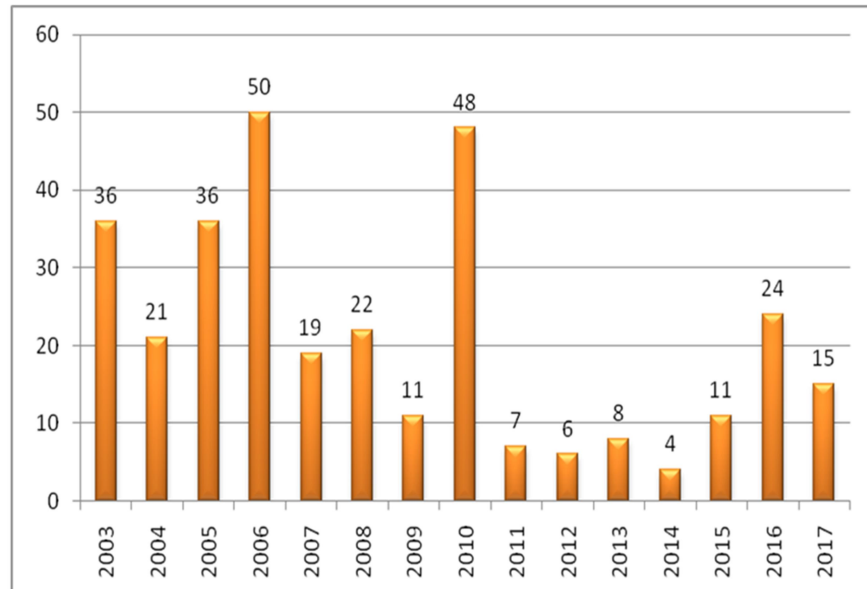
Source: JKCCS 2017, Greater Kashmir 2010-17.

In its 2006 report on J&K, *Medecins Sans Frontieres* (Doctors without Borders) reported that a larger proportions of people in J&K have witnessed sexual exploitation and violence than in conflict situations like Sri Lanka and Sierra Leone, which includes huge percentage of children who have sexually abused and victimized. The type of violence in J&K includes forced sex, sexual exploitation, kidnappings, molestations and harassment. There is no authentic source regarding numbers and figures on sexual violence against civilians. In October 2013, the then Chief Minister of J&K stated in the Legislative Assembly that since 1989, **5,125** rape cases and **14,953** molestation cases have been recorded in J&K.

Psychological Impact of Sexual Violence in Kashmir:

There are diverse pathologies engulfing our societies today. Innumerable interstate, intra-state, inter-community and intra- community conflicts can be sighted. Many states are ravaged by political conflicts. States of conflict and terrorism involve multiple, often protracted, painful trials that affect the entire continuum of contextual, relational and intrapersonal spheres. Array of processes within these purviews involve complex reciprocal interactions among young lives and their multilayered surroundings (Bronfenbrenner, 1988). Continuing conflicts result in loss of human lives, destruction of property,

disorganization, unending and ever increasing violence and suffering. People in conflict zones suffer from worst kind of atrocities and maltreatment. They are made to live a subhuman life. Women, children and young girls indisputably become the worst sufferers. Experiencing or witnessing a traumatic event can play havoc at psychological level. Physical loss resulting from a violent incident can be reconstructed, but the psychological scars do not heal easily. Many a times people are made to shoulder the burden of post traumatic stress for rest of their lives.

For the last two decades Kashmir has been entangled in raging expressions of a conflict that has been boiling since 1947. The issue, which is stretched, volatile and violent has taken a huge toll on human lives and affected every aspect of life. Conflict has not spared anyone. Women within this turmoil have been an equal party receiving the brunt of suffering. They have been the direct as well as indirect targets. Many have lost their lives in cross firings and blasts. While as many others are dying a 'slow death', waiting for their disappeared husbands, sons and brothers. The over-tense circumstances have wrecked havoc on their physical, social and psychological well-being. Conflict has exposed them to various threats and consequently made them more vulnerable. As mothers, wives, daughters and sisters they have been the worst sufferers of the turmoil period. There are innumerable incidents when young girls were illegally detained in security camps for the alleged involvement of their fathers and brothers in militant activities. They were often beaten up during night raids, crackdowns, protests and demonstrations. Many were even interrogated for helping and sheltering insurgents. Like women, in other violent contexts they have been sexually harassed, tortured and even incarcerated for prolonged periods together. Even though there are only few rape cases which have been able to make it to the news, others remain buried. State authorities and NGOs have disgustingly failed in keeping track of such cases. Socially conservative mindset too has disallowed such cases to come to surface. In a society where the chastity of women is highly 'valued and respected', rape is perceived as

something which is highly unacceptable and not fit for social discourse. Not only the victim but her family is looked upon with shame and disgrace. It becomes difficult for the family to reclaim its position in society. While disrupting the pre-existing equilibrium between the family of the victim and environment, it often results in taxing the victim and her resources to manage adjustive demands and restore equilibrium. The family members are often stigmatized, rejected and their integrity impugned. Fearing such reprisal from the society many victims could never reveal their fateful tales and preferred to remain silent. No commission ever investigated and no organization ever pleaded their case. Women in rural and border areas have suffered disproportionately owing to their proximity to security forces and much due to nature of their work in paddy fields, orchids, or collecting firewood in forests.

Notwithstanding evidences, witnesses, and rigorous campaigns by different human rights organizations the security forces have repudiated all the accusations and allegations of sexual misconduct levelled against them. Pertinently, the Shopian 'rape and murder' case is one of the fewest cases that caught the attention of civil society and the media. On May 29, 2009 two girls Asiya (17) and Neelofar (23) were allegedly gang raped by security force. On their way back to home, from the orchid the two were abducted and then raped, as is alleged. Next day bodies of the two victims were recovered from the nearby stream. The incident evoked heavy public uproar and protests in the entire valley. However, the strife of people ended when the CBI report declared it as a case of drowning, invalidating all earlier postmortem and autopsy reports. The case undisputedly reflected the reciprocal relation between the intensified militarization and gender-based violence in J&K and the structural realities that further and perpetuate injustice. The outcry might have been subdued but it has left people deeply ingrained with pain and humiliation. At the same time it has re- sensitized women of the valley of the potential risks they are exposed to in presence of security forces. It has re-created a sense of helplessness and insecurity in them. The incident has particularly affected the

young girls of the area of the study, as it is feared that the heavy deployment of troops in the area can arguably result in an incident of same kind in future. As can be inferred from various sources, the military and paramilitary forces are seen everywhere in civilian pockets or neighbourhoods. At its outskirts are the police and paramilitary Central Reserve Police Force (CRPF) camps. The entire area is also densely patrolled by Rashtriya Rifles which regularly patrols the area. Owing to concentration of troops and their alleged involvement in the rape and murder case, there is an intensified feeling of fear among people. The present section is an attempt to document this fear, particularly among young girls of the area, change in their perceptions, daily routines, interpersonal relations and more importantly the concern of their parents after the incident.

Psychological Impact on Young Girls:

The researches in various conflict zones world over have shown that there is a close connection between violence, mental health and psychosocial welfare. Distressing incidents resulting from political violence have visible long-term effects on political ideals and beliefs, routine and mundane intentions and emotions, and including diverse aspects of psychosocial wellbeing. Conflict-related violence is linked to mental health illnesses both and micro and macro levels. People exposed to adversities and continuing violence develop issues like stress, aggression, irritability, depression, anxiety and suicidal tendencies. Women particularly are more vulnerable of getting psychologically affected. According to a study (Margoob et al 1993), women contribute more than 60% to patient-load in Government Psychiatry Hospital in Srinagar for treatment, with most of them suffering from PTSD or varied and complex natures. Young children, especially girls living in conflict zones and exposed to traumatic events like rape are likely to confront a number of psychological issues, which can hinder their psycho-social development and their expectations regarding future life. The impact of violence can penetrate deep in their psyche and impair their abilities and patterns of living. Age and psychological immaturity on the other hand render them more vulnerable to the effects of overwhelming

and inescapable stressors. They may develop multiple and sometimes protracted forms of bio-psycho-social maladjustment and in some extreme situations mental illness. The process of adjustment may involve a complex process of re-learning at psychological and social levels. The development aspects can also get harshly affected.

Shopian Incident in a Gendered Perspective- An Analysis:

Every act of violence has an impact, which is specific and quite reflective of its nature. It can arouse a number of varying human responses- emotional, psychological and cognitive. Among the most traumatic manifestations of conflict, sexual exploitation and gender based violence have profound psychosocial consequences. No matter who becomes the victim, such acts have their adverse implications on co- victims as well. Impact penetrates deep and is experienced at every level of psycho-social functioning of the individuals who are even remotely related to the victim and to the incident. Many a times people start relating their own life situations with those of the victim. All this is very obvious on part of the people who live and survive in conflict zones, where uncertainties and death haunt the life and routine of people. Where the unthinkable and unexpected turns reality with every passing hour, where people are tortured and killed mercilessly, women raped strategically and children abused with intent. What happened in Shopian cannot be forgotten; two girls were 'raped' and then 'murdered'. The incident will haunt the memories of the people. Even though years have passed by, but the victim's relatives, neighbours and friends still harbour their memories, and equally the fate they met. The changes which the incident has brought in their lives are quite apparent but at the same time invisible and dissolved, as they continue with their life and living. The present endeavour aimed to explore this change, with focus on young girls of the area. With the help of case studies and interviews with some elder members, an attempt is made to understand the perceptions of young girls, document the changes they have been experiencing after the incident; their worries and concerns, their fears and also explore the influence

on their routine functioning; assess the impact of the incident on their psyche, thought-processes, social behaviour and relationships. At the same time documenting parent's views helped us in making an assessment of their concerns. The interactions with the respondents and their responses have been documented in the following section.

Case Studies:

Shakela , a very close friend of Asiya, has endured much after her friend's death. She had been on bed for about 3 months, following serious mental health complications. She had completely lost herself after the incident, not knowing who she is and where she is. She has been also out of school for some time. She had been taking anti-stressors and various other medicines. It has taken her months to recover from the trauma that engulfed her after Asiya's death. However, it was her family that pulled her back into life. On visiting her house and interacting with her mother, one comes to know what the whole family has gone through.

Shakela, recapitulating the fateful day, narrates:

"I and Asiya where in the same class, on that day I was waiting for her outside the coaching centre as I always did, suddenly a boy came rushing towards me and informed me of her death, though he was not clear of what had actually happened; but he had conveyed the message which broke me down. I don't know what happened after that; I couldn't even see her for the last time. It was only later that I came to know that Asiya was ...raped... and that is something I will never be able to forget. For a long time I couldn't accept that Asiya was gone. I would often feel her around and would talk to her... many a times I would feel her sleeping by my side and whispering something. I would tell my mother that Asiya is sitting here, but you will not be able to see her ... she is only visible to me. I used to have nightmares and sweat all night. At times I would get up in the night and stare at the ceiling of my room for hours together. I was not able to do anything; I couldn't eat or sleep properly, or concentrate on my studies. I preferred to be all alone and would often feel irritated for no reason. It took me several months to recover, but the trauma still persists. Many things have changed; nothing is like as it used to be, I feel some kind of emptiness inside and outside as well. I no more enjoy the company of my friends and am much closer to my family now."

Beenish, a 2nd year student, has a different story. She had never known Asiya, but the incident has changed her life forever. She tearfully expresses:

"I have lost myself; I am no more the same person. I feel weak and helpless. The incident has shattered me. I am scared of almost everything. I am so much traumatized by the incident that I sleep with my parents. I can't stay alone; I always need someone to be with me and I follow my mother where ever she goes. I can't even dare to go to washroom, when it is dark; I must be accompanied by my mother. I avoid going out, particularly after 3 pm. I no more visit my friends. The worst impact has been on my studies; I go to college only once or twice a week. I am not able to concentrate on my studies. It seems as if everything has come to halt. Nothing will change now. Even, today if I see a security personnel on the road I start shivering... my heart palpitates faster and faster. I have lost all hope and motivation; I don't think I will be able to overcome my fear! Whenever anyone recalls the incident, it aggravates the stressful situation. My parents too have become over-protective."

Shopian rape and murder case has left the people of the town, shattered and distressed. Feelings of dissatisfaction, sadness and anxiety are hovering their minds time and again. The discomfort that most of the cases reported was the most obvious sign, that they all are profoundly affected by this heart-breaking tragedy. This traumatic event has left everyone dejected and disheartened. Everyone has the same story to tell and same agony to reveal.

While conversing with Fajara (18), she related her agony:

"... the incident has turned my world upside down. Not a single day passes when I don't re-experience that trauma. Over and often a feeling of insecurity engulfs me. My energy freezes and my legs become numb. Nightmares haunt me and I hardly sleep. I like to be alone and talk very little. Whenever I close my eyes, I hear some unclear voices and often feel that someone one is around and wants to kill me. All the time I am over occupied with my fear; worries leap in my mind and refuse to leave. This incident has impaired my relationships with the outside world. I avoid contact with others. People have now started labeling me as mentally ill. My family no more trusts me with any responsibility; I can sense a drastic change in their attitude. Fear is handicapping; it prevents you from behaving normally".

Sitting alone in a corner and rocking back and forth, another respondent Andaleep, 15, was lost in her thoughts, while we interacted with her mother. Her mother too was looking perturbed. She said:

"I think we have lost our daughter, she always remains in a very sad mood. She does not talk much with anyone in the family. The incident has badly affected her. She sits all alone and talks to herself for hours together. We are very much worried and are now shifting her to her aunt's house in Srinagar. We have also admitted her in a new school. If things don't get better, we might have to take her to some psychiatric specialist."

Maryam, a student of 12th standard expressed:

"... the whole episode has turned my life chaotic. I am facing innumerable problems. I have lost my appetite; I no more eat the food which I once relished. I am not able to concentrate on anything. Sense of insecurity is too overwhelming. I can't sleep properly. Things are not going well for me. After the incident my parents compelled me to leave the studies, they thought I was not safe. Their decision shattered all my hopes. I was in complete despair. I often thought of ending my life. But later I sensed the genuine concern of my parents. This realization unburdened my heart and I decided not to turn down their order. I know discontinuing studies was not the wise decision, but I had to."

Zamrooda, 25, a house-wife, narrated her trauma:

"This tragedy has made our lives miserable. It has brought severe changes in our lives and drastically affected our daily routine; particularly work in orchards and outside. I always feel insecure, when I am alone. My attitude towards life has changed and so have my perceptions. I have grown cynical and my mind is always occupied with negative thoughts. I don't feel safe anymore, not even in my home. Whenever I recapitulate that event, I start shivering. We too have an orchid and I go for its maintenance and the thoughts like, what if I would have been with the victims that day, what if I also get victimized the same way! These feelings overpower me and I feel helpless. Earlier, I used to work in the orchids for late hours, but now I can't spend an hour without the company of my husband or other family members. As a mother too, I have become overprotective, I accompany my daughter to school, and never leave her alone. I no more allow her to go with her friends. Everything seems to have changed. Ours is a conservative society, and it is too difficult for a woman who has been through such an experience to survive in this society. I think we need to protect ourselves and our daughters to avoid any untoward event".

On the similar lines, Zareena, 40, a housewife and being a mother of four daughters' remains worried about their security all the time. She relates:

"Whenever I am reminded of that day a wave of fear shakes me within and I find difficult to subside it... the innocent faces of my daughters flash before my eyes and I am unable to hold back my tears. I am very much concerned about their safety; I don't allow them to go outside. Whenever they are late from the school I become anxious and feel a strong pain in my chest. Sometimes, I think I should get all of them married as soon as possible. I can't shoulder their responsibility any more. Their husbands will protect them and they will be safer with them. Nightmares haunt me and I can't sleep. I feel intense headache and have developed some cardiac complications as well."

Munaza, resident of Bungam and an 11th class student, studies in the same school of which Asiya was once a student. She has three brothers, who are elder to her and the family lives very close to Asiya's house. Munaza had known Asiya for quite long. Both had grown up together. While conversing with us she remembered, how both of them spent their childhood and how well they understood each other. She fearfully recalls:

"We were very close to each other, though we didn't had any blood relation but our bond of friendship was stronger than any relation. Asiya was a very simple and innocent girl I could never imagine her end will be so tragic. Her death has left me deeply shocked. Whenever I am alone I try to imagine what must have happened, how she would have cried for help, how she would have tried her best to save herself and struggled. But afterwards, my imagination seizes. I feel helpless; in fact we all are helpless. We can't stop such incidents. The perpetrators are more powerful and they will continue to do as they like...after the incident I see some drastic changes in myself. I have become religious and offer prayers regularly. I restrain myself from watching television and read religious books. I don't listen to music anymore. Asiya's death has made me to understand the impermanence of this world. Everything seems illusive and artificial."

Hina, another teenager from Alyalpora shared her thoughts, when she was on her way to the family orchid. She was accompanied by her elder brother (Mohammad Muzzafar):

"The incident has paid heavily on all of us; everyone has been affected in one way or the other. Though the impact was more intense in the beginning, but things became normal with time. Feelings of fear and insecurity pacify as you get involved with work. Fearing recurrence of such event we can't sit back in our homes and leave everything aside. I too was much disturbed for some time after the incident. I would lock myself inside the room and come out only to

take meals. I would unnecessarily fight with my younger siblings and beat them. I had become over obsessed with reading newspapers. But later on when our school reopened, I got busy with studies and gradually things started getting easier and better. Now I feel quite stable."

Hina's views were reflective of her resilient nature and her will to continue in-spite of all odds; and how routine activities like education and schooling could ease out tension and strain. Still, her brother seemed all the more worried and disturbed.

"It is not easy to accept that two innocent girls are raped in your locality and you are helpless to do anything. I have two sisters who are of the same age and who often go to orchid for work. I can't be with them every time. I am very much concerned for their safety. Whenever they are up to the orchid, I leave all my work and escort them. Even when they are in school or college, I remain equally worried. I don't allow them to talk to any stranger or be away from home or visit their friends. I think if we have to ensure the safety of our sisters and daughters, it is imperative that we pose certain restrictions on them. We can't fight the perpetrators of such crimes they are very powerful, so it is better to take some defensive measures before hand. My father also remains fearful for his daughters. We are now planning for their marriage in the coming year."

Asmat 19, hails from a nearby village called Kapran ;

"I live very close to a CRPF camp. I often used to encounter security personnel's on my way to school and orchid, as the main road passes though the camp. On my way to school, they would often pass comments and tease me and my friends, and many a times we retaliated. But after the incident I could no longer gather myself to go through the same route. I now take the alternative route which on the other side of my house. Even though the route is longer, but I believe it is safer. Earlier it would take me 10 minutes to reach the school, but now I cover the same distance in more than 20 minutes.

I think one needs to be vigilant and careful to be on the safer side. You cannot trust them, they can do anything! I even don't trust anyone now. Strangely, the incident has developed a feeling of mistrust within me, especially against all men. I even avoid boys in my neighbourhood and school. I don't know the reason for being so skeptical, but I can't help it."

Afroza (17) resides in Alyalpora and is a 10th class student. She narrates:

"Our education suffered more than anything. Our schools were closed for almost 3 months. We could never compensate the loss we suffered on academic front. There were protests and demonstrations every day. It seemed as if things will never be normal again and I will never be able to go to school. My parents stopped my tuition classes. They wanted me to stay at home. I was stopped

from meeting and visiting my friends. My father even locked up the television and telephone. I was not allowed to call my friends and talk to them. Except that I didn't fare well in my exams, I was not much influenced personally, with the incident. I know such incidents are inevitable in a place which is heavily occupied by security personnel. They are everywhere, on the roads, in the orchids, in the markets etc. Such cases have also been there in the past, but nobody was ever punished. We need to move ahead and help each other in whatever way it is possible."

Rahila (14) seems to be very perceptive and sensitive. She painfully narrates:

"... those were really horrible days; I can't explain what I went through. Whenever I would listen to news, sense of helplessness, fear and guilt would overwhelm me. Newspapers used to give explicit details of the incident, like the condition of the bodies when they were recovered from the stream, statements of doctors about the condition of the body and organs... etc... all these things would fill me with a sense of shame and impurity. I would feel all girls are impure and dirty. We should all die or we will get victimized in the same way. Whenever anybody talked about the victims, I felt as if they are discussing me. I could not understand how they can be so insensitive and talk about such an immoral and lewd act. I simply started hating myself. Schools got closed for two months, which aggravated our problems we could not go outside and share our feelings. Circumstances arising out of protests and demonstrations were not at all conducive; we could not concentrate on our studies or on anything else. We would feel agitated and restless. Once security personnel came inside our house and thrashed every one of us; they broke the window panes and abused me and my mother and on that day I realised how Asiya and Neelofar would have struggled and failed. I was so disturbed and frustrated that I thought of committing suicide... but then I realized ending life is no ... solution. I focused all my attention on prayers and on reciting holy Quran. My faith on almighty Allah came to my rescue and I started feeling better and safer."

Mehvish (18) lives at Kanipora. She furiously responded:

"People come here only to have stories and script for their newspapers. Nobody realizes our pain and anguish. One year has passed and the perpetrators are yet to be punished. We don't trust anyone. Ministers, journalists and human rights organizations come here for their own vested interests. The incident was traumatic for all of us but what made it more horrible was the response of the government. We all expected that the doers of this heinous crime will be prosecuted, but nothing considerable was done. By not taking a stern action, the government has only encouraged the security personnel to carry on such activities with greater impunity. We have become more vulnerable now. Such incidents can get repeated in future. I can also get raped on my way to school or orchid and no one will be held responsible or punished. We are living under

fear and insecurity. Our parents also remain worried for us. They don't allow us to go anywhere. Our brothers have turned into our bodyguards; they accompany us to our schools and orchids. I think it is a sin to be a girl. Boys are at their liberty to go out, protest, pelt stones and raise slogans, at least it helps them to give vent to their feelings. We can't do anything. We can't show our anger and resentment. We can't pelt stones; society does not accept that. I wish I was a boy; at least I could join protests."

Rutba (19) is a 12th class student. She is a resident of Hergam. She describes the day as:

"I was in my room, when my mother came wailing and hugged me. She was so frightened that she could not speak. It was only after I calmed her, that she narrated the whole thing. I was not initially much affected and didn't even react. I thought such incidents do occur and we need not to pay much heed. But things turned upside down for me when I came to know that one of the victims is from my school. After learning she is Asiya further brought me down to earth. I was completely broken within. Today when someone talks about the incident, the images of their bruised bodies as shown in newspapers overwhelm my senses. The fact that police and security personnel were involved in this crime has made me to hate all police men. I think they all are guilty and should be punished, so that they don't dare to repeat such an act. For the same reason I even hate my uncle who is in the police. Whenever he comes to our house I avoid him. I don't even want my mother to ask him for tea or anything. Whenever I see him I am reminded of Asiya and Neelofar. I no more like talking to his wife and daughters."

M. Ramzan Sheikh has four daughters and he is a resident of Bungam. He disturbingly narrates:

"The incident has left me deeply shocked. I have four daughters. Two of my younger daughters go to school; while as my elder daughters help their mother in household work and in orchids. Almost every family in this area owns an orchid. Women, besides doing household work assist their men in orchids and vegetable gardens. Most of our daily needs are met from our own lands. We have to go for the maintenance of our vegetable gardens almost every day. We can't do without that. Our orchids and vegetable gardens are surrounded by a security camp. We encounter them almost daily and so do our women. Earlier their presence in and outside our orchids would not bother us much. But after the incident situation has changed. Presence of single CRPF personnel is enough to terrorize us. Their presence reminds us of the incident. Whenever my daughters are out in the orchids, I am worried of their safety and well being. I usually send my elder son to accompany his sisters to orchids and market. I can't take the risk of sending them alone. Being a father I am responsible for their safety and security. I want to take every precautionary measure, which can

ensure their safety. Moreover, I am afraid that any kind of (personal) enmity with police or other security agencies will be answered in a similar way... they can assault our women and daughters to take revenge from us and the larger community. They are powerful and can do anything. They can stoop to any level. We will have to be cautious on every front."

Zahida (70) was in tears, while she conversed with us. She could not stop crying, when she described the incident and the after-happenings. She added:

"I am too much worried for my daughter-in-laws and granddaughters. I never allow them to go alone anywhere. Earlier my daughter-in-laws used to work in orchids for long hours and would come and go on their own; but now they are always accompanied by their husbands. Same is true for all families in this area. We don't want the incident to be repeated with anyone else. Now females work in the orchids only until male members are there to guard them. All this has greatly affected our other household activities because male members have to keep themselves free for escorting the females. We have been affected socially and economically. I knew Asiya and Neelofar closely; they were just like my daughters. What happened to them can happen to my daughters or to anyone else. The incident has changed our lives for years to come. It has changed our priorities and also our worries. All of us have become excessively apprehensive and skeptical. Most of the women in the area have developed psychological and cardiac problem because they remain worried for their daughters all the time. My grand-daughters are so scared after the incident that they fear to go upstairs in the second storey of the house. They don't even sleep in their rooms; instead they sleep with me and many a time they get up in the night only to check whether the door is locked or not, whether the windows are closed or not. I don't know what will be their future, if they continue with the same."

Ruksana ,(32) a close neighbour and friend of Neelofar, recapitulates:

"Neelofar was very close to me. She used to share her joys and worries with me. We would often talk for hours together in my house. No one could have ever imagined that she would meet such a horrible end. Whenever I see her son, I am overwhelmed by her memories. Her death has almost shattered me. I used to work on orchids for long hours, but my husband doesn't allow me now to go outside. He wants me to stay at home. After the incident I had become quite reticent, which affected my relationship with my husband. I would not talk freely to anybody."

Romana (20), resident of Alyalpora and a final year student in the local college, recalls:

"Initially I thought my parents are overreacting. They seemed to be very much worried for my safety and well being. Immediately after the incident I was

stopped from attending my tuition classes. Afterwards they stopped me from meeting my friends, going to their home, preparing jointly for exams etc. I couldn't make out sense from what they were doing. I wondered how my visit to my friend's home is going to put me at risk. But later, after I was able to understand the concern of my parents for me, I realised that the reaction was normal on their part. However, it also made me more cautious of my vulnerability to such incidents. I started thinking that my encounter with security personnel on my way to college or orchid may result in similar troublesome event. I started thinking about Asiya, Neelofar and their family, about the cases that have happened in past and about the cases that might happen in future, ... about the oppression. All this greatly affected me and my relationships with myself. I became aware of my weakness, ... of being a girl. I felt pathetic for myself. I became disinterested in my studies. I almost lost all my concentration. At times I would think of joining some group and kill the perpetrators, so that nobody dares to repeat such crime."

Asifa (17), resident of Hergam:

"I have four brothers and two sisters. I am the youngest of all my sisters. After the incident, my parents were very much concerned for my security, as I used to go to orchid all alone and work for late hours. The incident had deeply shocked them. They were so frightened, that they didn't allow me to go to work anymore. I have not been to our orchid since then. It has almost been a year now that I have visited the orchid. Whenever my mother and brothers go or return home from the orchid, I feel very sad for not been allowed to go with them. Beside, my elder brother always accompanies me to school. And when he not there, someone else comes with me and if nobody is available or all are busy, I am asked to take a day off. I go to school for only two to three days a week. Even my friends have now distanced themselves from me, because they think that I am always surrounded by my brothers. They feel hesitant to talk to me, or come to my house. I feel quite isolated."

Inferences:

The post-incident happenings and responses had diverse implications on every aspect of life in the town. Our interaction and personal communication with the general people, Mohalla heads, teachers and students of the area gave a broader picture of the post incident life and the implications, there-of. These discussions pointed out the grave impact of the incident on the psycho-social environment and socio-economic structure, adding diverse pathologies - psychological, emotional, economic and political, to the lives of people. All the social institutions, as if, collapsed and life came to a standstill. This is what was

visible and much of the impact remained hidden and unexplored. Also, our primary focus being the incident's impact on the young-girls, the in depth and comprehensive study of the other facets of the impact wasn't possible, keeping in view the mandate of the present study. Nonetheless, our description and analysis of the implications of the incident on the young-girls is discussed in a context that somewhat throws light on the gravity and seriousness of the impact in totality. Yet, our emphasis on young-girls owes to their increased vulnerability and risks compared to other groups. Thus, in the following sections the diverse manifestations of the impact - direct or indirect, have been discussed.

The Shopian 'double rape and murder' has been the most traumatic experience in the recent past for the young-girls of the area. Its impact has multidimensional and numerous vile-ramifications, affecting their psychological and emotional identity; perceptual and cognitive sensitivities; and social and educational stability. Both the direct and indirect manifestations of the impact have been overriding the course of life in them. Beyond the manifestations that are visible, much other, remain hidden, suppressed and unexplored. It is highly pertinent to mention that our endeavors in the study have been to bring out the direct and indirect implications on the young-girls. At the same time, it must be acknowledged that to explore and assess the hidden or suppressed impact much is demanded out of a researcher and his/her research skills. Moreover, owing to the nature, sensitivity and complexities involved in the study, we took extra-care to handle the respondents and bring about maximum out of them, being conscious of not causing any harm to them or aggravate their problems what-so-ever.

The Impact:

Generally, after a person's exposure to any traumatic event or situation, it is expected that the person develops psychological, social, emotional, behavioral and other related problems and disorders. Moreover, the issue gets more

complex when the excessively vulnerable groups like young-girls are involved. In the present case, their exposure to the traumatic exposure in lieu of the Shopian 'double rape and murder' had horrible outcomes for them, as mentioned in the earlier sections of the report. The issue gets more complex and complicated, owing to their sensitivities, that is, the age and the stage of life they are in; the emotional fragility; the socially constructed gender-sensitive inferences to such incidents and above all, their sense of vulnerability and despair. Thus, our study-group- the young girls of the area, showed multiple levels and degrees of impact at individual, familial and community levels, where-in all these impact-levels are engrossed in each other, one affecting another.

The response to the incident and the impact there-after, at these identified levels (not exhaustive) is outlined as follows:

1) The dominant feelings of fear, insecurity and worry pre-occupied almost all the cases. Their perception about life and things related to it has changed significantly.

2) The emotional restlessness and instability was quite evident, as documented in case descriptions.

3) The cases showed stress, depressive and withdrawal symptoms. Most of them reported nightmares, night-sweats, and other behavioral changes like becoming sensitively introvert, reserved and passive in personal relations.

4) The impact on the relationships with-in and outside the family was greatly evident. Owing to the psychological disturbances, their interpersonal and family interaction witnessed a prominent change, where-in passivity, disinterest and withdrawal prevailed. Interestingly, the peer interaction highly decreased and they no more worked in groups; prepare for exams together, visiting each other's home; or go to picnics.

5) In particular, the perceptions of the young-girls about male classmates, neighbors or relatives, as observed, seemed to have been transformed. As the incident has tarnished their self-image, self-perception and self-respect, some of the young-girls showed identity crisis. Revealingly, both parents and the

girls feared that any personal enmity might result in the incidents like that of the 'rape and murder'. It has also become a cause of self-curtailment and restrictions. It is pertinent to mention that the response to the impact and its depths and degrees vary quite significantly and are determined by the prevailing socio-cultural orientation of the community; the person's psychological make-up and emotional sensitivities; the available coping resources; and support and safety networks.

On the similar lines, the education of children, in general and of the young-girls in particular, was greatly affected. As there was complete and continuous shutdown almost for two months, all the educational institutions were closed. Pertinently, the disruption in the education and schooling of the children, particularly traumatized ones, is catastrophic for their mental, psychological and educational wellbeing. The interactions at school with teachers and other students; attending classes; discussions, etc and participating in other activities acts as a cathartic platform for the traumatized children. In this case, the closure of the schools and colleges exacerbated the impact of the traumatic experiences. It may not be out of place to mention that the closure of educational institutions had a gender-sensitive impact. As the whole town was reverberating with protests and demonstrations, where-in almost all male-members, particularly, young boys participated throughout. It is pointed out that the participation of boys in these protests acted as cathartic that diffused their psychological strain, mental stress and pent-up emotions. On the contrary the young-girls remained inside their homes due to self-imposed or family-imposed restrictions, aggravating their psychosocial problems and left choked inside the four walls. The impact was so cyclic in nature for these young-girls that even after the 'normal' life resumed and educational institutions opened, most of them had developed disinterest and inactivity in relation to education. The number of days attending school had decreased; some of the respondents had altogether left the education; shifted to the schools in their close neighbourhood or to the school outside the town like Srinagar, etc; or to the schools closer to their relatives; almost all of them had educationally and

academically deteriorated, either too less interest in extra-curricular activities and games. The prevailing disinterest, lack of concentration and diverting focus on education and future prospects pose diverse challenges ahead for these young-girls and families. As mentioned in the earlier descriptions, the impact and response to the traumatic experiences of the double 'rape and murder' in their locality may insinuate into their future. Thus, the impact may seem to have got diluted and the symptoms may be receding, or maybe it is still very grave in some cases; but the matter of grave concern is the traumatic incident's imprinting on their sub-conscious and unconscious mind and personality, where-in it is suppressed, unexplored and unattended. This impact, as of now, fluctuates between girls' self-suppression and their parents' denial and complacency. Its eruption into outside could be determinant to the social prosperity of the girls, their families and community, as a whole. It is time the problems are first recognized and accepted and then handled with professionally relevant and socially acceptable intervention that involves the individuals, his/her families and community, efficiently and effectively.

Moreover, from the study of the cases regarding impact of sexual violence on children, we emphasize that influence of the behaviour of family and parents and their response to a traumatic incident like rape and murder, particularly in relation to the young and adolescent girls. It was observed that the excessive and over emphasis of parents on the protection and restrictions for the girls after the incident had wide-ranging implications on the perceptions, attitudes, emotions and over-all psyche of such girls. Although such over-caring or protective behaviour and response of parents and family is to be acknowledged, for it is natural and instinctual of human beings. But, such responses (as our observation and discussions point out) sensitize or incite the feelings of excessive vulnerability, fear, insecurity and helplessness in the girls. Their coping mechanisms seem to get too weak to balance the traumatic and fearful experiences. As was evident in our case-studies, the impact of the post-incident trauma has a more-or-less homogeneous bearing on the girls. Nonetheless, one must not underestimate the varying depths and gradients among the

respondents. Quite relevantly, the response, disorders the case-studies showed, as mentioned earlier, seem to have some roots in the over-sensitive behaviour of family and parents in relation to the girls after the double 'rape and murder'. Pertinently, the role of significant-others like family and parents, in particular, at times of trauma or experiences related to it, is immensely crucial. Their fears of insecurity and vulnerability mould their behavior towards girls and that could exacerbate the already-malaise ridden situation. The psychological disorders or symptoms related to it get accentuated and there-by expose the victims to diverse psychological and social risks and vulnerabilities. The argument presented in this discussion is in no way to underestimate the role of family and significant-others in enhancing coping mechanisms of trauma-exposed persons. The family support system, empathetic communication and peer relations, etc are considered indispensable in preventing such disorders or situation from worsening.

However, our contention remains valid considering the empirical observations from the field. Moreover, if we go a bit deeper in its analysis, it comes to surface that in the circumstances of incidents like rape, the political uproar and social unrest created itself ensures, more-or-less, that such incidents are not repeated. In other words, the unrest acts as a future deterrent for the perpetrators of such crimes, if it is justified to argue. Nonetheless, the family and parents make decisions like 'excessive care', making girls to leave education or enforce restrictions for girls, to satisfy their feelings of fear and insecurity, rather than taking rational decisions. Once again it is reiterated that the argument may seem to be inclined to blame family and parents for the respondent's problems and demands. In reality, we want to emphasize the role close-ones and significant-others could play in preventing, protecting and rehabilitating individuals exposed to traumatic experiences. Thus, if the family and parents are made to respond in a rationally protective and rehabilitating ways, it could greatly enhance coping mechanisms and empower vulnerable person's to resist the psychologically disturbing forces. It is based the emerging

research where mechanisms of resilience in children have been extensively studied.

3.4: Children in Conflict with Law:

Children upto 18 years who come in contact with the legal system due to suspicion or accusation of committing an offence are termed as 'children in conflict with law' (CLL). Children who engage in criminal behaviour are more-often-than-not used or coerced by adults.
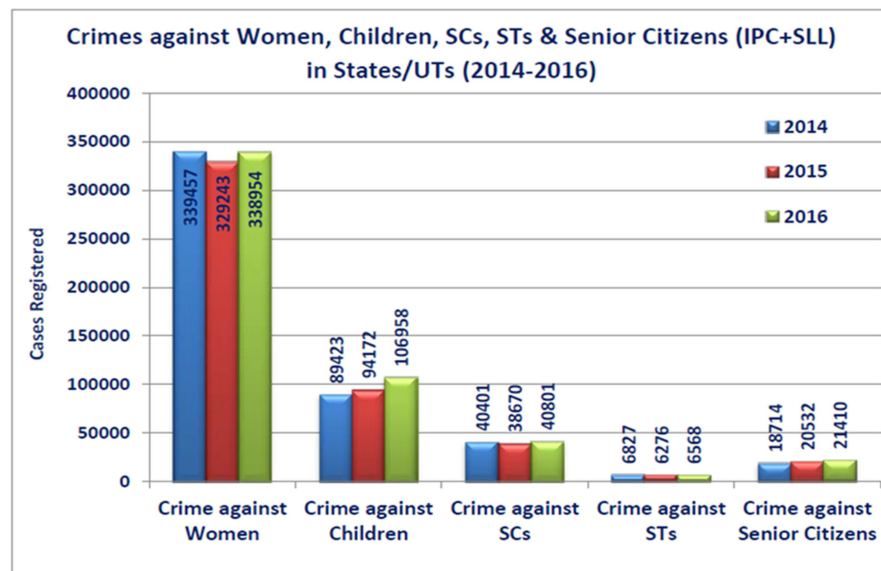
Figure 19 Comparison of Crimes against Children & Weaker Section

It is not uncommon that prejudices and stereotypes on the basis of religion, race, region, or ones socio-economic class may expose a child to legal justice system even in undertain cases where no crime has taken place, or result in obtuse maltreatment by security agencies, police or other agencies. The figures available with the Crime Headquarter Srinagar suggest that the crime rate in J&K state is on a sharp rise with the number of crimes committed under Ranbir Penal Code (RPC) at 49177 for the year 2013 and 2014 in the state.
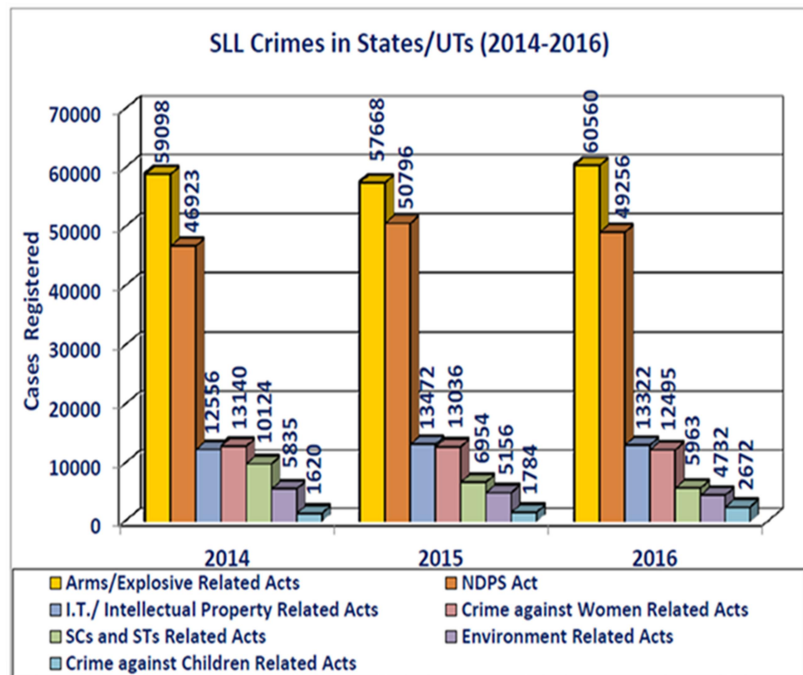
Figure 20: Comparison of Overall Crimes and Crimes against Children (2014-16)

The most concerning aspect of the data is that about 52 percent of criminals are in the age group of 17-22 years. As per the NCRB data 2016, interestingly, a 94% increase has been reported in the incidents of crime involving juveniles in the state in the past three years. The number of criminal cases involving juveniles (below 18 years) was 102 in 2014, but it went up to 198 in 2016. These 198 cases registered against juveniles in the J&K State include 109 rioting, 13 theft, 4 murder, 4 attempt to murder, 2 Grievous Hurt, 6 Rash Driving, 11 Assault/sexual harassment of Women, 8 Criminal Trespassing, 5 Kidnapping & Abduction cases and 35 cases under Others. At the beginning of 2016, the number of juveniles whose cases were pending was 122, while 319 were apprehended in the year. Of them, 315 were held for the first time, taking the total to 441. At least 272 juveniles apprehended in the year were either illiterate or matric pass. It is also claimed that 84.7 per cent of juveniles were convicted and around 253 were sent home after counselling and rehabilitation. As many as 109 cases of rioting in 2016 were recorded. Children were reported to be involved in murder or attempt to murder cases in eight incidents.
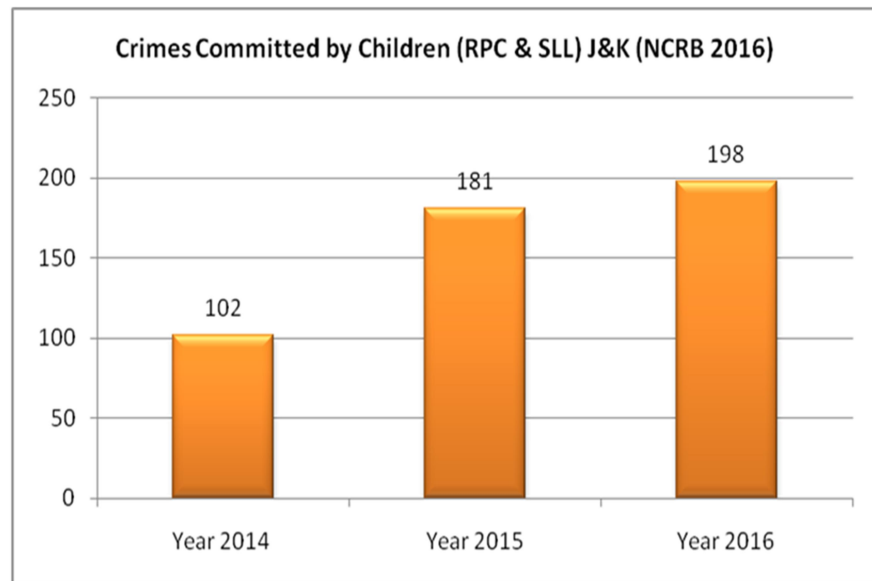
Figure 21: Crimes Committed by Children

3.5: Children in Need of Care and Protection:

Children owing to their biological and developmental sensitivities, are the most vulnerable population in society. They are dependent, have the least power, and have less control over their own lives. Among children there are some who are more marginalized and neglected than others because of their socio-economic, cultural or political situations. These children are considered as Children in Need of Care and Protection. Such children include parentless; abandoned, poor, child labourer or victim of abuse; victims of trafficking, drug abuse, disasters or conflicts; differently-abled children, mentally ill children, etc. These categories of children represent various socially and educationally backward sections of the society which are not blessed with adequate educational, healthcare services, nutrition facilities and services in the state. The past studies have highlighted the plight of the children of Jammu and Kashmir over a period of time. As per different estimates by Govt. Agencies and child rights organizations, around **2 to 2.5 lac children** live in J&K and of which the majority belongs to Kashmir Division. A survey conducted by the Ministry of Health and Family Welfare revealed that Jammu and Kashmir is home to **2.4 lakh orphans**. A 2014 study by Save the Children, a UK-based NGO, revealed that at least **37%** of total 2.4 lakh orphans of J&K were victims of violence. In addition to it, many studies have shown that these children face enormous economic, mental and social hardships that

endanger their wellbeing, especially when the important stakeholders have left them in lurch. The *Kashmir Mental Health Survey 2015* conducted by *Médecins Sans Frontières* confirms a serious mental health situation, with highly prevalent common mental disorders and distress having increased to reach epidemic levels among the population of Kashmir, with 37% of adult males and 50% of females suffering from probable depression; 21% of males and 36% of females from a probable anxiety related disorder and 18% men and 22% women suffering from probable PTSD. Children are not immune to mental illnesses in such a precarious situation of mental health. This is the reason that it is imperative to promote community-based mental health programs with synergized efforts of schools, local bodies and religious institutions so as to cover and include children in its fold.

Overview of the J&K State:

a. *Demographic & Socio-Economic Profile:*

Prior to abrogation of Article 370 and bifurcation of the J&K State into two Union Territories, J& K was the 6th largest State of India to its North with an area of 222,236 KM^2 of which some regions are under the control of Pakistan and China. J&K borders Pakistan in the west, Afghanistan in the Northwest, China in the northeast and Punjab and Himachal Pradesh states to the south. The State of J&K had three different climatic provinces, with cold desert regions of Ladakh, temperate Kashmir region, and sub-tropical area of Jammu.

The State was divided into two separate administrative divisions: Jammu and Kashmir. Out of a total of 22 districts, the Kashmir division comprised 12 districts including Leh and Kargil districts and the Jammu division included 10 districts. The State was further sub-divided into 82 Tehsils and 143 Community Development Blocks. There were as many as 6,652 villages and 72 urban areas. Srinagar city remained its the summer capital and Jammu city its winter capital. Besides, the distinct administrative set-up of Ladakh region has functional autonomous councils. Ladakh Autonomous Hill Development Council (LAHDC), Leh was instituted in in the light of the Ladakh Autonomous Hill Development Council Act, 1995. The Council comprises 30 Councillors, of which 26 are directly elected and four are nominated members.

As per Census 2011, the total population of the State is 10.4 millions, which amounts to 1.04% of the population of India, comprising of 6,640,662 males and 5,900,640 females with a sex ratio of 889, with rural sex ratio of 908 and urban sex ratio of 840. The child sex ratio in the State is 862. The overall literacy rate in J&K is 67.16%, with 56.43% for women, 76.75% for men. The literacy rate in rural areas is 63.18% while in urban areas it is 77.12% (Census 2011).

In J&K, 44.2% children drop out before they complete the full ten year of elementary education cycle. Nearly 17% of girls are married off before they turn 18 (DSEK 2013, DE&S 2012 & 2013, Nika 2013). Apart from that, J&K's deteriorated quality of learning and education is primarily responsible for poor learning outcomes which results in high drop rate and also pushes children out of the school system leaving. This situation exposes such children to diverse vulnerabilities like child labour, exploitation, abuse and neglect. These factors point towards an emergent need to improve service delivery of various programmes and schemes in the State. In light of the above-mentioned reasons, concerted efforts are required to understand the status and issues of child rights & protective system, education and well-being in J&K.

3.7: Discussion:

The different sections above have attempted to present a picture of the relationship between State and Children in the region by describing certain key child protection indicators and identifying key State policy instruments applicable to J&K. Looking at the key Child protection indicators present above, it is clear in many respects that there is widening gap between the ground realities vis-à-vis rights of children and the projected ideals of state policy instruments in this regard In other words, the State has been a main actor of perpetration of violence and neglect against children both on the ground and though its vicious policy structure and approach. The policy ideals related to rights of children and their wellbeing high-lightened in constitutional provisions, Juvenile Justice Act, ICPS and other schemes fall flat on the ground when related to each of the policy-provisions with the data and findings from the field.

Children live and experience their childhood in congruence with their cultural, social, economic and political situations that prevail in their communities. These communities have own context-specific, local and indigenous understandings and meanings of any phenomenon pervading their lives and social ecologies. In such a scenario, the issues of children also need to be looked from a cultural perspective which values the prevailing context and takes into consideration the structural factors that govern lives of children and their families. Thus, in case of Jammu and Kashmir the issues of children diverse and different owing to its unique political, regional, constitutional and socio-cultural specificities. A contextual approach in understanding children and their issues in J&K is imperative for any research endeavor in the field of child rights and children as a whole. Moreover, owing to the internal diversity within the State of J&K, a researcher must also be sensitive to peculiarity in childhoods of children across different sub-regions with-in the state like that of Jammu, Kashmir and Ladakh which have huge diversity in terms of languages, religions, politics, economy and geography apart from their socio-economic and cultural diversities and inequalities.

CHAPTER 4:
STATE'S CHILD WELFARE: FUNCTIONING OF CHILD PROTECTION SYSTEM IN J&K

4.1: Introduction:

This chapter discusses the functioning of Child Protections systems in the region of J&K. As already discussed in the Chapter 2 (Methodology), various sub-structures of Child Protection System operational in J&K were focused during the field which includes District Child Protection Units (DCPUs), Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), Child Care Institutions (CCIs) and Schools & other Educational Settings. The responses related to different aspects of Child Welfare were captured through various data-collection tools from the key functionaries in all the above-identified settings, which have been discussed in the following sections of this chapter (Chapter 4) and also in the following chapter 5. The data collection in CCIs and schools was carried for 11 months between Aug 2016 to July 17. The researcher collected the primary data from various respondent- and participant-settings, which was further supported and enriched with huge secondary data-sets furnished by various office including DCPUs, JJBs, CWCs and District Social Welfare Offices. Moreover, as this data was being compiled and analyzed the researcher also ensured to update it at regular intervals with the help of inputs received from concerned district offices and other inline resources till July 2018. The source of data presented in this chapter is being identified as ICPS Survey 2016-17. Now, the succeeding sections of the present chapter discuss the findings with reference to the various aspects of functioning in Integrated Child Protection Services and status of care standards in Child Care Institutions across different districts of Jammu and Kashmir. The next Chapter (Chapter 5) covers various aspects of functioning of an International Child Rights Organization (P-III) working in J&K in the field of Child Welfare and also the sections of that Chapter bring into focus the status of the INGO-Sponsored Child Protection Policy across Schools in J&K. Pertinent to mention that Chapter 3 has described and discussed the

diverse child protection indicators of the study region which have helped us to understand the context of the relationship of state with children in J&K. It is in this context that the following chapters present the data and explain the themes up till the concluding sections of this thesis.

4.2: Standards of Care and Protection in Child Care Institutions of J&K

The Ministry of Women and Child Development, GOI started a centrally sponsored scheme, "Integrated Child Protection Scheme (ICPS)" with the objective to offer safe and secure environment for all children with special focus on family strengthening (Ministry GOI 2009). This comprehensive scheme offers various kinds of support and services including emergency outreach services, accommodation and places of safety, foster care, special homes, MIS for missing children, and other advanced interventions. It benefits the children especially in need of care and protection and children in conflict with law. Further, the Juvenile Justice (Care and Protection) Act 2013 is one of the key legislations enacted in the State of Jammu and Kashmir for safeguarding rights of children in case of adversities and difficulty circumstances like abuse, neglect, harm, exploitation or crime. Interestingly, it took the J&K State Legislature ten years to pass the legislation on Juvenile Justice in 1997. The Centre had enacted the JJ Act in 1986. Furthermore, it took another ten years for the State Govt. to frame the rules of the JJ Act in 2007. Pertinently, the Govt. of J&K brought the J&K JJ Act 1997 at par with the central JJ Act in 2013.

Child protection has assumed prominence globally; many nations framed their policies and enacting laws keep in consideration the best interests of children. In this era of rights, child protection itself is considered to be one of the fundamental human rights. India has also rendered its proactive role in area of child protection vociferously with framing of integrated child protection scheme, which is now turned into service. In this gamut, Jammu and Kashmir State also took lead in amending Juvenile Justice Act and enacting new Act in 2013 followed by framing of its rules in 2014. Thereafter, with rolling of Integrated Child Protection Scheme in 2017,

Jammu and Kashmir gave seemingly a major impetus to child protection in the state. The formation of Juvenile Justice Board and Child Welfare Committees at all district headquarters in the state and establishment of District Child Protection Units is claimed to have led a new era in field of child protection in the state. Under Juvenile Justice System children-in-conflict-with-law, Children-in-need-of care-&-protection or Children-victims-of-crime are taken care of. The system adopts a socio-legal approach where-in institutionalization is a method of last resort & for minimal period. The focus is on the rehabilitation, restoration and re-integration of children. Moreover, a constant endeavor is made to protect substantive and procedural rights of children in the legal processes, with weight on constructive participation of the community in their mainstreaming and minimization of legal intervention in their lives. The promotion of well-being of children in congruence with their socio-cultural context is the foundation of the Juvenile Justice System. In achieving this, the synergy between stakeholders in Judiciary, Administration, Police, Child Care Institutions and Civil Society is seen indispensable. It is in this context that the stakeholders within Child Care Institutions (CCIs) and Civil Society are brought into focus and there is dire need to assess and understand the status of standards of care and protection, which are in place within CCIs.

4.3: BACKGROUND:

It is has been time and again reported that unless quality standards of care and protection are not put in place across CCIs, it is bound to expose children living in these institutions to diverse vulnerabilities and risks. In fact, it is being witnessed that there is surge in cases involving child abuse, neglect and exploitation. And appallingly, many such cases are reported from the institutions, which are mandated to protect and safeguard the rights of the vulnerable lot (Greater Kashmir 2009, & 2012; Rashid 2009). J&K has its own child care institutions /shelters both registered and non-registered and many complaints of child abuse/rights exploitation are being reported. Nonetheless no comprehensive assessment to assess the viability of such care-institutions has ever been undertaken on a systematic basis.

Further, the mechanism of how Darasgah's/Darululooms operate in Jammu and Kashmir is wanting. No study has been undertaken to understand whether or not these madrasas comply with the JJ Rules, its registration status and the compliance to JJ and ICPS guidelines. There are diverse factors that result in this sorry state of affairs w.r.t CCIs in J&K. One, that institutions/actors involved in CCIs have adopted an ad-hoc approach towards such institutions and has never seriously evaluated their overall functioning. Second, CCIs in most cases evade acts like JJ Act. This is because they draw their sanctity from the existing social, cultural and religious institutions. And third, in settings like Jammu and Kashmir, 'child protection formal institutions' like JJ Act are a recent development. Consequently, lack of awareness of the procedure to be followed and system disconnect is worsening the above flagged concerns of children. It is in this backdrop that the researcher attempted to assess the status of Standards of Care and Protection CCIs in J&K as envisaged in the JJ Act.

Pertinently, the researcher filed numerous RTI applications and accessed raw data-sets on standards of care regarding CCIs across 22 districts of J&K State, i.e. Anantnag, Kulgam, Pulwama, Shopian, Budgam, Srinagar, Leh, Kargil, Ganderbal, Baramulla, Bandipore, Kupwara, Jammu, Rajouri, Doda, Poonch, Kishtwar, Ramban, Kathua, Udhmapur, Reasi and Samba.

The huge date-sets regarding **491 CCIs** across **twenty two (22)** districts were analyzed and around 12 major themes were identified for drawing inferences about the status of compliance vis-à-vis Standards of care and protection under JJ Act. The inferences drawn from this data were also supplemented by interviews conducted by the researcher with key functionaries of CCIs, both Govt-. Private- or NGO-run, who participated in various state and division level consultations from 2016 to 2018. The functionaries included superintendents, counselors, key functionaries of CCIs and various civil society members across the State. It is important to note that around **24 Thousand** children reside in these CCIs. This discussion on CCIs is thought to be crucial in finding those child care institutions that are presently providing institutional care to children and whether registered or not, or are in the process of registration under Section

35 of the J&K Juvenile Justice Act 2013 for the purpose. The section 35(1) under of the Act mentions that:

"The Government may establish and maintain either by itself or in association with voluntary organizations, children's homes, in every district or group of districts or each division of the State, as the case may be, for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation".

Moreover, the Section 35(3) mandates that all CCIs, whether Government run or those run by CSOs for children in need of care and protection shall, within six months from the date of commencing of the Act, seek registration under the Act in such way as may be recommended. It would be instrumental in identifying the areas that need to be focused while planning to enhance standards of care in CCIs across the State of Jammu and Kashmir.

4.3: State Level Scenario of Standards of Care in CCIs:

A preliminary look at the data depicts a discouraging status of the standards of care and protection within the Child Care Institutions in J&K. Most of the CCIs are quite far from achieving a minimum level of care-standards as indicated in the J&K Juvenile Justice (Care and Protection) Act 2013. The data reveals that we have **491** CCIs housing around **24 thousand** children across 22 districts of the State and on an average **52 children per CCI**.

The figures show that **85%** of CCIs are run by private agencies or NGOs and only **15%** of CCIs are run by Government. The below given figure *(Figure 1)* depicts that some of the significant State-level indicators of compliance by CCIs under the Act. It has been noticed that the registration of CCIs under JJ Act 2013 is yet to receive any significant attention from the authorities of CCIs especially run by NGOs or other Civil Society Organizations. Some of the hard facts about CCIs in J&K are as follows: only **11 %** of CCIs across 22 districts have either registered or are in the process of being registered; **37%** have sufficient staff, **18%** have trained staff; only **12%, 10%, 28%**, **33%** and **48%** CCIs have Vocation, Counseling, Recreation, medical and formal education services,

respectively, in place for children. It was found that hardly **20%** and **42%** of CCIs have formulated children's committees and management committees, respectively. More importantly, Individual Care Plans were only formulated in 5% of the total CCIs in the State and only 11% CCIs work with or communicate with respective Juvenile Justice Boards or Child Welfare Committees. **(See Figure 1)**.

Figure 1: State Level Indicators in CCIs across J&K (%)

Source ICPS Survey 2016-17
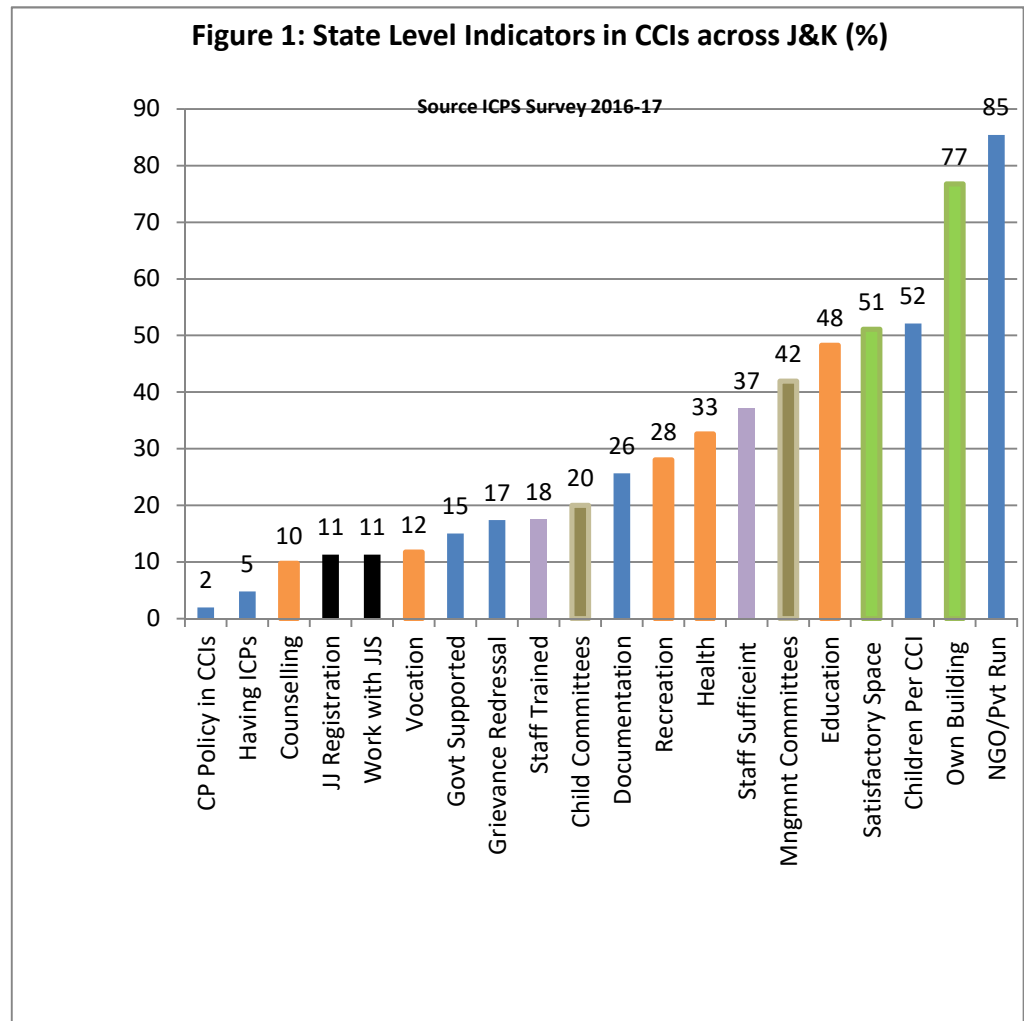
4.4: Divisional Level Scenario of Standards of Care in CCIs:

It is very important to understand contextual factors that shape different sub-systems of Juvenile Justice System in varied regions of the State. There are diverse socio-cultural, political, economic and regional factors and

forces that determine issues of children living in these regions of the State. Also, the approach and functioning of various Govt. or Non-Govt. structures vis-à-vis JJS/ICPS is greatly shaped by the same diversity of factors. Thus, it becomes essential to compare and understand various indicators vis-à-vis standards of care and protection in CCIs in respective divisions of the State. The political context of Kashmir Division has far reaching implications, both direct and indirect, for children and their families. For instance, children, especially in Kashmir Valley, who have lost parental support in the ongoing political strife has one of the huge categories of children in need of care and protection (CNCP). There are varied estimates to their number and many estimates run in lacs. In this context, the CCIs in Kashmir division also have issues and challenges much different than CCIs in Jammu Division. This is in no way to belittle the similar problems that CCIs confront in both the Divisions. Some of the Divisional level indicators present below may throw some light on the status of care-standards in CCIs comparing both the Divisions. As far as the registration of CCIs under JJ Act 2013 is concerned, both the divisions have somewhat similar percentages, i.e, **11.81 %** of CCIs in Kashmir Division and **10.58 %** CCIs in Jammu Division have sought mandatory registration under the Act. Moreover, the similar trend is seen in the indicators like Staff sufficiency (**37%**), having ICPs (**5%**) for children, having Child Protection Policy in place (**2%**), communication with JJBs/CWCs (**11%**), and status of documentation in CCIs (**25%**). But certain divisional level indicators present a stark distinction between the Kashmir Division and Jammu Division. CCIs in Kashmir Division have somewhat healthy indicators as compared to that of Jammu Division. Data reveals that in Kashmir Division CCIs have better indicators like availability of satisfactory space (**59%**), availability of services like Education **(57%)**, Medical **(36%)**, Recreation **(32%)** and Grievance Redressal **(25%)**. Also, **49%** and **23%** of CCIs in Kashmir Division have Management Committees and Children's Committees, respectively, in place which is much higher as compared to that in CCIs of Jammu Division (**31%** and **16%**). Though, in indicators like vocational **(16%)** and counseling services (14%) CCIs in

Jammu Division have better percentages than that in CCIs of Kashmir Division. *[See Table 2 and Figure 2]*.

In general sense, the status of care-standards is yet to go a long way in meeting the minimum standard as mandated in JJ Act and ICPS in J&K. The stakeholders both in Govt. and NGO have an onerous task ahead to empower, support and build capacities of motivated chief functionaries and other officials of CCIs across J&K in order to achieve aims and objectives as identified in the J&K Juvenile Justice (Care and Protection) Act 2013 and JJ Rules 2014.

The section 35(1) under of the Act mentions that:

"The Government may create and maintain either by itself or in association with CSO, children's homes, in every district or group of districts or each division of the State, as the case may be for the reception of child in need of care and protection during the pendency of any inquiry and consequently for their care, treatment, education, training, development and rehabilitation".

Consequently, the proceeding section mentions that the Government may by rules made under the Act, provide for the organization and administration of children's homes including the standards of care and protection to be provided by them, and the circumstances under which, and the way in which, the certification of a children's home or recognition to a voluntary group may be granted, reserved or denied. Moreover, the Section 35(3) mandates that all institutions, whether Government run or those run by CSOs for children in need of care and protection shall seek registration within six months from commencing of the Act and as per the laid down procedure.

Table 2: Divisional Level Indicators of CCIs (%); (Source ICPS Survey 2016-17)			
Indicator	**Kashmir Division**	**Jammu Division**	**State Level**
JJ Registration	11.81	10.58	11.00
Satisfactory Space	59.41	39.15	51.00
Staff Sufficient	37.64	36.51	37.00
Staff Trained/Professionals	20.66	13.23	18.00
Children Per CCIs	50.37	54.56	52.00
Counseling in CCI	7.01	13.76	10.00
CP Policy in CCIs	1.48	2.65	2.00
Grievance Redressal	25.46	5.82	17.00
Medical	36.53	26.98	33.00
Education	57.20	35.45	48.00
Vocation	8.86	15.87	12.00
Recreation	32.47	21.69	28.00
Management Committees	49.08	31.75	42.00
Work with JJB/CWC	11.07	11.64	11.00
Children Committees	22.88	15.87	20.00
Have ICPs	4.06	5.82	5.00
Documentation	25.83	25.40	26.00

Figure 2: Comparative Division Level Indicators in CCIs (%)

Legend: Jammu Division (ICPS Survey 2016-17), Kashmir Division

Indicator	Jammu Division	Kashmir Division
Documentation	25.40	25.83
ICP	5.82	4.06
Child Committees	15.87	22.88
Work with JJB/CWC	11.64	11.07
Management Committees	31.75	49.08
Recreation	21.69	32.47
Vocation	15.87	8.86
Education	35.45	57.20
Medical	26.98	36.53
Grievance Redressal	5.82	25.46
CP Policy in CCIs	2.65	1.48
Counselling in CCI	13.76	7.01
Children Per CCIs in a District	54.56	50.37
Staff Trained/Professional	13.23	20.66
Staff Sufficeint	36.51	37.64
Satisfactory Space	39.15	59.41
JJ Registration	10.58	11.81

Source ICPS 20116-17

136

This section of the chapter is an effort to understand and assess the ground-level realities vis-à-vis standards of care and protection at district level underlined in the JJ Act 2013. The following sections identify and discuss key themes that throw light on the basic care-standards and requirements which are indispensable as per the prevailing legislation on Juvenile Justice in the State. The following themes were identified to explore status of the standards of care in CCIs and enrich our understanding of role and contribution of the state and other stakeholders in child welfare on this front. These themes also cover the first specific objective and answer some of the research questions associated with it .

a) **Status of Registration under JJ Act:**
b) **Physical Infrastructure:**
c) **Details of accommodation:**
d) **Manpower and Professionals in the CCIs (Staff details):**
e) **Average Children per CCI:**
f) **Status of Services for Children:**
g) **Child protection policy in CCIs:**
h) **Status of Accessible Grievance Redressal Mechanism:**
i) **Documentation and Maintenance of Records:**
j) **Monitoring Mechanism within the CCIs:**
k) **Communication with JJBs/ CWCs:**
l) **Trainings and Sensitization of Staff:**
a) **Status of Registration under JJ Act:**

Importantly, Leh district has the highest registrations **(58%)** among the lot. The demotivation or non-compliance of CCIs regarding their registration needs to be understood in real context. It is high time to ascertain the underlying causes that hinder complete registration of CCIs as per rules. The percentage of registration among CCIs is 43 and 40 in Jammu and Udhampur, respectively, which is somewhat encouraging keeping in view the State-level average percentage for registration, i.e. only 11%. None of the CCIs in districts like Anantnag, Ramban, Reasi, Samba Kargil, Poonch and Shopian had completed their registration process till July 2018. In Kathua and Baramulla data reveals 22% of CCIs to be registered under JJ Act 2013. Moreover, such registration-percentage is marginal in districts of Bandipore (14%), Rajouri (13%), Srinagar (11%), Kupwara (7%), Budgam (6%), Pulwama (6) and others.

Figure 3: Status of CCIs Registration under JJ Act (%)

Source ICPS Survey 2016-17
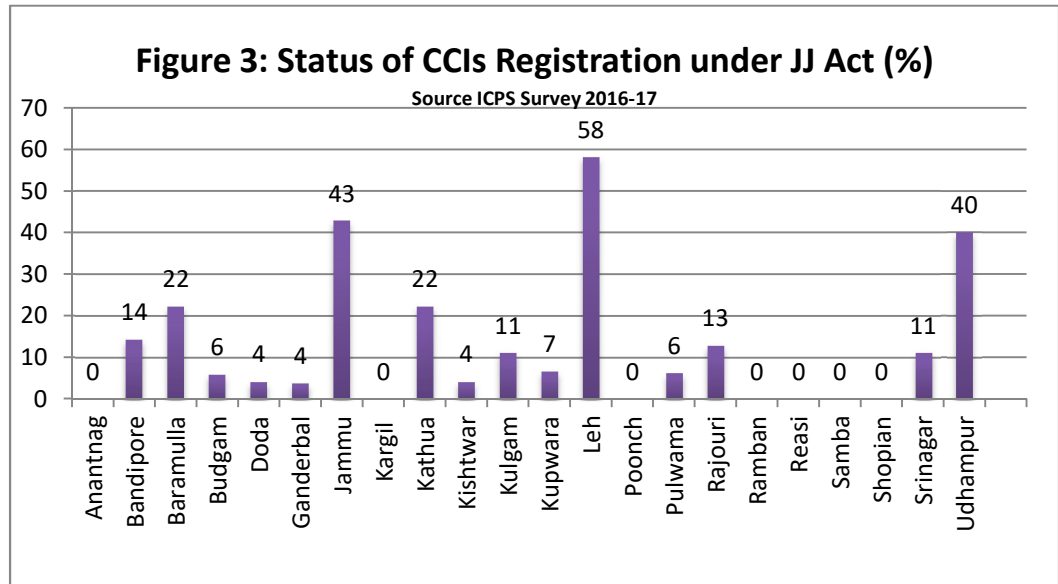
b) Number of Inmates in CCIs:

The ICPS Survey 2016-17 data reveals that around **24 thousand** children reside in **491** CCIs spread across the State. In other words, on an average **52** children reside per CCI across 22 districts. Leh has the highest number of children living in CCIs with an average of **98** Children per Institution, followed by 83, 81, and 79 in Doda, Kupwara and Poonch. The percentage is 53, 52, 50, 47, 43, 41 and 41 in Anantnag, Kishtwar, Rajouri, Baramulla, Sriangar, Shopian and Ganderbal. The lower percentage of Children per CCI is in Udhampur (22), Kargil (27), Reasi (39) and Samba (38). It is important to note that majority of CCIs across these districts impart religious education and generally children-without-parents live in these institutions.

Figure 4: No. of CCIs and Average Children in CCIs

Source ICPS Survey 2016-17

138
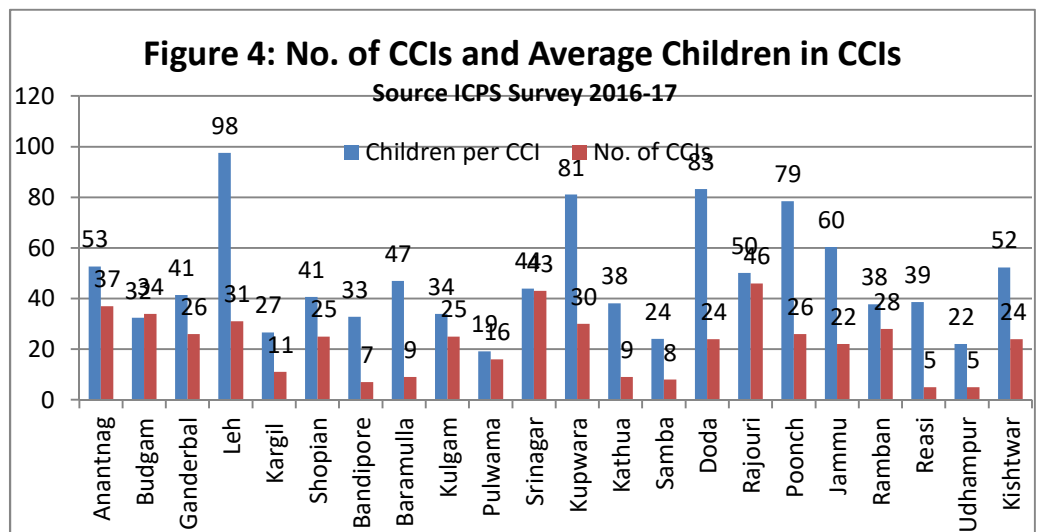
c) **Physical Infrastructure:**

The physical infrastructure in many CCIs is not up to mark. The data suggests that across all districts CCIs own buildings but have failed to offer satisfactory accommodation and space to children. All CCIs in districts like Leh, Doda, Ramban and Udhampur have their own buildings and 93%, 92%, 90%, 88%, 86%, 83% and 80% CCIs in Kupwara, Ganderbal, Jammu, Shopian, Bandipore, Kulgam and Reasi respectively, own buildings that house children. Around **82%**, **76% and 72%** of CCIs in Kargil, Anantnag and Kulgam, respectively, have satisfactory parameters vis-à-vis accommodation and space for routine activities. CCIs in Doda, Ramban, Kisthwar, Reasi, Jammu, Budgam, Kathua, Shopian, Rajouri, Samba and Kupwara have dismal status of these parameters with **21%, 21%, 38%, 40%, 43%, 44%, 44%, 48%**, **49%, 50%** and **57%** CCIs having insufficient facilities. It came to the fore that lack of professional human resource, inadequate exploration of donors and weak govt. support towards CCIs in these regions are the primary resons for such a situation. The majority of the caretakers and supervisors of these CCIs had no professional qualification suitable for managing the children homes. Instead, they had a traditional orientation with some sense of religious motivation that greatly influenced the functioning of these CCIs. In Ganderbal and Leh districts around **65%** and **68%** CCIs are adequately equipped in physical infrastructure as these homes had adequate financial support from the community through various fundraising initiatives with support from different local and national non-governmental organizations.

Figure 5: Physical Infrastructure in CCIs (%)

Source ICPS Survey 2016-17
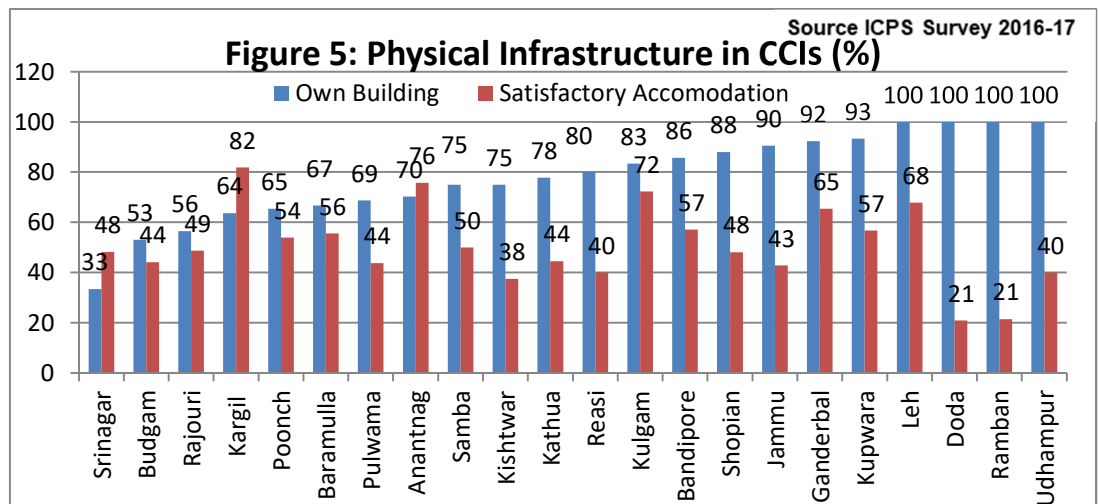
d) **Manpower and Professionals in the CCIs (Staff details):**

It is imperative across all contexts that adequate human resource and trained professionals are key to implement any progressive scheme or program. Likewise, in Juvenile Justice System the role of professionals at any sub-system level is greatly important so as to ensure effective and efficient realization of delivering justice to children.

Figure 6: Status & Quality of CCI-Staff (%) Source ICPS Survey 2016-17
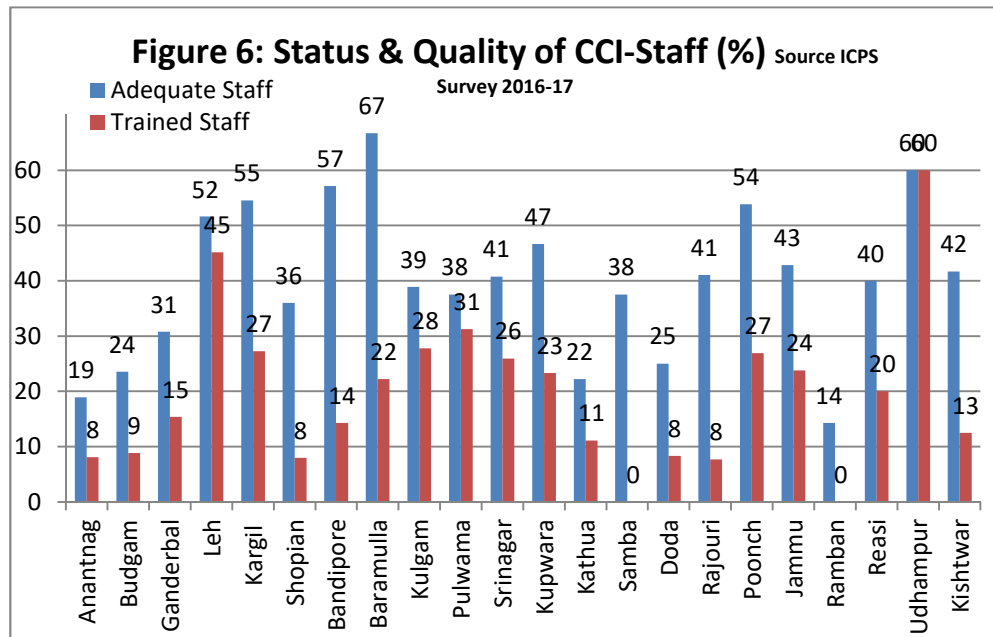
Putting in place standards of care and protection in any CCI it is indispensable to have professional and trained staff with CCIs that could guarantee and garner an enriching environment and services for children. Unfortunately, the present data suggests a disheartening scenario with respect to quality and strength of staff that prevails across CCIs in the State. In Baramulla, Udhampur, Bandipore, Kargil, Poonch and Leh Districts around 67%, 60%, 57%, 55%, 54%, and 52% of CCIs have somewhat sufficient staff. Though, the staff is hardly in accordance with the standards as mandated under JJ Act and its rules. Only around 19%, 24%, 31% and 36% CCIs in Anantnag, Budgam, Ganderbal and Shopian, respectively, have adequate human resource. More worrisome is the fact that whatever staff is available in CCIs across these districts there is hardly any skill or professional competence in that human resource. Unfortunately, only 8%, 8.5%, 9%, 15%, 27% and 45% of CCIs staff in CCIs across Shopian, Anantnag, Budgam, Ganderbal, Kargil and Leh have ever received any

training or orientation. This non-compliance is fundamentally detrimental to the spirit of JJ Act. In such a situation it is highly impossible to achieve objectives of Juvenile Justice and Child Protection within the domains of CCIs.

e) **Status of Services for Children:**

The availability of basic services for resident children like education, medical, recreational and vocational is prerequisite for any Child Care Institution irrespective of its affiliation, orientation and ideology. The date points towards a very dismal picture with respect to quality and quantity of these basic services in CCIs. Though, data suggests that the CCIs in Leh, Reasi, Kathua and Baramulla, show encouraging findings in this regard (*See Figure 5*). The enhancement or putting in place basic or minimum services like Education, Health, Recreation and Vocation are foundational to any rehabilitative or reintegrating process for children in CCIs. In absence of such services and facilities children in majority of the CCIs are being exposed to diverse risks and vulnerabilities and that may lead to adversities which could have far reaching consequences for life within CCIs and in after-life of the children. The individual status of each of these four types of services has been analyzed for all the districts separately in the below mentioned sections.

Figure 7: Services in CCIs (%) Source ICPS Survey 2016-17
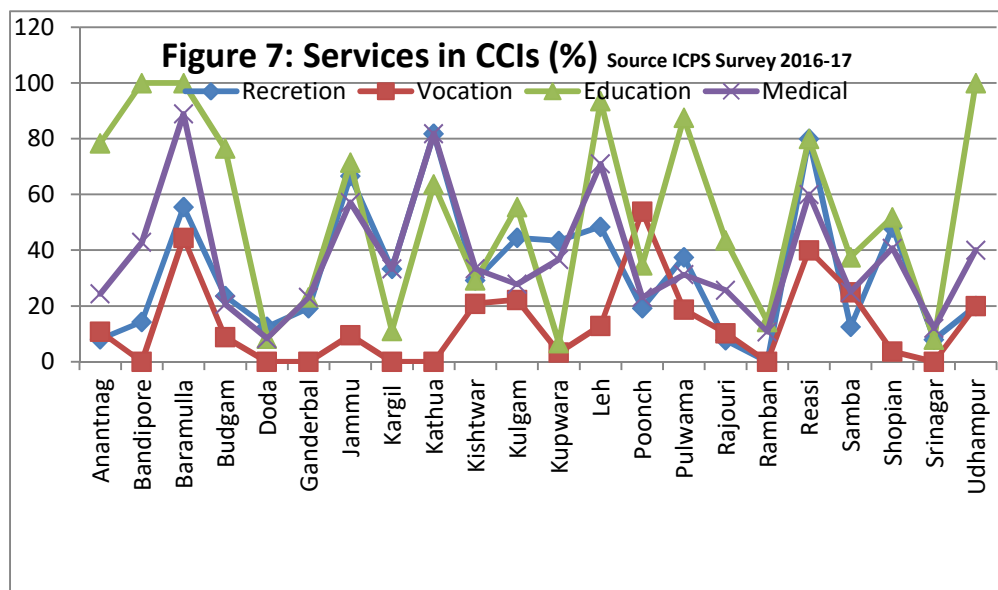
Table 2: Services Indicators with-in CCIs across J&K (%) Source ICPS Survey 2016-17				
	Recreation	**Vocation**	**Education**	**Medical**
Anantnag	8	11	78	24
Bandipore	14	0	100	43
Baramulla	56	44	100	89
Budgam	24	9	76	21
Doda	13	0	8	8
Ganderbal	19	0	23	23
Jammu	67	10	71	57
Kargil	33	0	11	33
Kathua	82	0	64	82
Kishtwar	29	21	29	33
Kulgam	44	22	56	28
Kupwara	43	3	7	37
Leh	48	13	94	71
Poonch	19	54	35	23
Pulwama	38	19	88	31
Rajouri	8	10	44	26
Ramban	0	0	14	11
Reasi	80	40	80	60
Samba	13	25	38	25
Shopian	48	4	52	41
Srinagar	8	0	8	12
Udhampur	20	20	100	40

Figure 8: Medical Services in CCIs (%) Source ICPS Survey 2016-17
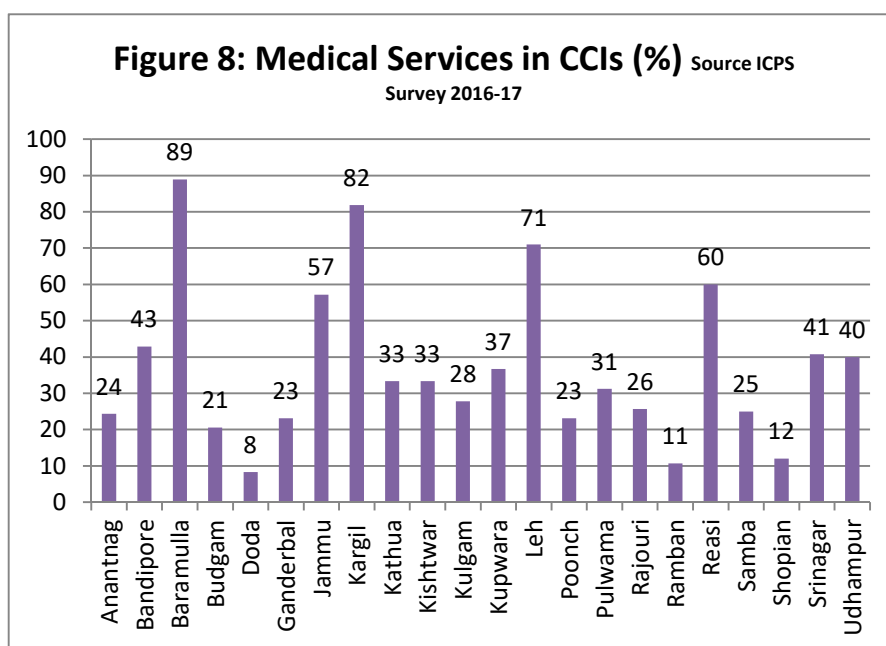
Medical Services:

Around 89%, 82%, 71% , 60% and 57% of CCIs in Baramulla, Kargil and Leh, respectively, reported to have efficient medical/health services within their institutions. The status of medical services is very grim in the CCIs of districts like Doda (8%), Ramban (11%), Shopian (12%), Budgam (21%), Poonch (23%), Ganderbal (23%), Anantnag (24%), Samba (25%), Rajouri (26%) and Kulgam, (28%). Srinagar, Udhampur, Bandipore, Kathua, Kupwara and Kishtwar have medical services in small section of CCIs with percentages of 41, 40, 43, 33, 37 and 33, respectively.

Educational Services:

The status of education in CCIs is not as bad as one would expect. Mainly children in all CCIs do receive some sort of formal education whether within CCI or in neighboring schools. It was reported that **94%**, **88%, 86%, 81%, 78%**, **76%, 74%, 71%** and **64%** of respective CCIs in Leh, Pulwama, Udhampur, Baramulla, Anantnag, Budgam, Jammu and Kargil provide formal education to children. Dismally, only 7%, 8%, 8%, 11%, 14% , 23% and 29% of CCIs in Kupwaram, Shopianm Doda, Kathua, Ramban, Ganderbal and Kishtwar have formal educational services for children in their institutions. There is a significant number of CCIs, famous with names of Darul Ulloms, that only focus on religious education of children within their institutions. The data suggests that such CCIs house children without parental support or children from poorer families and far-flung regions.

Figure 9: Educational Services in CCIs (%) Source ICPS Survey 2016-17
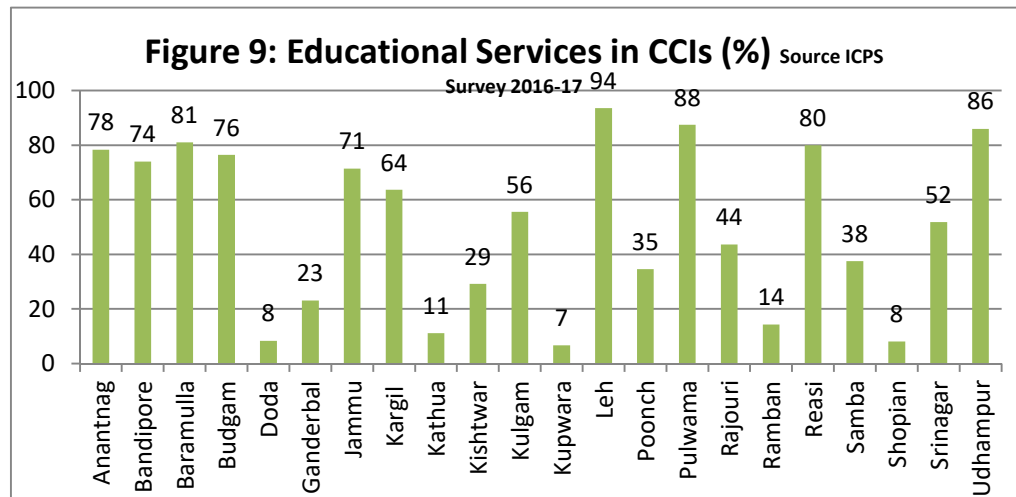
Vocational Services:

Children in CCIs across 22 districts of the State hardly receive any full-fledged vocational training or skill development. Though CCIs in Poonch (54%), Baramulla (44%) and Reasi (40%) reported significant vocational activities with in institutions, A small number of CCIs in Samba (25%), Kulgam (22%), and Kishtwar (21%) have some sort of skill or vocational programmes for children. Also, marginal percentage of CCIs in Leh (13%), Anantnag (11%) and Budgam (9%) do report to have such services for children within care-institutions. Though, such services hardly build any vocational skill in children as these CCIs lack trained manpower and resources to carry out skill development or vocational training in real sense. In Shopian, Kargil, Bandipore, Doda, Kathua, Ramban and Ganderbal there was no trace of skill development or vocational services with-in CCIs. Such a scenario raises serious question marks on the responsibility and mandate of CCIs that JJ System entrust on these institutional care settings. Moreover, it also puts a huge responsibility on different stakeholders of JJS/ICPS to work and garner support and resources for facilitating establishment of vocational and skill development program in CCIs across State. Such initiatives require recourses, both material and non-material, in the form of funds, human force and professional competence. It is prerequisite to have such infrastructure in place so as to enhance skill development and vocational development of children in a sustainable and effective manner.

Figure 10: Vocational Services in CCIs (%) Source ICPS Survey 2016-17
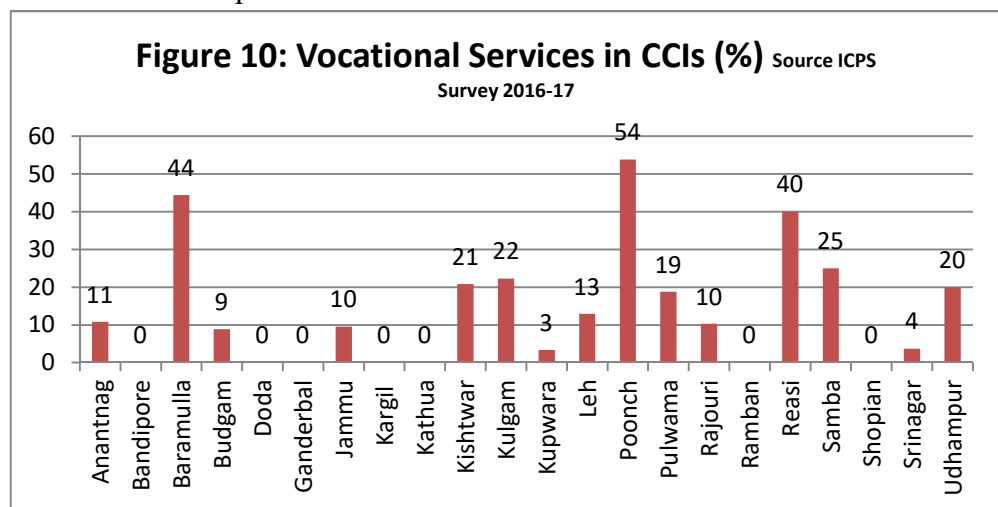
Recreational Services:

Among other basic facilities, recreation for children is also essential to ensure overall development and growth of children and more so to bring vibrancy and motivation in such children who have seen adversities and difficulties in life too early. Except for CCIs in Kargil (82%) Reasi (80%) Jammu (67%) and Baramulla (56%), majority of CCIs in other districts did not have any or adequate recreational facilities for children. Only **48%**, **48%. 44%, 38% and 33%** of CCIs in Leh, Srinagar, Kulgam, Pulwama and Kathua, reported to have facilities for recreation of children. The data revealed a dismal and marginal availability of recreational facilities in other districts like Ramban, Shopian Rajouri, Anantnag and others.   The prevailing scenario vis-à-vis recreation in CCIs of J&K is extremely disheartening as such insensitive and unprofessional environment is bound to do more harm than good to the lives of children both within and outside CCIs. Stay of children in any CCI can only be positively enriched by putting in place sufficient facilities for recreation and child friendly programs.

Figure 11: Recreation Services in CCIs (%)
Source ICPS Survey 2016-17
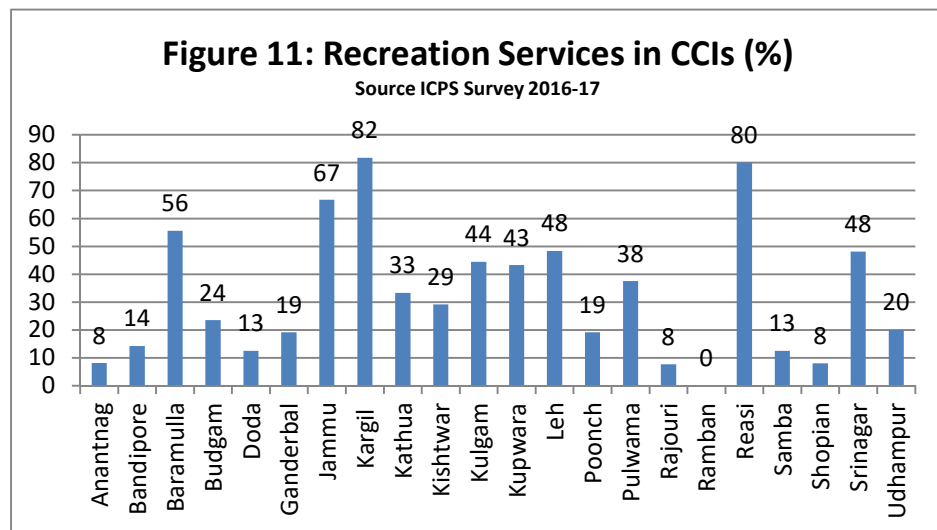
f) **Child Protection policy and Grievance Redressal Mechanism in CCIs:**
    Unfortunately, none of the institution among 491 CCIs across 22 districts reported to have any Child Protection Policy in place. Though, some CCIs revealed to have some form Grievance Redressal Mechanism. In Udhampur, Baramulla and Leh a significant number of CCIs **(80%, 78%**

and **55%** respectively**)** reported to have functional system of reporting and redressing of complaints from children. CCIs in other districts gravely lack any effective and vibrant mechanism for dealing with complaints or CP issues of children. Establishment of Grievance Redressal Mechanism was 37%, 28% and 25% of respective CCIs of Srinagar, Kulgam, Kargil and Kishtwar. The data points towards a very marginal presence of such system in CCIs across other districts. CCIs in districts like Jammu, Ramban, and Kathua reported to have no such system at all. The JJ Act 2013 and Rules 2014 categorically emphasize to have an effective Child Protection Policy for CCIs so as to ensure prevention of abuse and exploitation within institutions and also to have a proper and participative reporting mechanism for issues and concerns that children face with these institutions. Though media has often reported on abuse within CCIs across J&K, but in fact no authentic or reliable study has been carried out to explore and understand the scenario of abuse especially within institutional care settings. Moreover, there is serious lack of awareness and understanding within the staff of CCIs about child protection issues especially with in institutional care. A lot of scope is there to build such awareness and enhance their capacities to deal with such cases with more care and sensitivity as mandated in JJS and ICPS.

Figure 12: Grievance Redressal Mechanism in CCIs (%)
Source ICPS Survey 2016-17
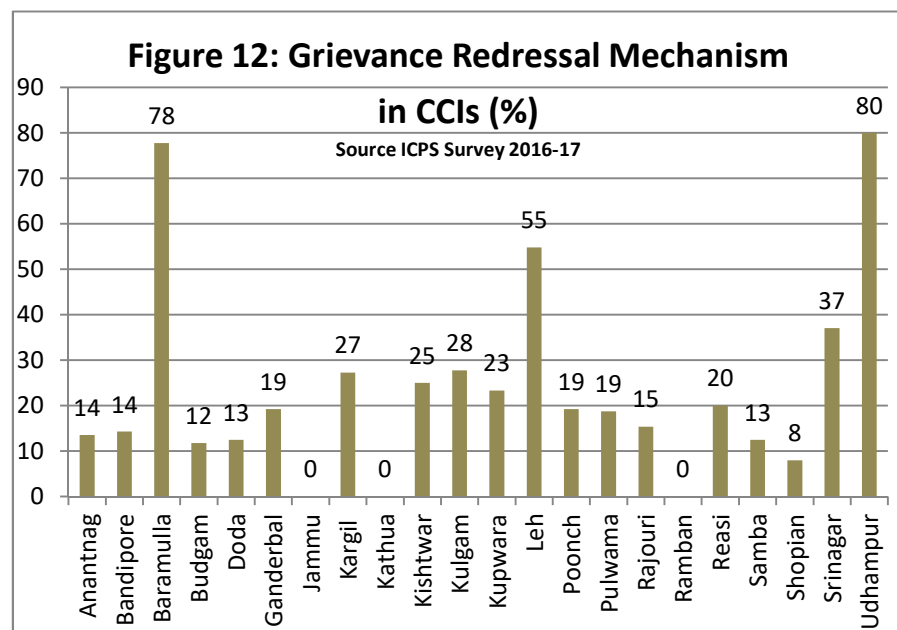
g. Management Committees and Children's Committees:

A large number of CCIs have functional management committees which manage financial and administrative affairs of their institutions. It was reported that 100%, 100%, 89% 80%, 79%, 74% and 73% of respective CCIs in Baramulla, Ganderbal, Anantnag, Kisthwar and Kargil have functional Management Committees which is the apex body for making decisions within institutions. Surprisingly, none of CCIs in Bandipore, Kathua, Ramban, Samba and Shopian reported to have any such committees. Such CCIs have mainly a chief patron or religious body that takes all decisions. Unfortunately, the status of Children's Committees is very dismal and small percentage of CCIs reported to have committees that involve children as main stakeholders. Such a scenario in CCIs is highly discouraging and reflects grave negligence of children's right to participation in institutional care settings. Pertinently, 61% CCIs in Leh reported having functional Children's committees. Moreover, none of the CCIs in Shopian, Anantnag, Bandipore, Kargil, Kathua, Ganderbal, Pulwama, Udhampur, Samba and Budgam have Committees that are child centric or that engage children as main players.

The data also suggested that formulation of Individual Child Care plans for Children within institutions is much far from being realized. There is hardly any sensitivity among CCI staff about the importance of ICPs for children. Only 5% CCIs across 22 districts of J&K State reported to prepare individual care plans for children. This finding points to the hard fact that standards of care and protection in CCIs is grossly problematic which not only undermines individual needs/concerns of children but such an approach might be doing more harm than good to children in such insensitive institutional environment.

Figure 13: Committees in CCIs (%) Source ICPS Survey 2016-17
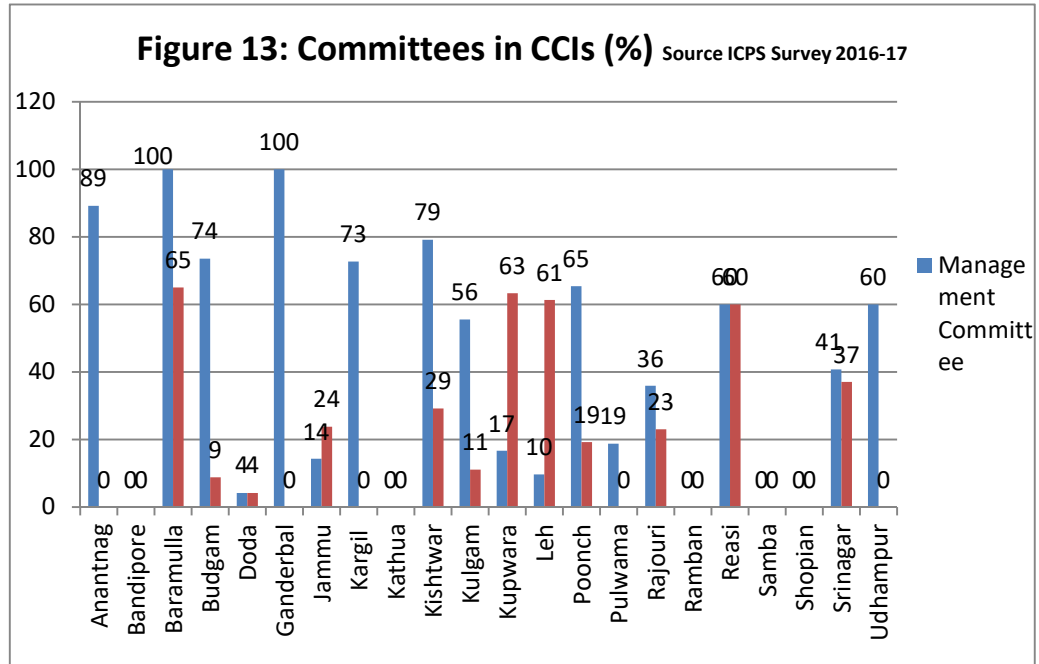
g) Documentation and Maintenance of Records:

One of the important indicators of efficient and effective functioning of Child Care Institutions is having a strong/enriching documentation and maintenance of records and registers. These records include children's information on health, education, individual case files, needs, interests, assessment and aptitude levels, and financial and other routine documentation. As mandated under ICPS that monitoring carried out at different levels be ensured by putting in place at each level, a standardized format and a minimum set of input, output and outcome indicators. Thus for evidence based monitoring it is important that structures are supported by strong and vibrant documentation and information system. Such mechanisms for monitoring are crucial to enhance child protection system performance at different levels. However, the scene with CCIs vis-à-vis documentation as per JJS/ ICPS is very bleak. The data points out majority of that only 25% of CCIs in J&K have somewhat effective documentation and maintenance of records and registers as per JJ Act 2013 and JJ Rules 2014. It was reported that only 4% CCIs in Ganderbal, 7% in Ramban, 8% in Shopian, 11% in Anantnag and 18% in Budgam have maintain records and registers of children. Though, 73% of CCIs in Kargil, 60% in Udhampur, 44% in Pulwama, 43% in Bandipore and 42% in Leh have

effective documentation.   In other words, 75% of CCIs in J&K do not maintain records and registers as mandated under JJ Act 2013. Such a situation puts thousands of children into invisibility and negligence which has severe implications for not only the concerned children but for policy makers and other stakeholders across JJS. Unavailability of standard documentation and information system in fact denies lot of avenues of development and good life for children living in such CCIs.

Figure 14: Status of Documentation in CCIs (%)
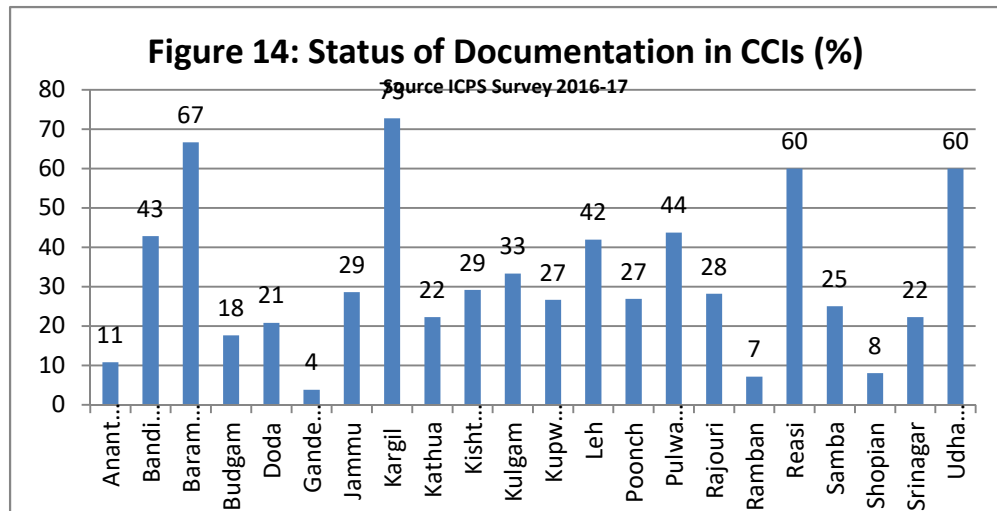
h) Communication with JJBs/ CWCs:

As mandated under the JJ Act, the role of CCIs in the whole Juvenile Justice System (JJS) is of great important and utility and synergy between diverse stakeholders like CWCs, JJBs, etc and CCIs is indispensable to achieve objectives of this progressive legislation for children. The data suggests that communication of CCIs with Child Welfare Committees (CWCs) and Juvenile Justice Boards with in a districts is either extremely weak or absent. Only few CCIs in some selected districts (Udhampur, Reasi, Srinagar, Kishtwar and Kupwara) reported to have communicated and responded to CWCs and JJBs. CCIs within 10 Districts (as shown in the relevant figure) have no communication or contact with CWCs or JJBs, Though, CWCs and JJBs have very recently started their activities within districts, but still there is huge lack of awareness among CCI stakeholders and staff about key functionaries under JJ System/ICPS like DCPUs, JJBs or CWCs. This is also because very few CCIs (only 11%) have registered under JJ Act 2013 this study was being conducted.

Figure 15: Communication with JJB/CWC

Source ICPS Survey 2016-17
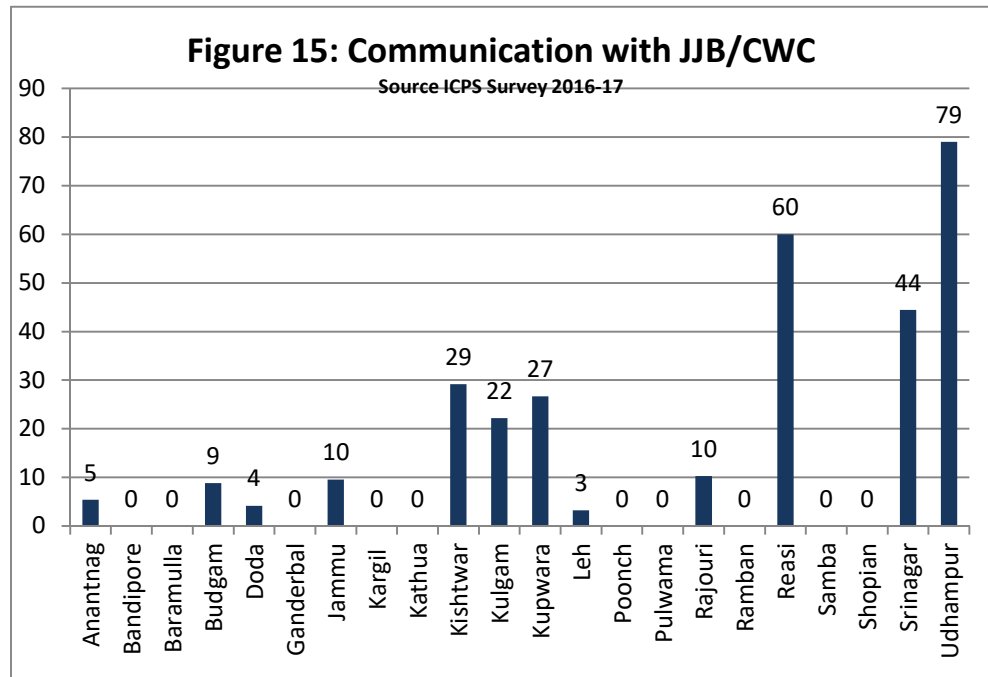
Thus, this data and inferences from interviews point towards the harsh reality that children-in-need-of care-and-protection (CNCP) in the region have hardly received any attention from governments. The discouraging status of the standards of care and protection with in the Child Care Institutions in J&K testifies that thousands of children (CNCP) residing in these CCIs have never been on priority of the State. Most of the CCIs are quite far from achieving a minimum level of care-standards as indicated in the J&K Juvenile Justice (Care and Protection) Act 2013. The children have been simply forgotten and delegated to Civil society organizations or NGOs without any effective regulation or support from the government. The State seems to be completely missing in this regard. Such callous approach on part of the State has given rise to innumerable mal-practices in CCIs across J&K much against the spirit of the Juvenile Justice Act. The persistent lack of basic facilities, low quality education & nutrition and inadequate health services, instances of abuse and alleged misappropriation of funds by caretakers/supervisors have been reported in media (GK 2010, 2011, 2014; KNS 2014). It is also quite challenging to conduct research on CCIs and issues of children living in the institutions in the given circumstances. Majority of private-run CCIs deny permission to conduct any kind of research, awareness or internship in these institutions. As such, the children

have been exposed to diverse risks and vulnerabilities have far reaching consequences for them and society at large. More specifically, amidst such a dilapidated scenario of Care and Protection in CCIs the resident children face neglect, abuse, malnutrition and other serious adversities that arrest their overall development. Research across different contexts (Bhat 2009; Bashir 2011; Rashid 2012; Hussain 2007; Boyden 2009; Wilkerson 2020) has revealed that such children suffers while being in the institution and also fail to establish their identity and wellbeing in the competitive socio-political and economic arena that society offers them after post-institutional life. With recent rolling out of ICPS in J&K, it is expected that among other CP indicators, the standard of care and protection in CCIs will be enhanced positively in the years to come. The following section details out the present status of working of ICPS sub-structures. It is based on the fieldwork and interviews done with functionaries of District Child Protection Units (DCPUs), Juvenile Justice Boards (JJBs), Child Welfare Committees (CWCs), Counselors and with other allied officials and personnel.

4.6: Integrated Child Protection Services (ICPS): Present Status in J&K

The state of J&K has rolled out ICPS and JJ Act and has also established DCPUs, JJBs and CWCs in all districts with primary objective to ensure that the rights of children are guaranteed and children mostly from the vulnerable and marginalized sections grow with "equity, dignity, security and freedom". However, guaranteeing the rights of children would be difficult unless we do not have the right figures and facts in hand. Data, as it is firmly believed, is must and a pre-condition for launching or making any policy or legal intervention a success. Since the above two policy and legal interventions (JJ Act-2013 and ICPS) are very latest development, lot of field work is required to make an impact. It is in this backdrop that this section attempts to understand the importance of all the sub-systems of ICPS with foundational emphasis on evidence based work culture within child welfare services. By studying basic operations and routine working of ICPS structures like DCPUs, JJBs and CWCs, the current section focuses on how child-related data and other service-related information under ICPS

are managed and worked out. Ideally, it is believed that comprehensive data management systems are essentially required to instill vibrancy and efficiency in the field of child rights, welfare or protection services.

However, in the State of Jammu and Kashmir it is being recognized that at present there is critical deficiency of reliable data and information relating to issues child rights and protection. Due to this gap, the gravity of CP issues and concerns is not clear and there is no comprehension about the services needed to address these problems. In such a scenario, the dimensions of any problem remain faded like nature & extent of services required for children, number of children who actually require care and support, and allocation & prioritization of funds and resources. Thus, it is indispensable to develop a IT-facilitated data management system on child rights and protection by setting up a resource and research base for child protection issues and functional structures for reintegration and rehabilitation. Such systems are complex and demanding having identical data entry procedures and unified systems for facilitating data management and documentation through effective use of web-enabled software. In this way, the need of the hour is to provide detailed, accurate and contextual information concerning to the child protection services and allied delivery agencies or units in a district. Using this evidence, Districts and State Government will be able to frame policies on situation of children, a broader picture of requirements and need of child protection services.

For example, this objective of handling and managing the data could be achieved by setting up a systematic Child Protection Management Information System (CPMIS). The DCPUs are accountable for conducting an exercise to map all services available to children facing adversities and challenging situations and vulnerable and other marginalized children and their families in a district. This exercise comprises of having data and information on location and contact details of all police stations, CCIs, health care personnel, primary health care (PHC) systems, pediatricians, members of CWCs and JJBs, Child line Services etc. The DCPU will also keep up a database of all children in Institutional care and Non-Institutional care at the district level with the critical goal of evolving an inclusive,

combined, live database for children in need of care and protection. As it is a multifaceted and rigorous activity, requiring a lot of time and resources, it should be progressively established and stretched to the whole region of J&K.

Interestingly, with the advancements in information technology child protection systems across the globe have integrated web-based and IT enabled management information systems (MIS) that generate evidence for effective policy formulation, monitoring and evaluation in child welfare, based on reliable data and clear analysis. These rigorous structures can help to make case for enhancing the child protection agenda and can play a vital role in improving policy and legislation by identifying the most effective child protection mechanisms in a given region. It establishes clear benchmarks by which the system's programs, projects and services are to assessed and enriched in given and available resources. In other words, it constantly informs policy makers and functionaries to find out **what works** and **what does not work**. Thus, MIS systems provide much needed **evidence,** which is based on Quality, Accuracy, Objectivity, Credibility, Relevance and Practicalities.

With this background and focus on building evidence and setting up efficient data management practices, the researcher carried out this exercise to have an overview of Key practices and procedures in J&K ICPS. The Assessment was carried out in sample Districts of Anantnag and Srinagar with different functionaries of ICPS and JJS like District Child Protection Units, Child Welfare Committee, Juvenile Justice Board, Child Care Institutions, and Special Juvenile Police Units.

4.6.1 Present Functioning of ICPS Sub-Structures in J&K:

The different stakeholders under ICPS and JJ System in Jammu and Kashmir includes the key functionaries like Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), District Child Protection Units (DCPUs), Special Juvenile Police Units (SJPUs) and Child Care Institutions (CCIs). A standard data collection tool regarding daily practices and

maintenance and management of routine data was circulated among all the above-mentioned functionaries across all the districts. The data and responses from these functionaries were compiled and analyzed under the key themes discussed in sections to come. Moreover, rapid assessment interviews were also conducted in Anantnag and Srinagar districts to supplement the analysis of data and to contextualise the inferences drawn about the overall functioning of sub-systems and services under ICPS and JJ System in Jammu and Kashmir.

The current practices and issues of DCPUs regarding their functioning have been identified here-under:

1. Currently DCPUs across the State have manual and conventional system in place for managing data and information on routine basis. It includes data and information related to diverse roles and duties that different DCPU functionaries/officials perform on daily basis like:

- Maintaining district-level database of families or children at risk or vulnerable to fall out of safety-net;
- Compiling details of children in conflict with law (CCL) and children in need of care and protection (CNCP);
- Mapping of Child protection services and other allied services offered by various stakeholders at district level;
- Maintaining data base of Child Care Institutions and other civil society initiatives.

A significant amount of diverse data-sets, both qualitative and quantitative, get generated from different DCPU functionaries in relation to the tasks enumerated above. As observed during fieldwork and discussions, all these data sets are maintained manually, both in hard and soft unstandardized formats. The information and other routine proceedings are captured and documented in paper-based hard files and with preparation of summaries and consolidated lists on MS Word/Excel formats on computers.

2. The hard files are maintained and stored in lockers or almirahs with-in office complexes. There was a common apprehension among office functionaries about the safety and security of these records owning to their sensitivity as emphasized in the Juvenile Justice Act.

3. Having manual file-based storage and indexing of data & information, the retrieval of records for routine planning and carrying out different stipulated tasks by respective DCPU functionaries becomes highly cumbersome as the case load and amount of work in DCPUs is gaining momentum with each passing day. Every weak newer issues emerge, new children come in contact with the law for one reason or the other and thus, every passing week these functionaries confront new tasks and challenges. More-often-than-not, such challenges are put back into files and documents only to worsen the already exacerbated situation. Consequently, the future course of action becomes more complicated and too demanding to handle. In JJ system where children are the primary beneficiaries such state of affairs may expose them to intricate adversities and vulnerabilities and the whole system may be actually failing to take care and protect such children if timely and appropriate interventions are not in place. Thus, it is imperative to argue that sensitive and responsive interventions can be highly facilitated by having in place a vibrant and dynamic MIS for data management at DCPUs.

4. Without having a consolidated view of the status of child-related services and failing to capture sufficient information on child protection indicators in a district, the DCPU strives hard to achieve CP outcomes as stipulated under JJ Act and ICPS. Inappropriate and static data management is one of the fundamental factors that blocks proper implementation of Child protection plans and enriching standards of care & protection for children within or outside families.

5. One of the important roles of DCPUs is monitoring and tracking status of children especially in Child Care Institutions. Thus, reviewing and upgrading Individual Child Care plans for children residing in CCIs is essential component of the functioning of DCPU with in a district. It was observed that the DCPUs find it extremely difficult to track or assess progress of children residing in CCIs within their jurisdiction. There are certain reasons for this failure like:

a. Non-availability of data and information regarding CCIs and children residing in institutional care settings;

b. Lack of compliance w.r.t standards of care and protection envisaged under J&K Juvenile Justice (Care and Protection) Act 2013. Generally, it was ascertained that CCIs in the State barely put in place minimum standards of care and protection for CCL or CNCP.

c. CCIs are deficient in resources, infrastructure, manpower and other essential services like education, vocation, recreation, etc.

d. The practice of preparing Individual Care Plans for children is not in vogue among CCIs. There is almost complete lack of awareness among officials/workers of CCIs regarding significance and formulation of Individual Care Plans for resident children. CCIs follow a too generalist approach towards care which neglects uniqueness of issues &concerns that children face in such institutional care settings.

6. Such a scenario in CCIs puts complex challenges in front of DCPU functionaries in performing roles and duties directed towards ensuring all-round development of children and enriching their stay in institutional care settings. It again motivates us to conclude that such complex and intense tasks cannot be achieved by adopting a manual and traditional approach in collecting, compiling, analysing and storing data. Unless coordinated, connected and rigorous data management systems are not made functional with DCPUs, it is unlikely to achieve desired and stipulated objectives under JJ Act and ICPS. The synergy among different CP sub-systems and JJ stakeholders is prerequisite to ensure effective and efficient deliverance of rights to children in a given situation.

7. The functions of DCPU as envisaged under ICPS are fundamental to implementation of child protection legislations and scheme at district level. DCPUs perform diverse activities of supporting functioning of JJBs, CWCs and SJPUs; regulating and inspecting CCIs; tracking progress of children in CCIs; mapping different child protection services; creating linkages and networks among field agencies, service providers and civil society organizations and building capacities of personnel engaged with Child protection institutions to provide effective and efficient services to children. Importantly, to perform these roles effectively it is pre-requisite to have professional competence, motivated human resource and web-IT-enabled support to DCPUs. But the situation at ground and context with-in which DCPU functionaries perform their roles and duties puts a number of challenges before them.

8. Pertinently, the DCPUs in J&K have been in place for just less than two years now and these Units have been greatly determined to implement the Scheme and the provisions of JJ Act across the region. Nonetheless, the absence of Web-IT-based support for data management and maintenance of records in DCPUs greatly limits their functioning and often prevents to have a consolidated view of all stakeholders and services under Child Protection system within their jurisdiction.

9. The manual maintenance and managing data and information at DCPU regarding child protection services is time-consuming, onerous and static where chances of building linkages and networks among key stakeholders is difficult and below optimum. Such a disconnected approach greatly hampers efficiency and effectiveness in working and deliverance mechanism of DCPUs across J&K. Unfortunately, the output and outcome indicators identified in ICPS scheme seem to be quite difficult to achieve in absence of any dynamic web-based Management Information System (MIS). These output or outcome indicators, as stipulated under the Juvenile Justice Act, 2013 and the ICPS and being vast, diverse & conjoint, entrust DCPUs with tasks ranging from ensuring functional and effective child protection structures; carrying out District Needs Assessment & resource mapping; formulating and implementing child protection plans; facilitating establishment of quality institutional care settings and ensuring minimum standards of care with-in CCIs with emphasis on Individual Care Plans for children; enriching non-institutional and family based care, and ensuring increased availability and accessibility of a variety of child protection services in a district. These complex tasks are interconnected & interdependent and necessitate creation of knowledge base and vibrant data management system that feeds into all the stipulated outcome and output indicators.

10. Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs), as mandated under JJ Act 2013, have recently been constituted in all the districts of J&K and been into work for 6 months now (till Dec 31, 2019). Fundamentally, these statutory bodies have vast powers to take cognizance of, receive, adjudicate and dispose cases of children in conflict with law and children in need of care and protection, respectively. These roles and responsibilities of JJBs and CWCs entail detailed documentation of cases and maintenance of records & other related information about CCL, CNCP, child protection services, CCIs within or outside their jurisdiction. In the current scenario, these statutory bodies rely on manual and traditional paper-based maintenance and documentation of data and information about their proceedings and adjudications with respect to cases of children. On routine basis new cases and detailed data is captured and documented in hard files which are added to the databases maintained manually.

11. It is difficult to have a consolidated view of the status of cases in JJBs and CWCs considering the current system of documentation and maintenance of records and cases. The access and retrieval of data and information is difficult and cumbersome

which often blocks timely and appropriate decision making within the statutory bodies. When the present researcher during this rapid assessment asked a JJB member to fill a simple format w.r.t disposal and pendency of cases regarding her Board, she expressed her inability to do so instantly or on the spot. She expressed, *"… it will take me 2 weeks to go through individual files and case documents….then give you the information…"*. It is to convey that manual system of data management which are presently in vogue across ICPS structures in J&K often fades vision of concerned functionaries and policy makers. Primarily, the reasons are insufficient documentation of cases and time-consuming retrieval of data concerning children (CCL or CNCP) and other significant details regarding CP services, institutional and non-institutional care facilities.

12. Moreover, in absence of a web-based or IT enabled MIS in JJBs/ CWCs, the current data flow across various CP stakeholders is hampered and consolidated view of CP indicators is blocked. JJB/CWC functionaries with whom the team interacted seem to be clueless in imagining all the stakeholders of JJ System and ICPS in conjoint or coordinated manner. Instead, each sub-structure (like JJB/CWC) works very hard in its own domain without any intense channels of communication with one another. Thus, the dynamic management of data would greatly facilitate communication among JJS and ICPS stakeholders which is indispensable to have sensitive and holistic approach in adjudicating cases of children through JJBs and CWCs.

13. The current dilapidated status of standards of care and protection in CCIs in J&K State also puts a huge responsibility on these statutory bodies to monitor and work for ensuring compliance of CCIs under JJ Act (2013) so as to have appropriate rehabilitation and restoration facilities in place for children who come in contact with law. In doing this JJBs and CWCs need an Information System (MIS) which maps all CCIs and puts all the related details on single, accessible and user-friendly platform. Such MIS structure will greatly facilitate JJBs/CWCs to track progress of CCL/CNCP in institutional- or non-institutional care and also to monitor and evaluate CCIs as mandated under J&K Juvenile Justice (Care and Protection Act) 2013.

14. During this rapid assessment the responses received to questionnaires administered to JJB/ICPS functionaries in District Anantnag and Srinagar lead to important inferences about the respective functioning of officials within their domains. The

highlights of these inferences have been discussed under the following sub-sections.

15. When asked about the present system of maintaining records in CWC Anantnag, the members expressed that Committee maintains a detailed case records along with a case summary of every Child dealt by the Committee and also maintains a register in which particulars of children brought before the Committee and details of CCIs where Children have been placed and addresses where they are sent. It also maintains its movement registers for visit to various CCIs and other institutions for inspections as well as awareness campaigns. A file regarding execution of bonds and undertakings filed by parents for restoration is properly maintained by CWC. Similarly, the CWC members in Srinagar have robust maintenance of records, case files and registers as per the provisions of JJ Act (2013) and JJ Rules (2014). This maintenance and documentation of data is greatly time-consuming and not used in any effective manner so as to arrive at a consolidated view of data inferences vis-à-vis adjudication in particular or child protection in general.

In discussions, it came up that Protection Officer (IC) is responsible for '*preparing*' Individual Care Plans (ICPs) for children placed in CCIs, which is in-fact not the case. It is the responsibility of CCI functionaries to formulate ICPs for children with-in their institutions. However, DCPU functionaries (like PO-IC) has to ensure that CCIs are formulating ICPs and also ensure that Management Committees in CCIs review and upgrade ICPs regularly. This inference from the current assessment suggests that different functionaries under ICPS/JJS need to understand the subtleties and sensitivities of their job profiles and also to understand the importance of communication within different stakeholders & sub-systems at micro- or macro levels. Thus, for DCPUs or any other functionary to monitor or track progress of a child within JJS/ICPS it is essential to have such facilitating mechanism which are IT-enabled & customized and put in place at all sub-levels like JJB, CWC, SJPU, DCPU, CCI, SCPS etc. Such arrangement provides a consolidated picture of child protection indicators and services for a given region which can only be achieved by collating together individual output- and outcome indicators at sub-system levels. Thus, MIS

brings children into mainstream and children become more visible for policy makers. It is essential to ensure that MIS should be a user friendly platform for all stakeholders across ICPS/JJS. Under MIS for ICPS/JJS the web interface can have a customized and role-based access for various key stakeholders and functionaries like designated Officers of the State Governments, State Child Protection Society, DCPUs, CWCs, JJBs, SJPUs, authorized CSOs/NGOs and certain information can also be available in public domain. The Web-based MIS software has to be accessible, user-friendly and available round the clock for all authorized functionaries.

4.7:Discussion:

Children can be made visible in a number of key ways that essentially require improved administrative systems which can help those engaged in child protection to track the cases of individual children. Also, such systems help in aggregating system data at local, regional and macro levels that enable suitable functionaries to aspire for undertaking individual case management in child protection. Moreover, in this system quality standards are ensured by having robust and rigorous accountability, monitoring and evaluation mechanisms in place. Such an arrangement is based on three core areas like data collection, research, analysis and communication. Keeping aside the core areas, the present status of the implementation of ICPS in J&K is beset with foundational challenges at diverse levels owing to contextual factors and forces operating in the region. As indicated in the data and inferences presented in the preceding sections, it is important to emphasize that standards of care and protection in CCIs and building efficiency and effectiveness in CP practices has to be the core focus of ICPS in present context of the region. The State till now has neglect the sector of Child rights and Child Protection in the region owing to its pre-occupation with law & order and security issues. If it has talked of children and their welfare, it has only been for declamatory use to meet its political and unrelated ends.

It is pertinent to mention that any welfare or rights based scheme in J&K has to face many bottlenecks bureaucratic, political, professional or societal

levels. In case of ICPS in J&K, the Scheme received a setback quite initially in 2009 when the State government was not able to roll it out due to non-completion of pre-requisite formalities with the Central government. The Scheme was rolled out in J&K after the delay of seven years much to the disadvantage of its children who are experiencing much complex issues due to political strife and economic backwardness of the region. The ICPS in J&K has to go a long way in realizing its aims and objectives and in ensuring happy childhood for the children of the Jammu, Ladakh and Kashmir.

CHAPTER 5:
STATE-INGO PARTNERSHIP: A REVIEW OF CHILD PROTECTION POLICY FOR SCHOOLS IN J&K

5.1:Introduction

In preceding sections of this thesis, we have attempted to understand the nature and status of State's child welfare by focusing on functioning of a centrally sponsored scheme ICPS in J&K. In line with the objectives of this study, it is reiterated that International Child Rights organizations have greatly influenced the discourse of child rights and child protection in the State of Jammu and Kashmir. The present chapter aims to understand the State's partnership with INGOs in the field of child rights and child welfare. To achieve this aim and also to contextualize the debate, the study reviews implementation of the Child Protection (CP) Policy for Schools across J&K. It is pertinent to mention that the CP Policy in J&K was formulated with sponsorship and advocacy of the INGO which is global child rights' organization. The INGO has had an impressive record of influencing policies of State/Govt. towards children. SC has been instrumental in bringing the State government on board for upgrading the JJ Act in 2013. Here, the organization closely worked with School Education Department Govt. of Jammu and Kashmir in devising this CP Policy for schools. Consequently, the Govt. of J&K issued a circular to this effect in 2013 and ordered its implementation across educational institutions in the State. The sections under this chapter discuss status of implementation of CP Policy and attempt to delineate the influence that International Organizations (INGOs) have in the state policy vis-à-vis children and their rights. It attempts to thrown light on the partnership that state establishes with INGOs and thereby delegates the sector of child rights and child welfare to these non-government entities.

5.2: Child Protection: Concept And Dynamics

All children have the right to be safeguarded in whatever context they live in— families, school, neighbourhoods, streets and in all situations — in times of emergency, peace or conflict. Their right to protection is as inherent to their wellbeing, development and progress, as is the right to existence & survival, development and participation. Children deserve to live in a surrounding where all stakeholders and duty bearers give shoulder

to the wheel of Child Protection in their own capacities and responsibilities. Right to protection complements and supplements measures that guarantee children get all that they require for their survival, participation and development in a safe, secure and empowering environment. Plainly, child protection emphasizes every child's right for being safeguarded from abuse, neglect and harm, whatsoever its form and nature. Protection from or against perceived or real risk, adversity or vulnerability connects not only to a individual's immediate situation, but to all the gradations of everyday life in direct link with physical, social-cultural, psychosocial, public and political situations. There is a complex interplay of these forces and factors which often have manifestation in routine life of people and children. Comprehensive Child Protection measures enable healthy physical and mental growth of children which is basically viewed as primary responsibility of the government. Although protection and safe childhood is a right of every child, but some children need more attention from stakeholders and duty bearers keeping in view their vulnerabilities and exposure to adversities, which generally becomes cause of falling off from social safety/protective net.

The Integrated Child Protection Scheme (ICPS) defines child protection as:
"Protecting children from or against any perceived or real danger or risk to their life, their personhood and childhood; reducing vulnerability to any kind of harm and ensuring that no child falls out of the social safety net; and in case children fall out of safety net, then ensuring that they receive necessary care, protection, and support so as to bring them back into the safety net". (MWCD ICPS Scheme 2009; p.38)

As discussed earlier, the Integrated Child Protection Scheme of the Ministry of Women and Child Development (MWCD), launched in 2009 targets at creating and firming up an inclusive child protection system at diverse administrative and practice levels including national, state, district, and at grassroots community level, and offers a wide range of child protection services to children. ICPS aims to setup a protective environment for all children, especially those on the brink of getting exposed to neglect, violence and abuse. The partnerships between government and voluntary sector agencies is seen as a key to setup a protective and safety net that

focus more on family strengthening, rehabilitation and timely response in case of children in need of care and protection. This system is foundational to the implementation of all children-related laws and schemes especially the JJ Act. Moreover, the National Policy for Children 2013 recognizes the right to protection as a crucial area that needs immediate attention of policy makers and community, and also underlines that a safe and secure childhood is a prerequisite for attainment and deliverance of all rights of children. The Policy also states that a multi-faceted, comprehensive and interdisciplinary approach is indispensable to the progress and protection of children in real and meaningful sense (NPC 2013).

A model presented in the diagram (*Figure 2 Chapter 2*) may enable us to envisage the concept of a functional, embedded and effective child protection system. It is important to note that Child Protection System is closely linked to economic, social, political and cultural factors of a given society. Its association with allied systems like Education, Health, Social Welfare and Social Control & Security is indispensable.

Importantly, it is worth-mentioning that the special status that the J&K State enjoys by virtue of Article 370 has added critical dimension to the State's social development policy and planning, and in case of the State's policy response towards children the impact has been unconstructive as numerous progressive legislations/schemes on child rights/protection could not be directly extended to J&K. This has had perilous implications for social ecologies of children that include: dropping out of school, children becoming part of labour force at tender age, exploitation and abuse, increased levels of hunger, malnutrition and disease, poor sanitation and hygiene conditions and dearth of mental health services. Such a scenario hugely complicates the child protection issues and deliverance of rights to children in the region, and makes a strong plea for proactive involvement of all the stakeholders.

5.3: Child Protection In Schools: A Perspective

The Child Protection Policy for Schools claims inclusive and wide-ranging approach to guarantee safe and protected childhood through convergence and networking diverse Departments, agencies and service providers. Children have an undeniable right to be protected and secured from all forms of abuse, neglect and exploitation. This protection gets extended to all children in all contexts and settings including educational and learning

milieu. The various stakeholders with-in Jammu & Kashmir, since the implementation of Juvenile Justice (Care and Protection) Act 2013, have firmly advocated for ensuring happy childhood in the region and mobilize support for the protection of children to be seen by the Govt. as a priority for formulating policies, mechanisms and measures guaranteeing that every child has access to happy and secure childhood in the politically volatile region like J&K.

The state has a responsibility to work for child protection in learning or any educational setups. The related stakeholders including officials, educators and other staff involved in the process of education and schooling are thus duty bound to deliver on this front without any compromise. These protective settings support and promote children's agency, selfesteem and set foundations for contextual development and protection and an enriching experience for a child with-in an educational or learning setup, which is ultimately free from violence, abuse and mistreatment.

Any form of embarrassing and offensive conduct towards children is not only a violation of the child's right to protection from violence, but it also inhibits a child curiosity and motivation to learn and develop and creates a prolonged scar that extends into the child's future. It needs to be underlined that a child spends a crucial part of its childhood and determinative years in schools. Thus, it is paramount to note that institutes are duty bound to ensure a nurturing and enriching atmosphere, where children enjoy safe and secure childhood. Wellbeing and motivation of children is greatly boosted in setups where authorities take action against misbehavior or exploitation, abusive practices like bullying, corporal punishment etc. (MWCD 2012).

Ensuring child participation in decision making and providing opportunity to children to share their grievances, concerns, fears, suggestions and views goes a long way in creating child-friendly and sensitive ambience with-in the educational settings which has long term and progressive consequences in the life of such children.

Child Protection entails that a caring environment is setup that thwarts children's vulnerability to neglect and abuse and, more importantly, takes special measures for all those out of the safety net and others likely to be among the children in adverse and difficult situations (Boyden 2007, SC 2013, 2018). The approach of CP frameworks is fundamentally to work with children, their family and communities to build their capacity vis-a-vis care for and protect children by adopting an interdisciplinary/multi-sectoral approach in coordination and convergence to guarantee the right to protection and all other rights.

Thus, Child protection is an extensive and comprehensive system that contains policies, frameworks, quality standards and practices to protect children from both deliberate and unintended harm, neglect, exploitation and violence (UNICEF 2011). In the context of learning setups it applies particularly to the duties and practical responsibilities of officials and staff, and other key players allied within the schools that have direct bearing on the quality of life of children within such institutions. Child Protection Policy recognizes school's obligation to maintain protection standards for children and secure them from harm and abuse (Hyslop 1998). It helps to create a safe, enriching and affirmative atmosphere for children, depicts that the school deals with issues of children in a sensitive and responsible way.

These discussions are endeavours to present some hard facts about the status of children in the State of Jammu and Kashmir which would be instrumental in contextualizing the findings and recommendations the Child Protection Policy in Schools across J&K. Here the focus is on some of the Key Child Protection indicators that give an insight into the issues and challenges in the domain of Child Rights and Child Protection in the State. The data or inferences presented in these sections are just indicative which should stimulate researchers, policy makers, child rights activists and other key stakeholders to build concrete evidence about the situation of child rights and advocate to have comprehensive and effective Child Protection mechanism in Education system with synergized support from the State and Civil Society Organizations.

5.4: Background of Child Protection Policy in Schools

Any civilized nation that wants to develop and advance needs to take care of the major asset that it holds, i.e. the children of that country. It has been well recognized internationally that children need care and protection without compromise. Several Conventions have been dedicated solely to the rights of children, thus, emphasizing the importance of protecting and promoting their rights. These international and regional commitments to child rights have taken concrete shape in various instruments like the UN Declaration on the "Rights of Child, 1959; Minimum Age Convention, 1973; UN Convention on the Rights of Child 1989 and its Optional Protocols on Sex Trafficking, Armed Conflict; European Convention on the Exercise of Children's Rights, 1996; African Charter on the Rights and Welfare of the Child 1990", among others. Besides these international instruments specifically dedicated to child rights, there are several provisions found in other international instruments that also provide protection to the child. These include "Art 25 (2) and Art 26 of the Universal Declaration of Human Rights, 1948; Art 10 of the International Covenant on Economic, Social and Cultural Rights, 1966; Art 2, 14 and 23 of the International Covenant on civil and Political Rights", among others. Thus the international stage has been set with leading examples on child rights and child protection.

When it comes to India, the Constitution, and several legislations and policies flowing from the rights set in the constitution, promote child welfare and ensure special attention to the needs and requirements of the young, vulnerable minds. Article 15 (3) of the Constitution of India empowers the state to make special provisions/ laws concerning children. Article 39 of the Constitution obliges the state to frame its policies in a manner, which ensures protection of children from abuse, to allow them opportunities to develop themselves in a healthy way and in settings of freedom and dignity. It ensures protection against exploitation and moral and material abandonment. Several legislations like the Juvenile Justice Act of 2015; Protection of Children from Sexual Offences Act, 2012; Right to Education Act, 2009 among many others are measures in this direction. One

such important policy framework aimed at protecting children from abuse is the *Child Protection Policy: Safety and Security for Children in Schools (day Schools and Residential schools)*(CPP).

5.5: Importance of CPP:

In 2007, a study report released by the Ministry of Women and Child Development (MWCD) revealed a staggering number of child abuse cases in India. These numbers included incidents of abuse in schools as well. Similarly, a study done by Save the Children in J&K titled "Challenges to Education in Jammu and Kashmir" published in 2011 strongly built a context to have full-fledged Child Protection Policy in Schools across the State. Realizing that children need to be protected from different kinds of abuses at school and other educational institutions where they spend most part of their day's time, CPP was put into place. The policy provides an extensive protection from all forms of abuse that may risk a child's wellbeing. The policy not only covers schools, private and government, but also coaching institutes; lays down a detailed list of governing principles; and also a well thought of auditing, reporting mechanism, and a redressal machinery.

It is of immense importance to understand and evaluate the implementation of *Child Protection Policy: Safety and Security for Children in schools* which was rolled out and adopted by the Department of School Education, Govt. of J&K in the year 2013 across the State of Jammu and Kashmir. Child Protection Policy expresses its urge and effort to take initiatives for guarding and keeping children safe from abuse, abandonment, mistreatment and violence. The Department of Education expects to ensure that provisions and infrastructure arrangements are guaranteed to ensure that children provided access to safe childhood and secured from harm and an enriching, healthy & secure environment is provided to them which is free from violence and exploitation.

Since inception of the CP Policy no thorough study has been conducted to look into the implementation and impact of the policy on ground and explore the extent to which this Policy has been internalized

with School system of the State. On the books, the policy has been in place since 2013 but even towards the end of 2018 the implementation seems absent and in need of a serious re-consideration.

These discussions are based on the data collected from different schools in the state of Jammu and Kashmir and government officials responsible for the implementation of the Policy. Even authorities concerned with child development, child rights, child welfare and the like were also interviewed since the policy clearly provides a mandate for convergence of various authorities working in the area of child welfare.

Apart from looking at the implementation of the policy, the researcher also examined and analysed the reasons for non-compliance of the policy till date, the hurdles, if any, that hinder the implementation of the policy and suggests ways towards a proper and extensive implementation of the same.

5.6: Child Protection Policy in Schools of J&K

Child Protection Policy: Safety and Security for Children in schools which was conceptualized and adopted by the Department of School Education, Govt. of J&K in the year 2013 across the State of Jammu and Kashmir in close collaboration and support from the INGO. The CP Policy emphasizes on preventive approach as far issues and concerns of children are concerned in educational settings. The term prevention is basically used to represent activities that halt an act, behavior or situation. It is employed to represent measures that support a progressive act, behavior or situation. The method/steps taken for implementation of protection related regimen for children at school includes Assessment and awareness. The child protection committee does the assessment to identify existing risk and builds awareness to ensure that the objectives underlying the child protection policy are achieved. Such awareness can be generated through speech, essay, painting competition, Seminars and discussions on Child Protection at school, developing IEC material on Dos and Don'ts, wall hanging, play cards, pamphlets; Campaign and rallies as per available resources and Videos on safe/unsafe touch, positive discipline etc. for children, community and teachers.

Importantly, the CP Policy for Schools has advocated a vibrant and multi-level mechanisms at school, cluster, division and State levels to be put in place for Monitoring, Evaluation Reporting and Redressal of Child Protection issues concerning children with-in school settings. These committees have representation from students, teachers, principals, District Magistrates, Director Education and other key stakeholders.

5.7: Child Protection Policy: Functional Status

It is important to discuss and understand that 'school' as a institution must be seen beyond a formal learning centre. Infact, school as a social institution has a multitude of influence and a great bearing on the lives and experiences of children. A child spends most of his/her childhood in these settings and engages with issues of life and learning in complex and intricate ways. School builds a social, emotional and perceptual cognition in children that they take forward in life while dealing with multi-faceted situations throughout their life span. In this context, it is essential to re-engage and re-define our perspectives while we dwell upon child protection in school system. More so, the paradigm of child protection in itself is such broad and comprehensive system of knowledge that it enfolds within its realm the diversity, sensitivity and complexity of children's issues and their childhoods. More importantly, it focuses on the social construction and cultural underpinnings that impinge upon the lives and experiences of children across different contexts. Thus, when we factor in 'school' as a powerful and determining institution in children's life, it gets necessitated to conceptualize 'school setting' as a foundation to any child protection structure in a given society. In other words, a school in any given context must be seen a fundamental institution where initiatives are realized for building child protection structures/ mechanisms both inside the school and in community at large. Such an approach touches children's social ecologies in an intense, empowering and sustainable way which not only builds community ownership of such mechanisms but also facilitates participation and engagement of children in making decisions that affect their lives in and out. The same scenario puts a heavy priority on the 'process' that is internalized while deciding or dealing with lives of children rather than on

the surreal 'ends' which often lead to complacency and irrelevance. It is with this conceptualization and perspective that we discuss child protection in schools across J&K. The review study has revealed important issues as far as the implementation of Child Protection Policy for Schools in J&K is concerned. Moreover, it has also identified some of the fundamental concerns of Child Protection in Schools that need to be understood and discussed in a contextual manner.

In the following sections, some of the key inferences have been drawn vis-à-vis awareness, implementation and other issues of the Child Protection Policy in Schools across the schools that have been visited in the four sample districts of the State (herein referred as CP Survey 2017). Here it is important to note and re-emphasize that these field inferences may not been over-generalized in any sense. But definitely the field inferences do indicate and showcase the status of the Child Protection Policy which has officially been in place for almost 3-4 fours years now.

1. **Teachers: Perspectives and Perception**

   Child Sensitive and child friendly approach is of paramount importance especially in education settings. Teachers form backbone of such mechanisms where children are understood and dealt with far greater sensitivity and empathy. This is the primary reason that teachers' perspectives and perceptions in understanding children and their issues is of paramount importance. The present study attempted to have a cursory look at fundamental concepts that underlie the teacher-respondents vis-à-vis child protection and issues of abuse in educational settings. The following sections briefly hint at the same.

- **Perspectives of Teachers vis-à-vis Child Protection in J&K:**

While interacting with teacher-respondents on the overall child protection indicators and situation of Child Protection in schools of the state, very profound inferences could be drawn from their statements. All the teachers interviewed across J&K showed keen inclination towards emphasizing the fact that access to safe and free environment is essential for Development.

Yet, their perspectives and perceptions were closely linked to a diversity of prevailing forces and factors, i.e. region, political environment, law and order, infrastructure and other macro and micro-level contexts. The below-given inferences and figures point towards this diversity.

Figure 1: J&K State Not Safe for Children
(% of Teacher Respondents; Source: CP Survey 2017)
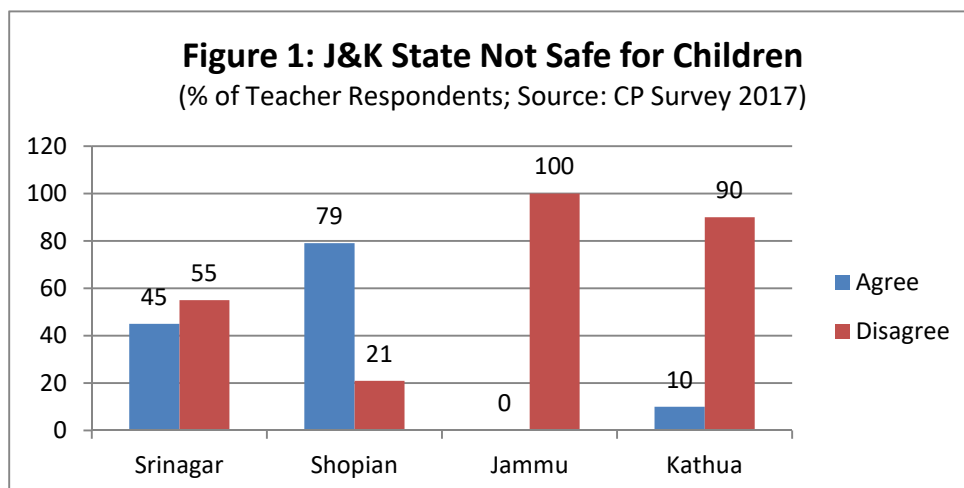
The field data reveals that 79% and 45% teachers interviewed in Shopian and Srinagar (Kashmir Division) respectively perceive the State of J&K as unsafe for children. Interestingly, only 10% teachers in Kathua district think that J&K is not safe for children and none (0%) of the teachers interviewed in Jammu district perceived J&K as unsafe for children. The data suggests a stark gap and gradient in the perspectives of educational staff in these diverse regions. A lot many factors may play an essential role in shaping such perspectives like political climate, developmental base, regional and religious contexts. Like Shopian, a district in South Kashmir, only 21% teachers think the region to be safe for children. Such an understanding may have a lot to do with the present precarious situation as far as law and order in the region is concerned. The political strife and armed violence is overriding all other issues and concerns as far as child protection is concerned and which ultimately suppresses sensitivity/priority of teachers to see child protection and child abuse beyond direct or indirect armed violence perpetrated against children. In other-words, the child protection issues at school level hardly come to be seen important or worth-noticing in regions across Kashmir Division. The data suggests that situation across Jammu division is to a large extent different.

Figure 2: Schools in J&k Promote Safe Childhood
(% of Teacher Respondents; Source: CP Survey 2017)
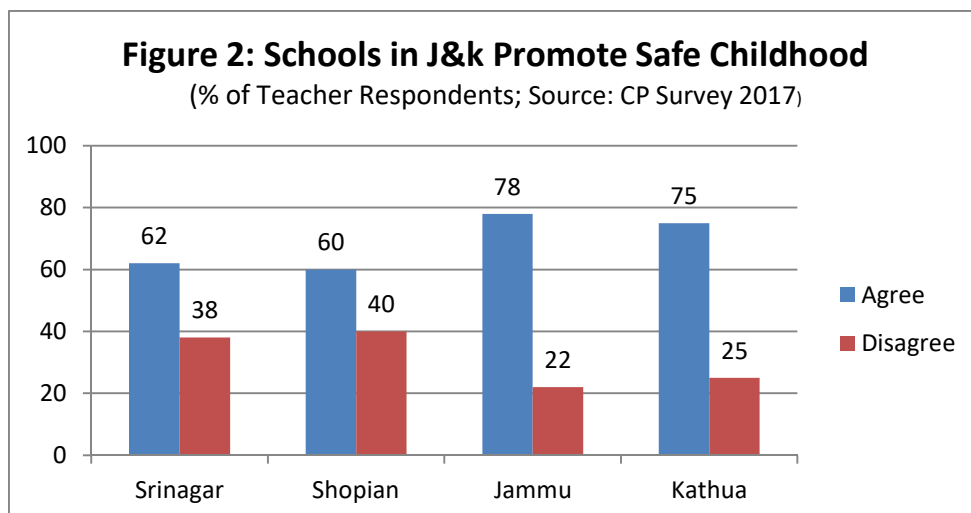
One of the important inferences from the field came out to be the self-realization of teachers (key stakeholder) towards not having sensitive institutional mechanism in place vis-à-vis children protection in educational settings. It was reported by 38% & 40% respective teacher-respondents in Srinagar and Shopian districts (Kashmir Division) that schools here do not promote safe childhood. In Kathua and Jammu Districts (Jammu division) such percentage is 25% & 22% respectively. It further points out that the significant section of key stakeholders (teachers) within educational system in the State affirm the lack of seriousness at many fronts as far as child protection, in particular and rights of children in general are concerned. Though in real scheme of things, the primary responsibility of school system is to safeguard and protect rights of children and work in the interest of children from a comprehensive perspective much beyond teaching, learning outcomes and exams.

- **Perception of Teachers vis-à-vis Child Abuse in J&K:**

It was essential to get a feel of perceptions that underlie the approach and understanding of teachers in schools regarding child abuse and other issues that children face in everyday life especially in educational settings. We explored these perceptions among teacher-respondents in field on the following identified parameters.

Abuser is Never in School

Figure 3: Abuser is Never in School
(% of Teacher Respondents; Source CP Survey 2017)
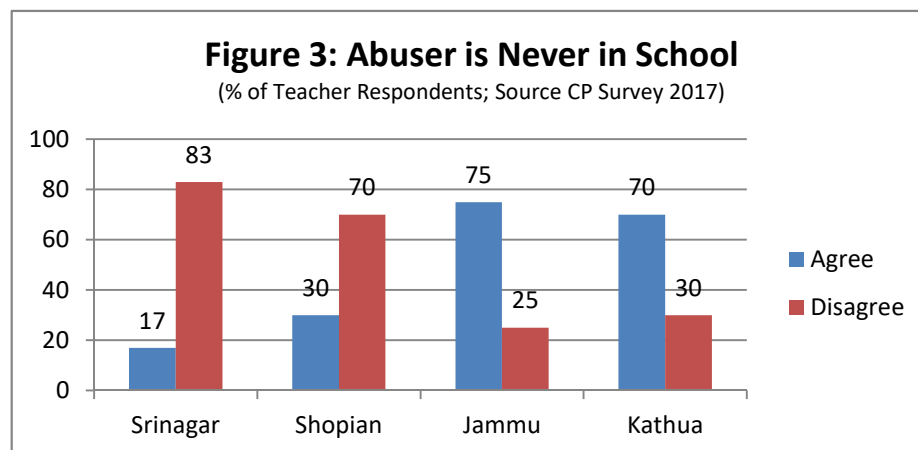
In a stark distinction between perception of teachers from sampled districts in Kashmir Division and Jammu Division it comes to fore that 83% and 70% of teacher-respondents in Srinagar and Shopian districts, respectively, **disagreed** to believe that 'abuser' is **not** among the staff of educational settings. While in Jammu and Kathua districts only 25% and 30% of teacher-respondents, respectively, have the same opinion. In other words, above 73% of teacher-respondents from Jammu division believed that 'abuser' is never in school settings. It will be problematic to make hurried conclusions out of this data but such inferences do suggest towards certain forces and factors which may be more complex and deeper that need rigorous exploration. Yet, a cursory look at this data may mislead us in any direction. On one hand it definitely points to unwarranted perceptions that teacher-respondents from Jammu Division have vis-à-vis the issue of child abuse in schools, but on the other hand it also motivates us to believe that school settings in Jammu division are enough sensitive and child-friendly which prevents abuse in the first place and also builds sensitivity of the staff in such settings. Similarly, around 76% of teacher-respondents' belief that 'abuser' could also be in a school setting points towards to two conclusions at-least. First, that abuse is quite prevalent in schools of Kashmir Division and the second, that teacher-respondents have quite effective awareness regarding the nature and extent of child abuse that schools may expose a child to.

Abuse is only the problem of female gender

Figure 4:Abuse is only the Problem of Female Students

(% of Techer Respondents; Source CP Survey 2017)
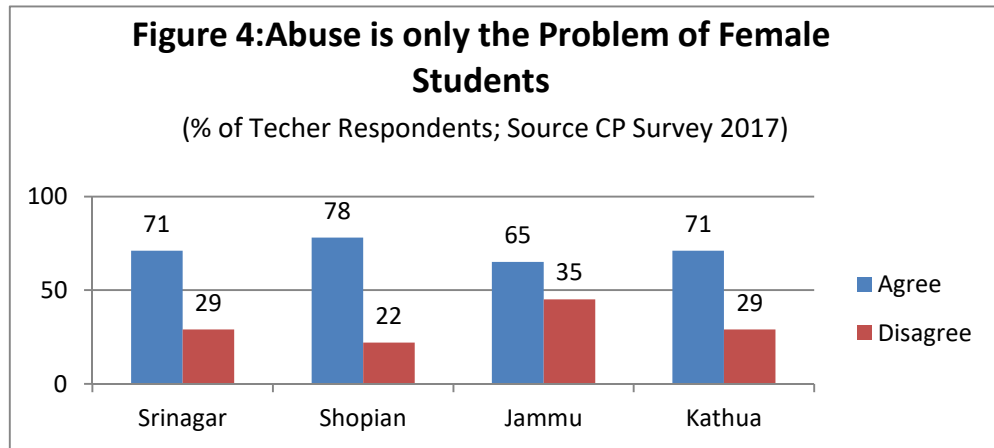
When asked about the victims of child abuse on the basis of gender, around 73% of all teacher-respondents interviewed across four sampled districts believed that abuse could only happen to girl students and child abuse is not a serious problem in male students. Such prejudicial perceptions or understanding of staff in educational settings could have serious implications for both male and female students. This approach could blind vision of teachers and other authorities in schools, which could lead to underestimation and ignorance of the magnitude of child abuse. Such a situation at school level is not only problematic but could lead to failure and disowning of any child protection initiative. Moreover, the success of any Child Protection endeavor at school level would entail a comprehensive revamping of fundamental conceptualizations that underlie teachers' perceptions regarding abuse and protection which is also further clarified by moving on to the other parameters explored during the field.

Abuser is never in Family

Figure 5:Abuser is Never in Family

(% of Teacher Respondents; Source CP Survey 2017)
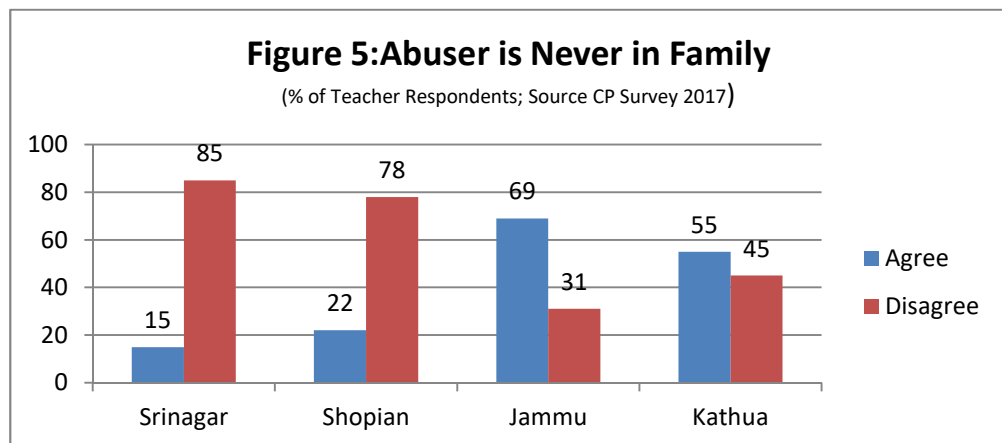
Further, on exploring the perceptions of teachers regarding possibilities of child abuse in family, varied inferences were drawn for respondents in Kashmir and Jammu divisions. 85% and 78% of teacher-respondents in Srinagar and Shopian opined that abuse could also happen in family. In contrast, only 31% and 45% of teacher-respondents from Jammu and Kathua believed that family could be source of abuse for children. It is important to note that the above data gives both encouraging and negative indications as far as awareness among teachers in respective districts regarding child abuse is concerned. There are different myths with regard to occurrence of child abuse and one among such myths is that 'family or close relations could never be source of abuse for children'. Infact, the data from various studies (MoWCD 2007; ----) has shown that in most of cases of abuse it is generally a close relative or family member who is responsible for abuse and also that such abuse more-often-than-not occurs in spaces close or known to children's everyday. In this context, when the data under discussion is further probed it infers that majority of teachers in Jammu and Kathua schools are not effectively sensitized about the intricate issues and situations that underlie child abuse. It comes to the fore that the dominance of myths regarding child abuse do have an influence on teachers too and which as a mini-context, infact, represents a broader understanding regarding abuse that prevails in societies at large. It has further indicated that sensitization and effective awareness among educators is paramount to deal and curb child abuse in its different forms, especially in the context of educational or residential settings for children.

2. **Teachers: Awareness Regarding Child Protection Policy for Schools:**

The following sub-sections explore the level of awareness of teacher-respondents of schools across the sampled districts in the State. It is worth-mentioning that the inferences drawn under these identified sub-themes cover the main objective of this review study where-in the fundamental premise was to see whether teachers and other key stakeholders are aware of the Child Protection Policy which was conceptualized for the educational settings in J&K State. Though the policy has officially been in place for

more than four years now yet the field data reveals discouraging and unfavourable status of the Child Protection Policy in schools of the State.

- **Level of Awareness of Teachers:**

  The level of awareness was assessed in field by focusing on the below-identified parameters vis-à-vis the Child Protection Policy. Direct queries related to the Status of CPP and situation & engagement of child participation in each sampled schools were asked to all the respondents. The following points are important to be noted.

  CPP Exists in State

Figure 6:Child Protection Policy Exists in J&K Schools
(% of Teacher Respondents; Source CP Survey 2017)
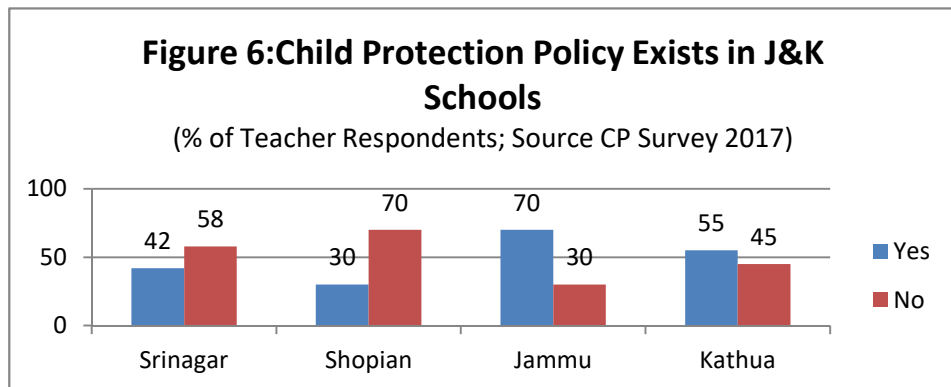
The data pointed out that only 42% and 30% of respective teacher-respondents in Srinagar and Shopian districts, reported that Child Protection Policy exists in educational settings. While a significant 70% and 55% of respective respondents in Jammu and Kathua districts reported that there is an instituted Child Protection Policy for schools of the State. In other words, the level of awareness among teachers regarding the Child Protection Policy in Kashmir Division is much lesser than that of Jammu division.

Children Listened to in School

Figure 7: Children are Listened to in Schools
(% of Teacher Respondents; Source CP Survey 2017)
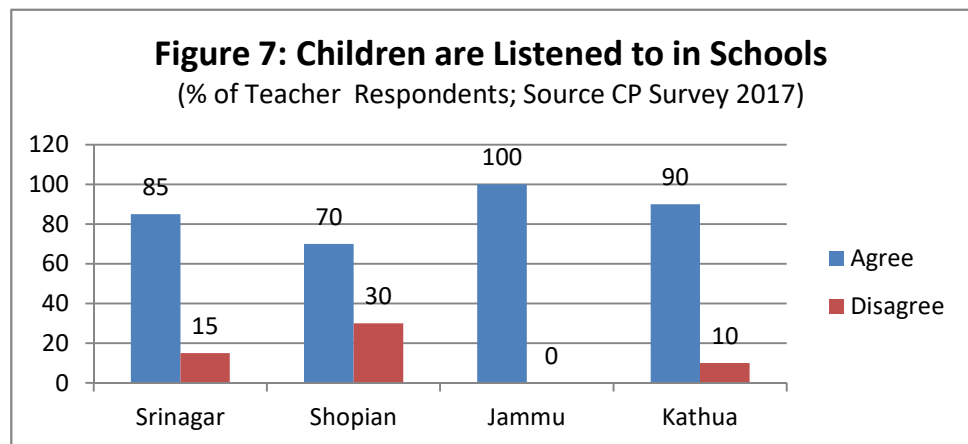
There was a far greater consensus among all the teachers across the State that children are dealt sensitively and listened to whenever they approach teachers or other authorities in schools. All the teachers interviewed in Jammu district agreed that children are listened to in educational settings, while 30% of teacher-respondents in Shopian district opined that children are **not** listened to in schools. It was dominant in narratives of teachers that children are in the matters and decisions of school and that administration ensures to create participative networks within a school to facilitate child participation and engagement in matters important to children directly or indirectly. Yet, there was significant number of teachers in Kashmir division who emphasized that such participatory structures for children are not in place across schools in the region. It was reported by these respondent-teachers that schools often take unilateral decisions on sensitive matters that affect children and that administration feels it unnecessary to make students participate or giving feedback in academic or extra-curricular matters.

Of course, '*listening to children*' may have different meanings for different schools and teachers. Moreover, the understanding of teachers regarding child protection and issues of children diversely varied as per the contextual factors like political, regional and socio-cultural, in the sampled districts.

Children Consulted

Figure 8: Childen are Consulted in Schools
(% of Teacher Respondents; Source CP Survey 2017)
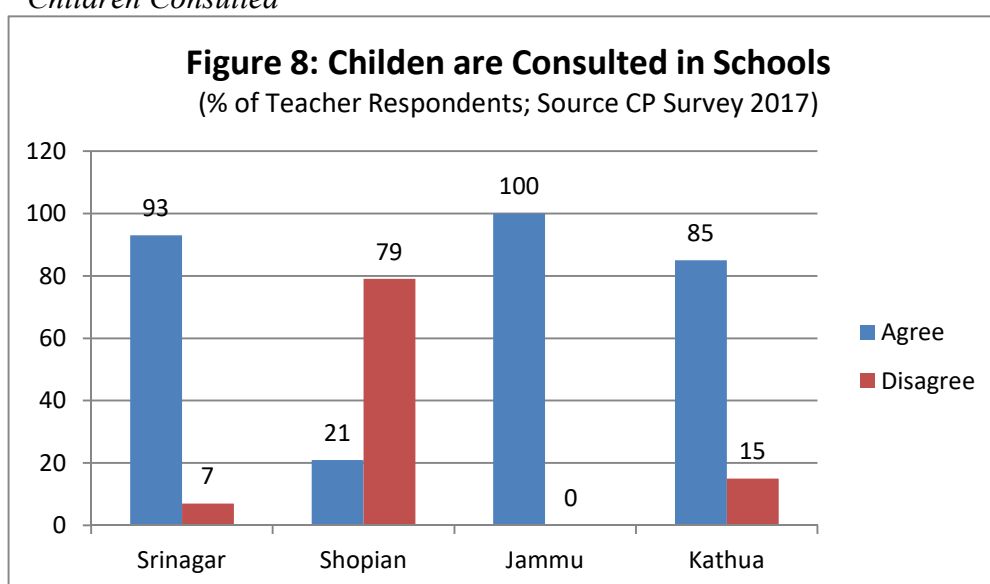
In a very stark distinction, 79% of teacher-respondents in Shopian believed that children are not consulted in schools and their opinions are not valued at any stage. Schools in such situation are merely seen as to regulate and discipline children without positively engaging beyond academic lessons and learning. However, the teachers interviewed in Srinagar, Jammu and Kathua districts generally believed that schools do consult children and make them to actively participate in schools affairs. It was explored that reasons for this distinction may have a lot to do with the over-arching situation in a particular region and also how authorities view the participation of children in school affairs.

3. **Teachers: Extent of Implementation of Child Protection Policy in J&K:**

One of the key objectives of this study was to study the extent to which schools across the state have implemented Child Protection Policy as it was originally envisaged by the authorities especially the J&K School Education Department and the INGO. It was felt necessary to review some of the crucial official communications made by higher officers regarding the implementation of Child Protection Policy in schools. The researchers gained access to minutes of meetings and video conferences of the then Commissioner/Secretary to School Education Department with Chief Education Officers, Nodal Officers from Directorates of Education Jammu and Srinagar, other senior officers from various departments, children-representatives from all districts and representatives of Civil Society Organizations (taken place in 2015 and 2016). While reviewing the records and directions passed in these meetings, it was heartening to notice the seriousness and motivation with which the then Senior most officers of School Education Department discussed the issues of children in schools of J&K and consequent implementation of the Child Protection Policy in all schools of the State.

Some of the important points raised and discussed threadbare in these meetings were:

1. Appointment of Counselors in Schools of J&K to enhance counseling services;
2. Zero Tolerance for Corporal Punishment;

3. Focus on Positive Reforming

4. Adoption of Policies and ways to eradicate abuse;

5. Adoption of Peace Module developed by the INGO;

6. Individual Student-Teacher Approach

7. Child Suggestion Box in Schools

8. Collaboration of Schools with ICPS, NHM and CSOs

9. Blacklisting of Teachers involved in Abuse

10. Time-schedule for Inquiry in Abuse Cases

11. Constitution of Children's Committee on Child Protection in Schools

12. The INGO as Third Party to monitor cases of abuse in schools.

It is evident from the above-discussion that the seriousness and motivation at higher level in administration is greatly facilitative and powerful. Yet, its trickle down to the grass-roots is equally important but for that all stakeholders have to be responsive, sensitive and effectively motivated.

- **Implementation of CPP in Schools**

The extent of CPP Implementation in Schools in J&K was assessed by focusing on the below identified indicators. The field researchers explored these themes in in-depth interviews and Focused Group Discussion with teachers of schools of the sampled districts.

Official CPP Communication Received

Figure 9: Ever Received Official Communication in School on CPP?
(% of Respodents; Source CP Survey 2017)
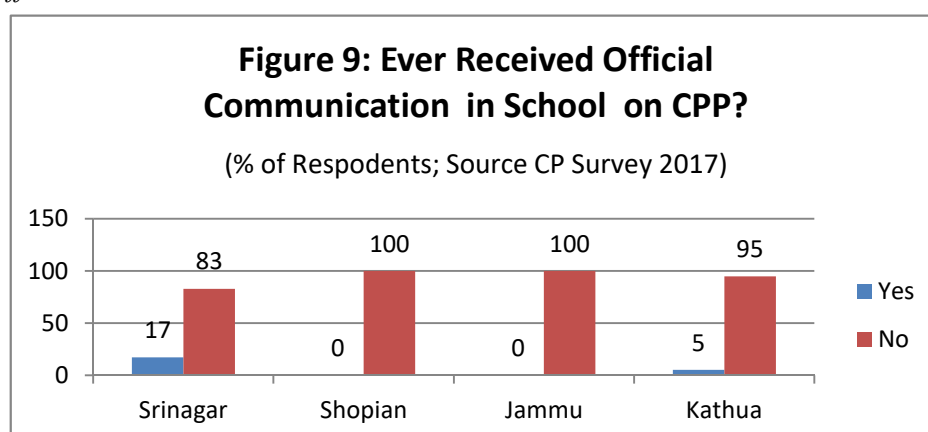
The commitment of officials at the highest levels to have a comprehensive and functional Child Protection Policy for Schools in J&K seems to lose weight gradually when one moves down the line in organizational structure

of the Education Department in J&K. It was reported by **95%** of teacher-respondents that their schools have never received any communication or circular from higher authorities on Child Protection Policy. Although, 17% of teachers in Srinagar district did mention some communication on Child Abuse Reporting but they also did not know what it was all about and nothing substantial was done in their schools in that direction. It was revealed to our field researchers that schools across J&K are unaware of any existing Child Protection Policy. The data regarding Srinagar Districts does point out that some significant 'informal' mechanism (Figure 10 & 11) exists in certain schools vis-à-vis child protection and existence of CP groups of Children, but still such mechanisms are merely an eye-wash that do not cater to needs and issues of children in sensitive or friendly manner. The interactions in schools revealed that such CP groups more-often-than-not use & practice disciplinary and penalizing techniques to 'mend unwanted' behaviour of certain 'deviant' children in the school. Such an approach goes against the spirit of the envisaged Child Protection Policy.

Figure 10: Is Child Protection Policy Functional in Schools?
(% of Teacher Respondents; Source CP Survey 2017**)**

Figure 11: Child Protection Group Exists in School?
(% of Respondents; Source CP Survey 2017)
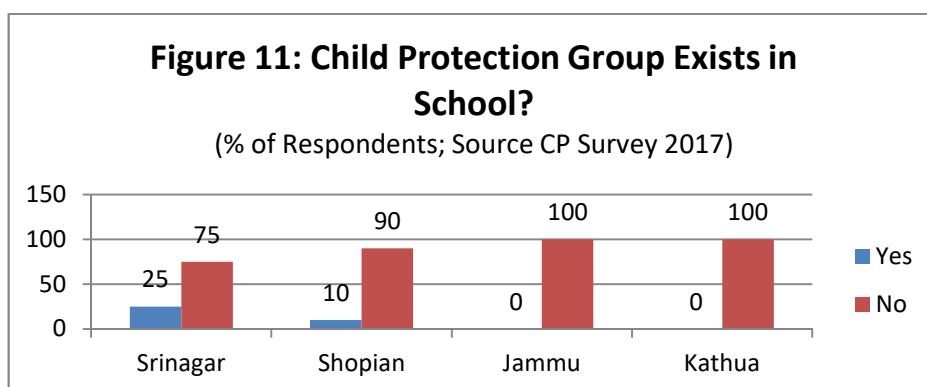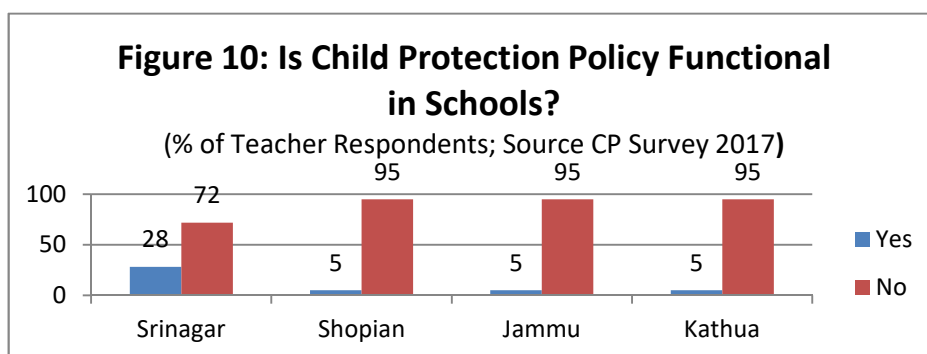
CPP Training of Staff

Further, only in Srinagar District 40% of teacher-respondents reported to have attended some kind of training sessions on Child Protection and Child Rights. In other three districts, Shopian, Jammu and Kathua there were hardly any trainings being conducted for school staff. These field inferences do point out that there is a great task ahead to sensitize all the stakeholders in the School Education System in order to make the CP Policy functional and effective across the educational settings. The training centres (DIETs) at district level, which are backbone of training infrastructure in Education System of the State, need to be roped in for training and building capacities of staff on implementing CP Policy and sensitizing them regarding Child Protection issues of children in educational settings. It is of paramount importance to develop relevant training modules for School staff and integrate such modules in the induction and refresher courses being conducted at DIETs.

Figure 12: Trainings on Child Protection Conducted
(% of Respondents; Source CP Survey 2017)
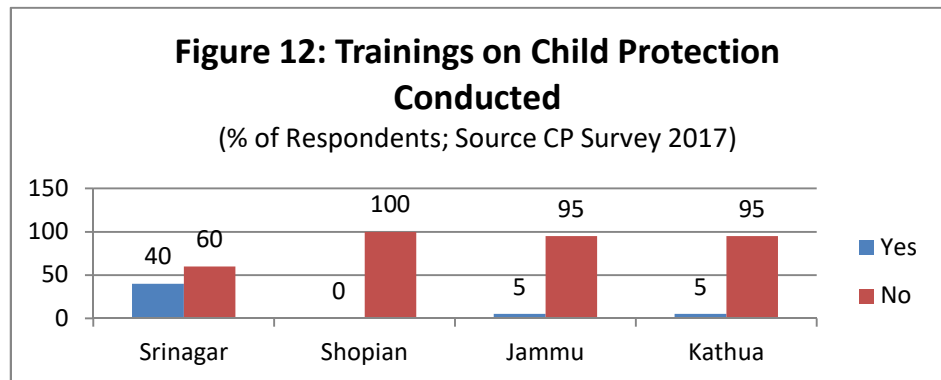
Reporting/ Redressal System Exists

Figure 13: Reporting & Redresal Mechanism Exists in Schools
(% of Respondents; Source CP Survey 2017)
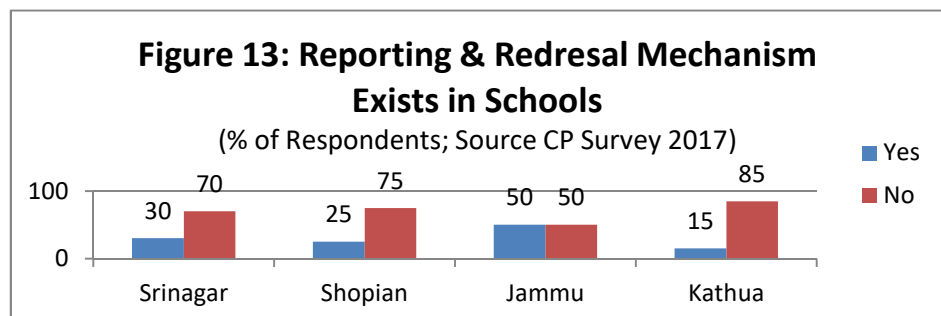
Some significant and positive inferences (to some extent) were drawn as far as the reporting and redressing of issues of children in schools is concerned. It may not be necessarily under set procedures of the Child Protection Policy that such reporting happens. But it was reported that certain schools do have a system or 'committee of teachers' which is designated for reporting and redressing the issues of students with school premises. The data suggests that in urban schools (about 42%) have some system of reporting and redressal systems. Moreover, only 15% of Teacher-respondents agreed that meetings in schools happen on the child-related issues or child protection issues. In the sampled districts teachers who disagreed that CP meetings take place in schools were 79% in Srinagar, 80% in Shopian, 95% in Jammu and 90% in Kathua.

Figure 14: Child Protection Policy Meetings Happen in Schools
(% of Teacher Respondents; Source CP Survey 2017)

District	Yes	No
Srinagar	21	79
Shopian	20	80
Jammu	5	95
Kathua	10	90
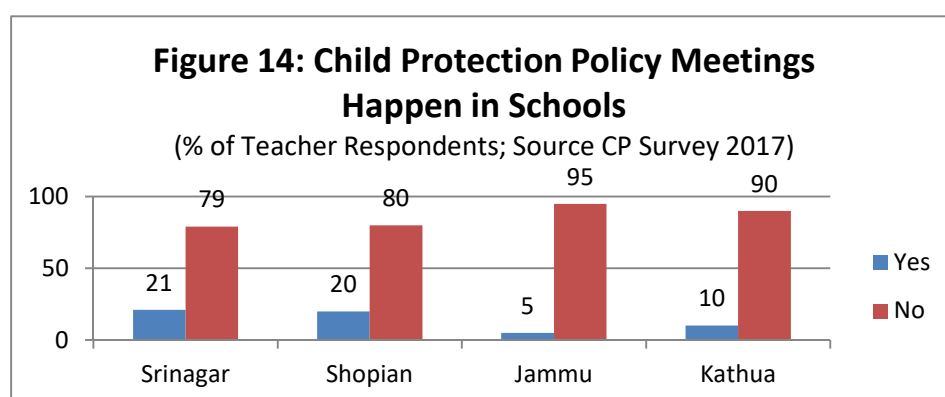
This data hints towards the fact that children in schools have to negotiate myriad vulnerabilities within the premises of schools especially in situation where they even do not know or have access to whom to approach in case of abuse, exploitation and violence. Such insensitivity on part of institutions is one of the primary bottle-necks in realizing effective and efficient implementation of Child Protection Policy in settings that cater to children. In-fact, school staff, both teaching and non-teaching, have a determining role with-in and outside school system in ensuring the implementation of progressive and preventive policies like the one under discussion. Of course, the role of children, their families and communities is also fundamental to all the activities and plans being conceived at school level.

4. **Students: Perspectives and Perception:**

During our field the researcher interacted with students in each school that was visited in the four sampled districts in J&K. General discussions were conducted with them that revealed important findings vis-à-vis Child Protection Policy. Moreover, we attempted to understand their perspectives and perceptions regarding their school, state and overall situation of their rights and issues. The following sections provide a cursory picture of these parameters which would be to a large extent helpful in putting issues concerning CP Policy in J&K into a context. We also caution that making conclusions and over-generalizations for the State may not be suitable as our field staff interacted with very few children in these schools. Yet, these inference do enrich the arguments and discussions that were made in the preceding sections of this thesis in general and this chapter in particular.

- **Perspectives of Children vis-à-vis Child Protection**

The data from sampled districts regarding children's perspectives varied as per regional, political and socio-cultural context in which these children live and experience their childhood. 80% of Student-respondents in Shopian believed that J&K State is not safe for children and the same was just 35 %, 40% and 45% in case of Jammu, Kathua and Srinagar Districts, respectively. On exploring the possible reasons for such understanding of children across these diverse districts, it was majorly attributed to the sense of relative peace, security or armed violence that prevails in these regions. Shopian, region being prone to more political disturbances and armed violence than other districts, is seen by its children less peaceful and secure for children due to their lived experiences of witnessing violent-incidents on streets which may even result in injuries or killing of children. The other three sampled districts, especially in Jammu division, rarely or not at all witness such type of armed violence or political upheavals.

Figure 15: J&k State Not Safe for Children
(% Student Perception; CP Survey 2017)
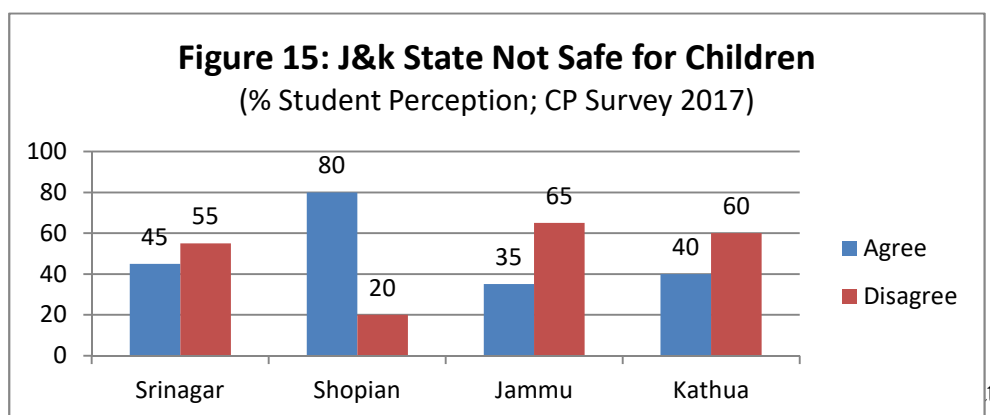
they enjoy coming to school, but interestingly, in case of Shopian district the percentage of such children was much higher **(95%)**. The data suggested that children in regions like Shopian get very less working days due to frequent incidents of violence and continual shutdowns which may be one of the reasons that children often 'miss' their schools where they meet their friends and could play. Moreover, children have a varied and diverse perspective of feeling 'good'   or 'safe' at school. These perspectives are generally quite different from an adult or a teacher perspective. Interestingly, it was observed from interacting with male children in the sampled schools of Srinagar and Shopian that they are much *evolved* as visible to us. Children often use 'their tactics' to engage with different school sub-systems in unique and diverse ways. For instance, children use a 'typical student identity' when interacting with teachers/staff where the focus is on the curriculum and academic learning only. And Children use their 'individual identity' when engaging with class-mates and other children in school. This 'individual identity', especially in male students, is a new face of their childhood where the parameters of engagement are typically diverse and the focus is on individual lived-experiences, narration of incidents, stories of witnessing street violence or relating armed violence during encounters. In short, children irrespective of their gender, detach a major part of their identity from a 'typical student identity'. That part of their identity is often engaged with other sub-systems of educational settings much beyond curriculum and academic lessons, and more with inter-personal relationships with other children and environments to which children are exposed to in the prevailing circumstances in the State

especially in Kashmir Division. Keeping this understanding in the context, it is important to note and emphasize here that children's idea of *'enjoying coming to school'* and *'safe childhood'* may altogether be different from our perspective and understanding. That is why it becomes essential to explore this complexity and contrast in child's and adult's notions of childhood and child protection.

Figure 16: Students Enjoy Coming to School
(% Student Perception; Source CP Survey 2017)

Figure 17: Schools Promote Safe Childhood
(% Student Perception; Source CP Survey 2017)
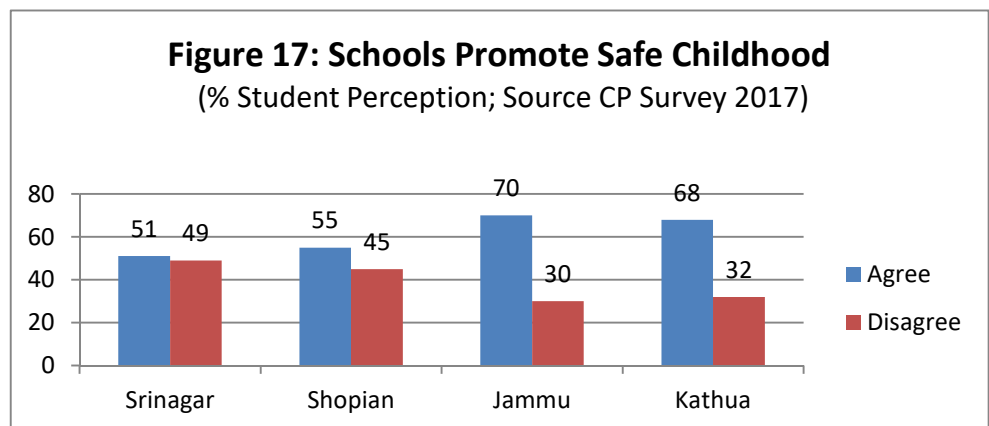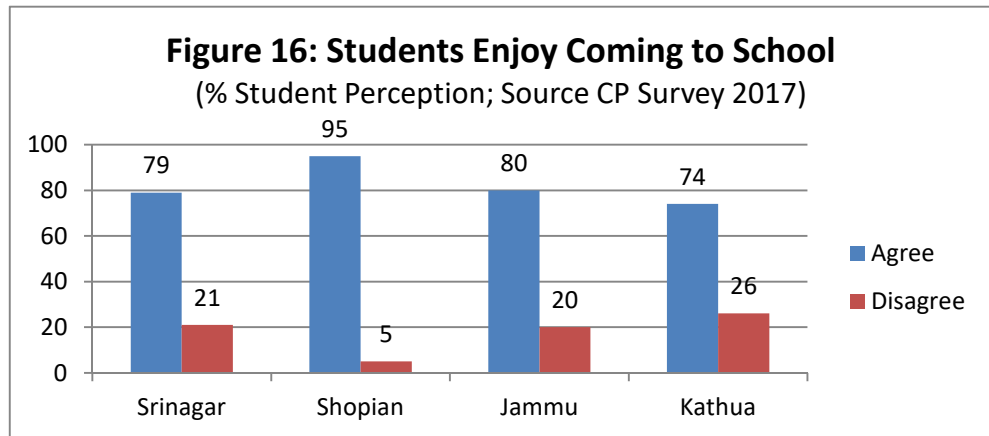
- **Perception of Children regarding Child Abuse**

Abuser is never in Family

Similarly, children's notion of abuse also vary greatly and it is always indispensable to capture that diversity. Yet, within the limitation of this study, we explored their understanding of abuse with the following parameters discussed briefly hereunder. Around 65% student-respondents rated family as safe place and held that abuser can never be in a family. This field inference may be in contrast with the present understanding of potential sources of abuse where family is not seen as a completely safe

zone for children. Though research studies have shown that abusers are generally 'known' to victim, yet student-respondents responded in almost similar manner when asked about that the statement *'abuser is never in family'*. Interestingly, the responses of children greatly varied across sampled districts when asked about that *'abuser is never in school'*. More student-respondents in Srinagar (66%) and Shopian (60%) disagreed when asked that 'abuser is never in school'. Such percentage in case of Jammu and Kathua was only 40 and 45 respectively. These inferences may point out towards the experiences and perceptions of children towards vis-à-vis their respective school contexts. In other words, schools in Kashmir division are seen by its children as having more potential for being source of 'abuse' than the schools in Jammu division. The conclusions may not be rigorously drawn or completely reliable or valid, the way children perceive their respective schools has enormous significance for developing an effective, efficient and sensitive Child Protection Policy for educational settings.

Figure 18: Abuser is Never in Family
(% Student Perception; Source CP Survey 2017)

Figure 19: Abuser is Never in School
(% Student Perception; Source CP Survey 2017)
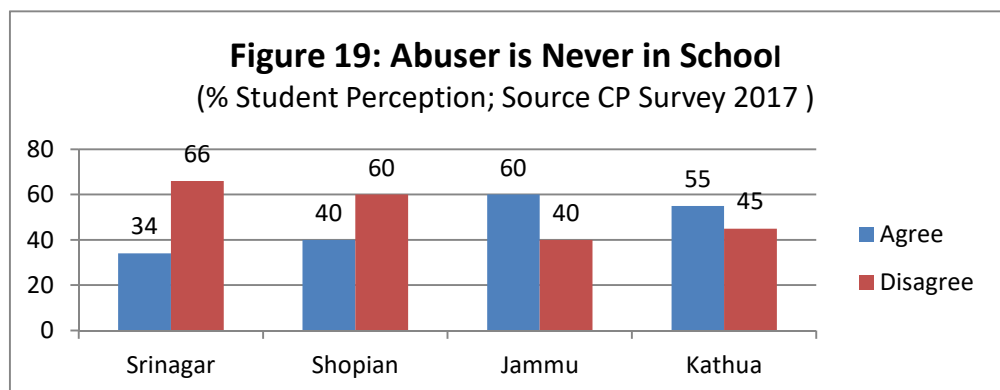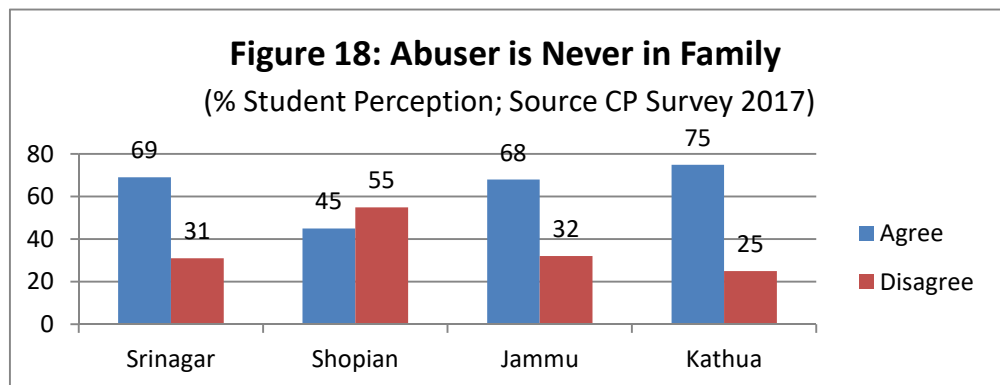
5. **Students: Awareness and Extent of Implementation of Child Protection Policy for Schools**

It is always enriching to know the views of 'beneficiaries' regarding any policy made for them. Similarly, in our case we conducted in-depth interviews with children to assess their level of awareness and also to understand from their opinions whether the Child Protection Policy has been implemented in schools and the policy is making any difference in the lives and experience of children with-in the premises of school. The following sections briefly attempt to capture children's views vis-à-vis CP Policy and its present status in their respective schools.

Children Listened to in School

The data suggests that there is clear distinction between experiences of children in Schools as far as their participation and engagement in school decisions is concerned. This distinction is very stark in case of Shopian district where **95%** of student-respondents report that they are *not listened to* in schools and their opinions and views do not count in any sense within their schools. Such an inference is fundamentally averse to any Child Protection Initiative and openly puts enormous challenges in making things work in right direction in the interest of children in a given educational setting. In Srinagar, Jammu and Kathua the respective percentages of children who believe that they are not listened to in schools are 53, 45 and 50. Similarly, 95%, 60%, 55% and 51% student-respondents in Shopian, Kathua, Jammu and Srinagar reported that they are never consulted by authorities in school affairs and decisions. Generally, in all case here it is both precarious and challenging situation by any means for Child Protection Policy to function effectively. Thus, it is high time that these key stakeholders in Educational settings realize the importance of engaging children in decision making and integrating their perspectives in school-level activities and policies.

Figure 20: Children Listened in Schools
(% Student Perception; Source CP Survey 2017)

Figure 21: Children Consulted in Schools
(% Student Perception; Source CP Survey 2017)
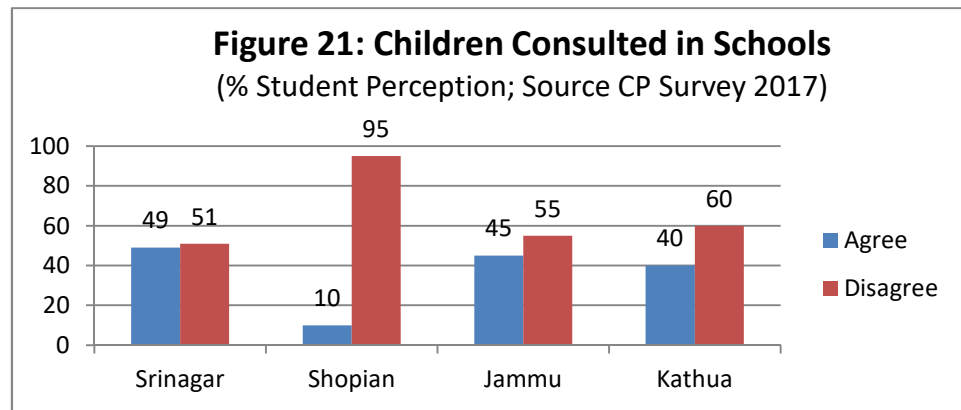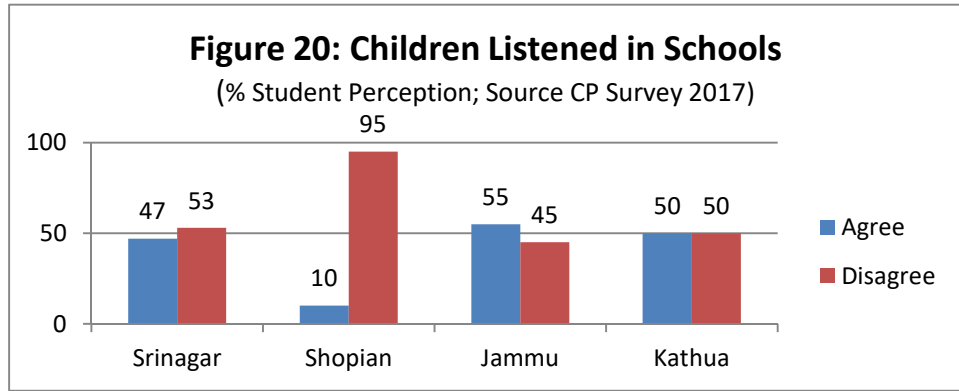
Children engage with school system very intensely having far-reaching consequences for their lives ahead. If school system positively responds back it is for sure that children's lives receive enriching opportunities to move on in life in diverse aspects.
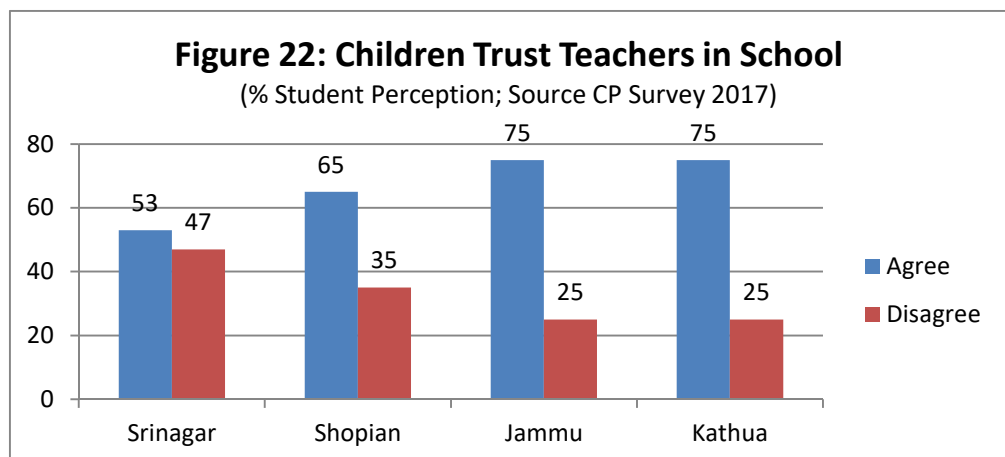
Figure 22: Children Trust Teachers in School
(% Student Perception; Source CP Survey 2017)

The field data suggests that around **70%** student-respondents reported that they **'trust'** their teachers in schools. This data inference is, in our perspective, the most **powerful finding** of the study. Children do trust

teachers in schools but unfortunately the same children are not being reciprocated in similar manner. It was reported by around **84%** of Student-respondents in Kashmir Division that they **do not** report their problems to teachers.

Figure 23: Do Children Report Problems in Schools?
(% Student Perception; Source CP Survey 2017)
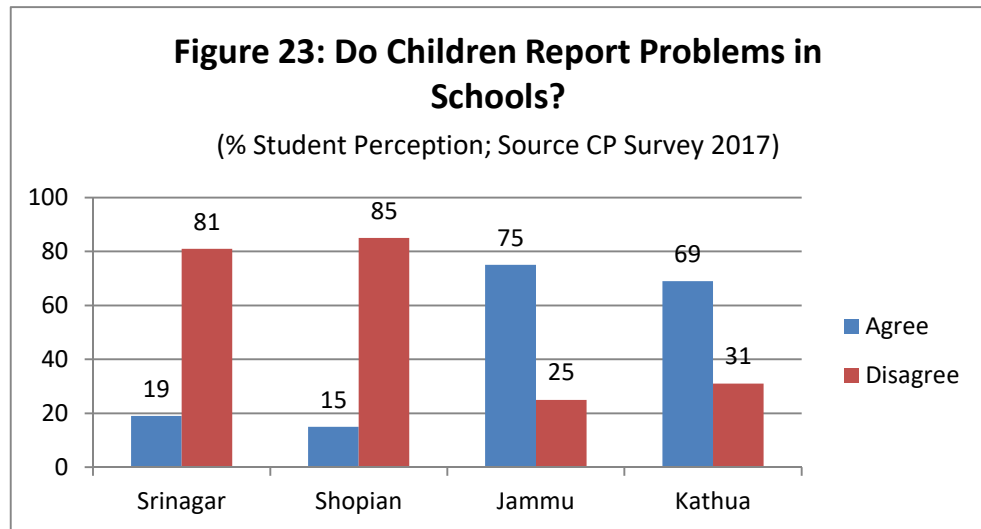
Though such percentage is comparatively low in Jammu division (**28%**), yet the overall figure (**55%**) does suggest the children prefer not to consult their teachers/schools staff in case of issues/problems. Children across all the schools visited reported that no Child Protection Group exists in their respective schools and that they have never heard of any Child Protection Policy being in place.

Figure 24: Child Protection Policy Exists in Schools
(% Student Perception; Source CP Survey 2017)
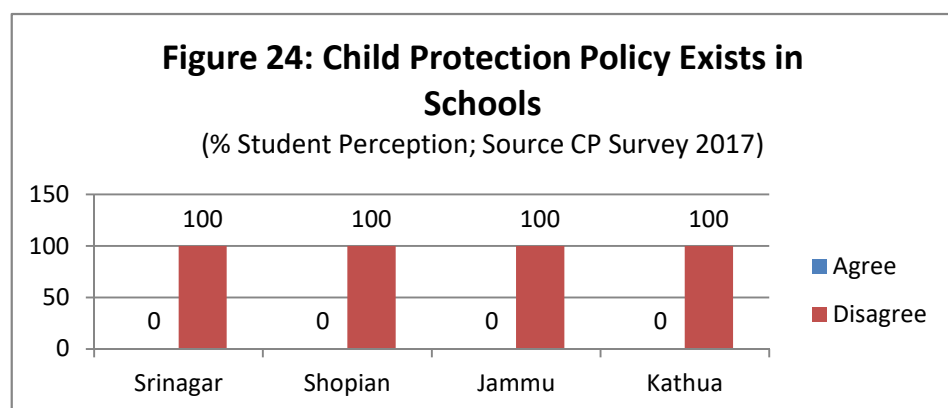
In fact, such a situation puts children to additional adversities and vulnerabilities with-in schools, which have a great potential to harm the child for ever. Thus, the insensitivity that pervades in our school systems is proving to be detrimental to the foundational goals of education and

learning. It is essential that policy makers, school authorities and teachers do value the trust that children place in an educational setting. This approach is a key to achieve all those desired goals that entail any academic or extra-academic endeavour in a school.

Discussion:

The major findings and elaborative inferences of this study strongly point towards the fact that advocates of the Child Protection Policy in the Schools of J&K have to go a long way in realizing full awareness and implementation of the policy as it was originally envisaged. The level of awareness and extent of implementation of CP Policy is not only dismal but discouraging too. Prevalence of problematic perceptions and perspectives regarding Child protection among teachers and other staff reflects the same prejudicial and stereotypical understanding, which is seen in society at large regarding such sensitive issues. Lack of enabling mechanisms in educational settings is one of the fundamental bottlenecks that throttle expressions of child participation or child sensitivity within the premises of a school. The role of key stakeholders and duty-bearers in CP Policy like Principals, teachers, officials and others has not been up-to expectation as conceived in the policy document. Moreover, the concern or motivation for implementing the CP Policy might be overridden by the macro-level factors like socio-political situation of the region where in the name of law and order everything progressive (like CP Policy) is being excused and shelved in abeyance. In other words, under the spin of security and political strife the policies like Child Protection drastically fall down in the priority list of Governments and authorities. In fact, there seems to be a dominant understanding within the State machinery that the arena of child rights or child protection is primary domain of civil society or non-governmental organizations. It is the main reason that the State more-often-than-not delegates 'children and child welfare' to NGOs and keeps a residual role for itself in this domain. Ironically, the number of children that is exposed to diverse vulnerabilities and risks in schools is quite large which is intensely distressing. The extent of problem makes it to be reiterated that the safe and

secure childhood in education settings cannot be realized or achieved unless a vibrant and sensitive CP Policy is made functional. Thus, it is being understood that the State is the *primary and powerful agency* that has a major stake in making CP policy work or fail on ground. It is responsible for the ill-implementation of CP policy in schools across J&K primarily because of the fact that it did not took a serious initiative to bring accountability and sensitivity among its officers and other functionaries vis-à-vis the implementation of the CP policy in letter and spirit. Moreover, the School Education Department has not even put any basic infrastructure in place as to initiate the implementation. Unfortunately, we seem to be qualified to argue that the State in J&K once again showcased its habit of using a child welfare initiative or scheme for cosmetic and rhetorical use. The State government keeps on boasting of this CP policy at diverse regional and national forums, which in reality hardly exists or functions on ground.

CHAPTER 6:
CONCLUSION: SUMMARIZATION AND RECOMMENDATIONS

I

The relationship between Children and State has been a subject of great interest across decades and has been widely discussed in social sciences. These categories have also generated serious debates in developmental discourses and practices. In the changing global order and influence of neoliberalism on every sphere of State's policy formulation, decision making and resource allocation the field of child rights, child protection or child welfare has not remained untouched. Infact, governments across Europe and western nations have placed *'children, families and welfare'* in center of their policy formulation, of course, within their own ideological and political realms. (Furguson 2017; Wilkerson 2020) That is, children have assumed prominence in state policy in last few decades across the globe, which has got fortified with the emergence of civil society and non-governmental entities during such period (Franklin 2003; Popkewitz 2003; Joshy 2010, Boyden 2003 & 2007).   However, the conceptualization of the State and civil society relations vary diversely owing to contextual factors and forces across time and space, and between development practitioners as well as countries and regions. Under neoliberal conditions the state is compelled to retreat from the social security as well as developmental realms and civil society has undergone a role transformation from *'protecting the rights of the individual from the arbitrary power of the State'* to *'being a necessary partner of the State in the realm of development and governance.'(*Joshy 2010, p15*)* In such a scenario the state seems to be shrinking in its role and activities and turning into a 'militaristic apparatus' in enforcing its policy regimes and instruments. Such an approach has led to socio-economic and cultural dislocations across regions and populations especially where the State foresees resistance, de-legitimacy or other insecurity complexes. In such contexts, the influence on debates and discourses of children, their rights and welfare has been immense leading to a paradigmatic shift in the relationship between State and children at large.

In other words, the perceptions and ideas with which *the State* views *children* in situation of complex emergencies like armed conflict or political turmoil have drastically changed. 'Children' as a category has assumed complex reified meanings in government techniques and narratives with huge potentiality for establishing legitimacy of the State. In the similar vein, the present study aimed to understand the relationship between the State and children in Jammu & Kashmir by way looking at some of the important systems, policies and practices of State and its agencies in the field of child welfare and child rights in the region of J&K.

As per the Census 2011, the State of J&K has around 54 Lac children in the age group of 0-18 years, which constitutes 43.68% of the total population of the State. Of the total children, male and female constitute 2895536 (52.85%) and 2582636 (47.15%), respectively. In the age-group of 0-6 Years, the total population is 2018905 (16%) with 1084355 as male and 934550 as female share. The Census 2011 indicates overall Sex Ratio in J&K as 889 for each 1000 male which has declined since the last census of 2001 in which the sex ratio was 892 per 1000 males. The child sex ratio is 862 per 1000 males and has also lessened as matched to 941 in the 2001 census. The broad objectives of this study were to study the role and nature of the State with respect child welfare and child protection in Kashmir and understand the nature of international child-rights agencies' partnership with the State vis-à-vis child welfare and child protection in Kashmir. These objectives were met by studying functioning of Integrated Child Protection Scheme (ICPS) and Juvenile Justice Act in J&K and at the same time evaluating the Status of Child Care Institutes in the State. An attempt was also made to understanding status of Child Protection Policy across J&K which was primarily conceptualized by a global child rights organization working proactively in the region. The study focused on the three participant-groups namely, *State* (P-I), *INGOs* (P-II) and *Children* (P-III) in selected regions of Kashmir valley.

II

This research activity aimed to explore and understand the issues that govern the relationship between the State and children in the region, as discussed in

chapter 3. The Child Protection System in J&K and its current status has been discussed in chapter 4. An attempt was also made in chapter 5 to study the nature of international child-rights agencies' partnership with the State vis-à-vis child welfare, and explore why and how these foreign agencies influence the lives of children in Kashmir. This study primarily focused on children's lives, and attempted to study children's experiences with the State while living through a conflict situation in Kashmir.

To achieve this, the researcher outlined his specific objectives of the study covering State's instruments and practices in child welfare and child protection with focus on Integrated Child Protection Scheme (ICPS); sub-structures of Juvenile Justice System & ICPS like CCIs, JJBs, CWCs; nature and influence of international child-rights agencies' partnership with the State in the sector with the focus on the implementation and understanding of Child Protection Policy in schools across the region. The methodological, conceptual and theoretical approach used in this research act has been drawn from varied sources and thinkers. The works of Gramci (1998), Bates (1975), Billon (2000) Agamben (1995), Arendt (1958), Nandy (1984), Abrams (2006), Wessells (1998) along with Boyden (1997), Prout (2008), Boyden & Hart (2007), Woodhead, were studied so as to enhance understanding of 'State' and its relationship with 'welfare' and 'citizens' in the present global order. Yet, there is not any overriding claim by the researcher that justice has been done in relating these authors extensively to this research endeavor. Though, to a large extent the researcher has been able to relate these works with the inferences drawn from the present research activity. It also needs to be underlined the researcher's standing in this study has been full of challenges. The challenges have been primarily been due to the researcher's personal experiences of living in a conflict situation which puts additional responsibilities from the didactic community and the local people around.   An aspiration for maintaining a 'critical distance' at different levels during this research endeavor was not as easy as it had been thought earlier. There was always a constant and intrinsic struggle to negotiate with forces within and outside in order to ask important questions and explore the underneath subtleties. It was an important task to resist temptation of being 'convenient researcher' who superficially involves

with the field by maintaining a 'convenient distance' with participants or respondents of the study. This study employed a mix of qualitative and quantitative methods of data collection and analysis. Especially in case of quantitative methods a simpler version of tools and techniques were used. This is evident throughout sections of the main thesis chapters. However, the qualitative approach adopted here majorly focused on thematic analysis (Braun and Clarke 2006). The key themes got identified within a group of data relevant for certain phenomenon foundational to the objectives of the thesis. Eventually, the major inferences were drawn by relating and interpreting both the qualitative and quantitative data and thereby contextualizing the same in theoretical and conceptual frameworks adopted here-in. The attempt was made to cover all the objectives thoroughly. Yet, the researcher feels that this study has pointed towards more themes and areas in the domain of child rights and child welfare that need to be taken up for future research. There is huge scope to engage with the identified themes in much rigorous manner in future research pursuits. Nonetheless, this study is crucial in explaining the context in which 'the State' and 'Children' engage in J&K amidst political strife and armed violence. The three-decadal armed conflict situation in Jammu and Kashmir has had serious political, economic and social implications for people of the region. The conflict has caused in enormous loss to human lives in diverse and complex ways, which have been discussed in relation to children, their welfare and the role of state in previous sections of this thesis. This research endeavour has till now given a detailed review of literature on children and armed conflicts and summarized the impact of adversities in children and their childhood. It has mapped the trajectory of historical and theoretical perspectives that have influenced the understanding of childhood across the globe. The different constructions and paradigms of childhood are reviewed that have been used to understand the early years of human life. The thesis explains the functioning of Child Protection Systems in the state of Jammu and Kashmir by illustrating the working status of a centrally sponsored scheme called Integrated Child Protection Scheme. This effort focuses on the implementation status of the Scheme across different areas in J&K. Moreover, here the focus on Standards of Care in Child Care Institutes across the region has been used as a proxy to understand the overall child protection mechanism

in the J&K with special reference to Kashmir valley, where children face additional vulnerabilities and risks due to political strife. Further, the study attempted to understand the role of INGOs in informing and influencing child welfare and child protection policy in the State. It reviews the Child Protection Policy for schools which has been developed by a prominent Child Rights INGO working in J&K. The implementation status of the CP Policy on ground has been detailed out and also effort has been made to explore the perspectives of teachers and children vis-à-vis Child Protection in J&K and other allied issues related to the functioning of the State in the field of Child welfare and protection in the region.

III
FAILURE OF STATE TO PROVIDE STANDARDS OF CARE IN CHILDCARE INSTITUTIONS UNDER ICPS:

It is has been discussed and argued that unless quality standards of care and protection are not put in place across CCIs, it is bound to expose children living in these institutions to diverse vulnerabilities and risks (Hussain 2007; Rashid 2012; JKICPS 2016). In fact, it is being witnessed that there is surge in cases involving child abuse, neglect and exploitation. And appallingly, many such cases are reported from the institutions which are mandated to protect and safeguard the rights of the vulnerable lot (Naqshbandi 2012, Nabi 2018; Khajurai 2018). J&K has its own child care institutions /shelters both registered and non-registered and many complaints of child abuse/rights exploitation are being reported. Nonetheless no comprehensive assessment to assess the viability of such care-institutions has ever been undertaken on a systematic basis. Further, the mechanism of how Darasgah's/Darululooms operate in Jammu and Kashmir is wanting. No study has been undertaken to understand whether or not these madrasas comply with the JJ Rules, its registration status and the compliance to JJ and ICPS guidelines.

1. Only **11 %** of CCIs in 22 districts across J&K have either registered or applied for the registration under J&K Juvenile Justice (Care and Protection) Act 2013. The **24 Thousand children** who reside in **491** CCIs spread across the State are left to themselves by the State. The registration

under JJ Act is crucial to a large extent in ensuring basic facilities in CCIs. Neither the State authorities nor the civil society organizations have done any significant work in this direction.

2. On an average **52** children reside per CCI considering the 22 districts together. Majority of such children in want of basic facilities get exposed to complex vulnerabilities that endanger their wellbeing within the CCIs and for all years to come. The post-institutional life of these children is often more vulnerable infested with enormous suffering in terms of illiteracy, low-employability, ill-health, being unskilled and susceptible to diverse forms of abuse and exploitation with a given social order.

3. The physical infrastructure in many CCIs is not up to mark. The data suggests that majority of CCIs own buildings but have failed to offer satisfactory and required accommodation and space to children. In such situations children often face abuse and neglect when they have to share rooms and live in congested spaces within a CCI. It greatly hampers their emotional and mental development that eventually interferes with their education, health and overall wellbeing in the institutions and thereafter as well.

4. The present data suggests a disheartening scenario with respect to quality and strength of staff that prevails across CCIs in the State. It has been found that majority of the CCIs do not have professional or trained staff who could engage with children more sensitively and professionally. Such ill-trained or unprofessional personnel in CCIs do not understand children's perspectives, sensitivities and needs, and more-often-than-not use force, fear and punishment to discipline children in CCIs. Such an oppressive approach is no less than committing violence and exploiting children who are already witnessing suffering due to loss of parental support or other traumatic situations.

5. The data points towards a very dismal picture with respect to quality and quantity of the basic services in CCIs like health, formal education,

recreation and vocation. Unfortunately, very few CCIs have access to professional counselors in CCIs. The administration or caretakers in these institutions do not adhere to any basic or quality standard of care, which is because of diverse reasons. The lack of professionalism in outlook of institution and its staff, dearth of funds and lack of support from the State government are the primary reasons that lead to inadequate or dilapidated scenario of health, education and other basic facilities for children at CCIs.

6. The status of medical services is very grim across majority of CCIs in the State. Barring few CCIs, the majority of these institutions have not even explored availability of referral services that could be made operational in case of medical emergency or other urgencies with in CCIs. There is no initiative on part of the administration or other stakeholders in exploring convergence of available services and availing support from government's own health and other essential services. The responsible personnel of these state-funded institutions as well do not take any initiative in reaching to these CCIs and extending their services. In fact, the Social Welfare Department office, which is the nodal office within a district for monitoring CCIs, remains absent from the scene timelessly.

7. Children in CCIs across majority of the districts hardly receive any vocational training or skill development. Marginal percentage of CCIs in Leh (13%), Anantnag (11%) and Budgam (9%) do report to have such services for children within care-institutions. Though, such services hardly build any vocational skill in children as these CCIs lack trained manpower and resources to carry out skill development or vocational training in real sense. In Shopian, Kargil, Bandipore, Doda, Kathua, Ramban and Ganderbal there was no trace of skill development or vocational services with-in CCIs. The post-institutional life of children of CCIs is full of challenges especially when such children do not possess any educational qualification or skill that could facilitate them to be independent or self-reliant. In fact, each district has Institutes of Industrial Training (ITIs), Entrepreneurship Development Institutes and other skill development avenues. But the caretakers or superintendents do not realize the importance

of such skill development initiatives. There is no inclination of CCIs towards developing self-employment skills and encouraging children to take up additional skill courses. It could have greatly enhanced their employability and given them advantages in their post-institutional life.

8. Except for CCIs in Kargil (82%) Reasi (80%) Jammu (67%) and Baramulla (56%), majority of CCIs in other districts did not have any or adequate recreational facilities for children. The dearth of funds and lack of support from the State is a common issue with majority of CCIs across various districts. As a result, these institutions are not in a position to establish the minimum quality standards of care among which recreation and sports facility is also important.

9. Majority of CCIs in J&K do not maintain records and registers as mandated under JJ Act 2013. The maintaining of records and registers of children is crucial for any CCI which is instrumental in mapping the developmental trajectory of each child in an institution. It gives important leads to professional workers, counselors and other practitioners to engage with children and their situation so as to deal with any issue that children encounter and also helps to develop individual care plans for holistic and contextual development of each child. Formulation of Individual Child Care Plans (ICP) for Children within institutions is not done in majority of CCIs. It is a fundamental violation of the Standards of care as mandated under the JJ Act. Indeed, preparing ICP within CCIs requires professional and trained staff. As already discussed in previous sections, the majority of CCIs across J&K do not have professional or competent personnel to carry out these activities that require professional skill and sensitivity. Moreover, it has often been reported that administration in CCIs do not prefer child care professionals like those having PG in social work, psychology or other social sciences. Instead, it has been seen that staff with basic qualifications like 12th grade and Bachelors degree are recruited for different posts in these institutions. Such an approach raises questions on their professionalism, accountability and transparency within CCIs.

10. The data suggests that communication of CCIs with Child Welfare Committees (CWCs) and Juvenile Justice Boards with in a districts is either extremely weak or completely absent. This points towards the lack of coordination and communication of government bodies and offices vis-à-vis CCIs. The fact of the matter is that the bodies and agencies like JJB, CWCs or DCPUs are responsible to establish contact and build synergies with CCIs so as to work with in the spirit of Juvenile Justice. It is unimaginable to expect realization of justice to children when the entrusted government offices are not reaching out to these CCIs and not building relationships and partnerships with them. In fact, the Juvenile Justice System is dependent on its sub-units and sub-structures and of which CCIs constitute an important sub-structure.

11. None of the institution among **491** CCIs across 22 districts reported to have any Child Protection Policy in place. There is hardly any effective mechanism of Grievance Reporting and Redressal Mechanism. Unfortunately, the status of Children's Committees is very dismal and very small percentage of CCIs reported to have committees that involve children as main stakeholders. Infact, none of CCIs in Bandipore, Kathua, Ramban, Samba and Shopian reported to have any committees within institutions. Such CCIs have mainly a chief patron or religious body that takes all decisions. The influence of religious set-ups on the functioning of these institutions is quite enormous. Fund-raising, recruitment and other policy level decisions are all founded on the religious ideology that a particular institution adheres to. There is severe aversion towards NGOs/INGOs among majority of CCIs across different regions in the State. There have been many instances where personnel from NGOs have not been allowed into CCIs for any activity or interaction with children or staff. The researcher's own experience is worth-mention that during his fieldwork he was severely bashed by a religious caretaker of a private CCI in Kupwara district. The caretaker argued that these 'missionary agencies' want them to follow their '*nizaam*' (policy and ideology) and promise to give some funds for the '*yateem khana*' (orphanage). It was quite evident that the caretaker adhered to a generalized opinion about all NGOs and organizations. In these

situations, such CCIs are extremely averse to any initiative for implementing a child protection policy with in these institutions. There is a generalized notion among caretakers and patrons of majority of CCIs that these policies and mechanisms are foreign and alien to them and that 'their institutions' do not need such frameworks. Importantly, it needs to be recognized that the approach of NGOs or even government officials in this regard has been decontextualized and oppressive. There is hardly any endeavour in making these child policy frameworks simple and contextual which would be in line with the local socio-cultural and political realities. Such endeavours would have greatly motivated these caretakers or patrons to have these instruments implemented in their settings. Thus, the caretakers' aversion towards irrelevant child policy frameworks needs to be understood in proper context. It is being argued that there is huge scope in this direction and if done it would be instrumental in realizing effective and quality standards of care with CCIs across J&K.

IV

Status of Child Protection Policy Sponsored by INGOs

Child Protection Policy: Safety and Security for Children in schools was conceptualized and adopted by the Department of School Education, Govt. of J&K in the year 2013 across the State of Jammu and Kashmir in close collaboration and support from the INGO. Child Protection Policy articulates its urge and effort to take actions for caring and keeping children safe from exploitation, neglect, mistreatment and violence with-in educational institutes or Child Care Institutions. The aim of this research is to explore impact of the CP Policy on ground vis-à-vis safe and secure environment for children in schools.

The specific objective was to study the extent to which schools across the state have implemented CP Policy as it was originally envisaged. The researchers identified 40 schools by employing a random sampling technique in each of the 4 sample districts of the two provinces of Jammu and Kashmir. Interviews and FGDs were conducted with 48 principals/headmasters, 105 teachers and 185 students across Srinagar, Shopian, Jammu and Kathua districts. All the teachers interviewed across

J&K showed keen inclination towards emphasizing the fact that access to safe and free environment is essential for Development. Yet, their perspectives and perceptions were closely linked to a diversity of prevailing forces and factors, i.e. region, political environment, law and order, infrastructure and other macro and micro-level contexts.

The hard facts vis-à-vis status of Child Protection Policy in Schools that come to fore are as follows:

1. The field data reveals that teachers from regions of Shopian and Srinagar (Kashmir Division) majorly perceive the State of J&K as unsafe for children. It was explored that owing to the political strife and high incidence of violence in these areas the teachers consider the situation insecure for children that exposes children and young people to varied forms of violence and adversities. The security agencies, and in some case militant organizations too, were the source of such vulnerabilities. The teachers from these areas were preoccupied with cases of direct violence and also shared stories where students from their schools had been victims. In contrast to this, the teachers interviewed from Jammu regions majorly perceived J&K as safe for children where, according to them, exposure of children to violence and abuse is *'less and rare'*. These inferences point towards the fact that exposure of children to direct violence in Kashmir division has faded the understanding and sensitivity of teachers towards abuse and other child protection issues that could take place with schools or families. And also the terming of child abuse *as 'less and rare'* by majority of teachers in regions of Jammu division indicates that the awareness regarding issues and context of child abuse among educators is still problematic and incomplete. It was reported by significant teacher-respondents that schools here do not promote safe childhood. It further points out that the significant section of key stakeholders (teachers) within educational system in the State affirm the lack of seriousness at many fronts as far as child protection, in particular and rights of children in general are concerned. This situation further complicates the issue of child protection in J&K and also puts the implementation of CP Policy into more challenges, which have regional as well as political causes and factors. The state institutions understand the

prevailing situation from a *law and order perspective,* and their narratives often seem to be preoccupied with making children *'secure'* from direct violence due to political conflict. These authorities more-often-than-not ignore issues of children that concerns their wellbeing in schools and families. The issues of physical or sexual abuse of children within institutions is seen as 'non-issue', if reported, is often overridden and silenced for maintaining *'izzat'* (reputation) of abuser or the concerned institute.

2. It was observed that the teachers interviewed in Srinagar and Shopian districts have to a large extent proper understanding of some of the issues that underlie child abuse. Majority of them **disagreed** to believe that 'abuser' is **not** among the staff of educational settings. While in Jammu and Kathua districts majority of teacher interviewed out-rightly rejected to believe that abuser could be among teachers or other staff members. Yet it was discouraging to observe that around **73%** of all teachers interviewed across four sampled districts believed that abuse could *only happen to girl* students and child *abuse is not a serious problem in male* students. Such prejudicial perceptions or understanding of staff in educational settings could have serious implications for both male and female students.

3. A majority of teacher-respondents in Srinagar and Shopian opined that abuse could also happen in family. In contrast, very few teacher-respondents from Jammu and Kathua believed that family could be source of abuse for children. While deliberating on the issue of abuse in families, it was observed that a significant percentage of educators across the regions have the same understanding of *abuse* as general people in their communities, which is heavily influenced with myths, ill-information and culture of silence around child abuse in society at large. These educators see a child completely immune to abuse within family which is in contrast to the data and cases as reported by victims, researchers and media as well. For example, a study conducted by Bhat and Khan (2006) across rural Kashmir described self-accounts of children abused by their own relatives within family or neighbour settings. Similar studies/reports from the region (Rizvi 2020; Singh 2020; JKCCS 2018; Prakash 2020) have reported the

incidences of child abuse within victims' family, neighbourhood or settings close to their social ecologies like schools or hostels.

4. The awareness regarding exiting Child Protection Policy is quite dismal. Though in Jammu region a significant percentage of teachers had effective information about CP policy in schools. It was reported that no effective number of trainings and awareness programs have been conducted in the region. There have been very few such programs for teachers in some of the districts of the Kashmir division, which is the primary reason for ill-awareness regarding CP Policy among staff of schools across the region.

5. All the teachers interviewed in Jammu district agreed that children are listened to in educational settings, while majority of teacher-respondents in other districts opined that children are **not** listened and consulted in schools. Though participation of children in decision making within schools and institutions is a fundamental premise that underlies the Child Protection Policy but the schools have to go a long way to implement these provisions. Across schools in Jammu region, teacher-respondents reported that school-staff takes initiatives to engage children in decision making within schools. The aspects or domains within where it has been reported that children are listened to are very limited and insignificant. In other words, school curriculum and administrative control with these institutions is so rigid that there remains hardly any space for inclusion of children's perspectives in functioning of schools or decision making with in these institutions. In case of Shopian district, which is severely affected by violence, where majority of student-respondents report that they are not listened to in schools and their opinions and views do not count in any sense within their schools. Such an inference is fundamentally averse to any Child Protection Initiative and openly puts enormous challenges in making things work in right direction in the interest of children in a given educational setting. Moreover, majority of student-respondents in the same district believed that J&K State is not safe for children.

6. It was reported by majority of teacher-respondents that their schools have never received any communication or circular from higher authorities on

Child Protection Policy. Although, some teachers in Srinagar district did mention some communication on Child Abuse Reporting. Schools across J&K are hardly aware of any existing Child Protection Policy. This situation of a serious fault in downward communication of CP Policy within education system in the region is one of the primary reasons for non-implementation of CP policy on ground.

7. Only in Srinagar District few teacher-respondents reported to have attended some kind of training sessions on Child Protection and Child Rights. In other three districts, Shopian, Jammu and Kathua there were hardly any trainings being conducted for school staff. Yet, the teacher-respondents disagreed that any CP meeting or any discussion on Child rights or child protection takes place in schools or other relevant institutions.

8. The field data suggests that around **70%** student-respondents reported that they **'trust'** their teachers in schools. This data inference is, in our perspective, the most **powerful finding** of the study. Children *do trust teachers* in schools but unfortunately the same children are not being reciprocated in similar manner. It was reported by around **84%** of Student-respondents in Kashmir Division that they **do not** report their problems to teachers. The dominant inference that is drawn from the data is that schools across the region chronically lack any infrastructure or trained human resource with schools and other relevant institutions. Though, the CP policy is instituted on paper since 2013 but hardly any allocation of funds or other resources has been made to enable these educational institutions to implement CP policy in letter and spirit. Such a situation has led teachers, in general, to believe that child protection is not a priority within the institutions that cater to children for education or other services.

The major findings and elaborative inferences of this study strongly point towards the fact that advocates of the Child Protection Policy in the Schools of J&K have to go a long way in realizing full awareness and implementation of the policy as it was originally envisaged. The level of awareness and extent of implementation of CP Policy is not only dismal but discouraging too. Lack of enabling mechanisms in educational settings is

one of the fundamental bottlenecks that throttle expressions of child participation or child sensitivity within the premises of a school. The State more-often-than-not engages in these policy initiatives as an 'invited guest' without realizing its primary stake and responsibility. It views and conveniently makes its sub-structures to believe that child rights and child protection is the unique domain of NGOs and Civil society networks and the government is only to function and inaugurate the programmes and conferences merely as 'honorables'. In the case of CP Policy, The INGO framed, conceived and sponsored the CP Policy but the state did not take it further indicating that child rights and child protection is not in their priority agenda. In fact, it only becomes a showcasing item in meetings, rallies and conferences. Ironically, except for issuing circulars in this regard, nothing has been done on ground in creating an enabling environment in educational institutions for implementing the CPP effectively. The need for moving beyond lip-service to such ideals is paramount in shaping and realizing the policy agenda inclined towards children's wellbeing and flourishing them as 'children' who have evolving capacities and are rights bearers. There is huge potential to create enabling ecologies for children and families where these entities achieve their optimum capacities and participate in decisions that matter to their lives.

<div align="center">V</div>

SUGGESTIONS AND RECOMMENDATIONS:

1: For Effective Working of ICPS Sub-structures:

The establishment of a protective environment for children requires effective knowledge and evidence base for developing contextual, appropriate and strategic measures. Dearth of data badly affects planning, the deliverance of meaningful services, policy formulation and distribution of resources. Under ICPS the provisions for research and documentation are highlighted so as to develop operational intervention policies and implement child protection programmes to cover all children. Moreover, in the State of J&K there is a strong need for availability of strong evidence

and rigorous documentation of best practices. In order to enrich schemes and policies for children, it is highly imperative to capture diversity that children across the State experience within their own contexts. The evidence can only emerge from comprehensive studies on the origins, nature and level of specific child protection issues relevant to the region of J&K like violence against children; children in conflict with the law, children in need of care and protection, child labour, infanticide/feticide, child abuse, issues of children in tribal populations like Gujjar and Bakerwal, etc.

Such an approach in ICPS structure qualifies to be called as 'evidence based policy outlook that 'helps its stakeholders make well-versed decisions about policies, programmes and projects by relying and putting to use the rigorous evidence from studies and research. This approach remains a foundation and at the core of policy formulation and implementation at both micro and macro levels. It supports a more coherent, logical, rigorous and efficient approach, and moves beyond outdated designs of inquiry to adopt a bigger understanding. Additionally, this policy, which is based on rigorous evidence, is deemed to give better results and enlightens "what works, why & what types" of policy endeavors are most effective in a particular context and given status of resources. It is highly recommended to have this vibrant MIS in ICPS to bring in more relevance and meaning into CP services for children in the State. It involves a departure away from 'decisions based on opinions' towards decisions based on 'the opinions and judgments' of professionals that are immersed in high quality, effective and dependable evidence. Thus, to have evidence based policy in Child Protection System in our State it is necessary to have high quality practices of data management and detailed documentation across various sub-structures in ICPS/JJS.

Shortage of Reliable Data on Child Protection Issues in J&K:

It is being recognized that at present there is critical dearth of reliable data and information relating to issues child rights and protection in J&K. Due to this gap, the gravity of CP issues and concerns is not clear and there is no

comprehensive understanding about the services needed to address these problems. In such a scenario, the dimensions of any problem remain faded like nature & extent of services required for children, number of children who actually require care and support, and allocation & prioritization of funds and resources. Thus, it is indispensable to develop a IT-facilitated data management system on child rights and protection by setting up a resource and research base for child protection issues and functional structures for reintegration and rehabilitation. Such systems are complex and demanding having identical data entry procedures and unified systems for facilitating data management and documentation through effective use of web-enabled software. In this way, the need of the hour is to provide detailed, accurate and contextual information concerning to the child protection services and allied delivery agencies or units in a district. Using this evidence, Districts and State Government will be able to frame policies on situation of children, a broader picture of requirements and need of child protection services.

Effective Monitoring:

As mandated under ICPS that monitoring carried out at district and state levels be ensured by putting in place at each level, a consistent format and effective set of input, output and outcome indicators. Thus for evidence and research based monitoring it is important that structures are supported by an automated management information system. Such mechanisms for monitoring are crucial to enhance child protection system performance at different levels.

Lastly, it is important to note that generally policymakers are under huge time pressure, as well as political pressure, to be seen as 'doing something or engaged with work', and are, therefore, forced to process information fast which often result in making compromises and ultimately paving way for bad or regressive decisions. The similar thing may have happened in the aftermath of Nirbhaya case which led to a strong media and public pressure to amend the Central JJ Act and making provision for treating juveniles (between 16-18 Years) accused of heinous crimes, as adults, outside the

realm of Juvenile Justice. Majority of child rights activists believe that such a move is in-fact regressive and actually misses wood for trees. Had the policy-makers and other stakeholders looked for evidence rather than getting swayed under irrational public and media pressure, this legislative regression in Juvenile Justice would have not taken place in India. It is high time that we realize the importance of MIS in child protection across diverse regions in our context and tirelessly works for its development and implementation.

ICPS in J&K must strive to develop an operational and relevant system for child protection monitoring, data management and reporting. It is also envisaged under ICPS to have a IT- or Web based system in place which tracks children in care settings and also to have live database of all child protection services, sub-systems and multiple-stakeholders. In other words, the system is an information management and monitoring mechanism that compiles information about children and various issues surrounding them.

2: For Enhancing Standards of Care in CCIs:

Following are some of the suggestions and recommendations for ensuring better coordination between the functioning of CCIs and mandate of the JJ Act:

- ***Recruitment of Professionals within CCIs and Capacity Building of staff:***
  Before enhancing capacities of staff in CCIs, it is prerequisite to ensure that CCIs across J&K recruit and engage professional and competent care-givers and personnel within their institutions, As it was also brought to fore in the preceding sections of this report that there is lack of professionals and trained staff in CCIs, it, thus, becomes essential to start building capacities of the available staff within CCIs and formulate training modules in local languages.

- ***Resource Mobilization for Supporting Registered CCIs:***
  Fund raising and resource mobilization, both within Govt. and Civil Society, would be instrumental in putting in place the required services and infrastructure for Children within CCIs. It is understood that it requires huge

budgetary allocations to set-up all the services with CCIs as mandated under JJ Act. Such allocations may not be possible for any Govt. and if at all it is, it happens only in phased manner. Thus it is emphasized that Civil Society organization, Communities and Non Govt. Organizations be mobilized to garner support and resources so as to build minimum standards of care and protection in CCIs and ultimately aspire for quality services in consolidated and synergized manner.

- *Enhancing the Role of DCPUs/JJBs/CWCs in Monitoring and Supervision of CCIs:*

    The respective DCPUs/JJBs/CWCs are fundamentally responsible for building a strong mechanism of monitoring and supervision of CCIs within their jurisdictions. It is highly important that these JJS/ICPS sub-systems work in coordinated ways and work together to ensure that standards of care and protection are followed in letter and spirit and that malpractices in any CCI/s are dealt on priority and with zero tolerance.

- *Putting in Place CP Management Information System*

    The Child Protection Management Information System would be highly useful in monitoring and supervising CCIs across J&K and more importantly it would be instrumental in tracking the progress of each child residing in any CCIs. Thus, it is strongly recommended that CPMIS for J&K be developed and implemented on priority so as to facilitate efficient monitoring of the activity and progress of each child residing in Child Care Institutions and also ensuring that standards of care and protection as mandated under JJ Act are in place. Such IT-based system can give real time assessment and consolidated picture of the Status of services within CCIs.

- *Understanding the Law:*

    There were concerns about the understanding of the Act by the people working on ground. There were certain requirements under the Act that the CCIs seemed to be unaware of. Once the mandate of the Act and a proper in-depth understanding of the purpose behind it is not made clear to these functionaries, it is least probable that any substantive change can be brought

on ground. It was desired that some sessions to be conducted on the Act and the comprehensive Rules thereunder. It is imperative to not only talk about the legal provisions but also make them understand the purpose and the philosophy behind having the law and its related provisions. Focus on the concept of right of the child, his best interest and the like need to be discussed threadbare in order to help the functionaries under the reason for the approach the law wants them to follow. Once they have understood the philosophy behind the concept of child protection and restorative justice, they will be better able to follow the law not only in its letter but in its spirit as well. Further, by understanding these deeper concepts, philosophies surrounding child rights, the functionaries will be empowered and enabled to use the principles in various other situations that may not be expressly discussed under the Act but which nevertheless form an important part of the process of implementing the Act effectively and in the longer run of child protection.

The concerned legislations, Rules, orders, circulars etc. need to be made available to the CCIs in simplified manner, apart from the formal government communication of the same.

- *Translation of the documents:*
  The legislation along with the Rules, and related circulars, orders etc. need to be made available to the CCI functionaries in the local language easily understood by them. The unavailability of the same can prove detrimental to the proper and effective implementation of the Act.

- *Emphasis on Individual Child Care Plan:*
  The Resource persons time and again spoke about the importance of the "Individual Child Care plan" under the Act and its importance for reformative justice. However most of the CCIs, apart from a few, have been following a generalized approach towards the children without understanding the detrimental impact it can have on children running the risk of non-fulfillment of the Act's purpose and requirement. Little focus seems to be made on the emotional and psychological wellbeing of the child and more on fulfilling the basic requirements of food, clothing and shelter.

In this scenario, it is important to hold sessions on the importance of individual child-care plans and looking at some of the best practices in the area that can be emulated in a modified form in the state. The need for a counselor needs to be stressed upon to keep a check on the emotional and psychological wellbeing of the children. Lack of resources has been cited as a major concern by the CCIs blaming the government for a laid back approach. This brings me to the next point.

- *Trainings on the better functioning of CCIs:*

    Workshops and sessions need to be conducted on how CCIs can function more effectively. It will include, but not be confined to, conducting sessions on how to get access to volunteers from different professional backgrounds, students and the like to reduce their cost on permanent staff remuneration; on how to raise funds from various sources- like companies under the CSR Scheme, or individual philanthropists etc. to make such institutions self reliant and not looking for government support which is unlikely with the number of CCIs functioning compared to government's budgetary constraint. Sessions with the concerned government department, like the Social Welfare Department, on how they can help these institutions with the various government schemes. Sessions should also be held with government departments how they can help these institutions with providing vocational training for the children in order to fulfill the purpose of restorative justice through economic independence.

- *Refresher courses at regular intervals:*

    While regular training sessions are provided to the JJB/CWC staff and other government functionaries dealing with juveniles, Children in Need of Care and Protection (CNCP) seem to be of lesser focus. Regular training and refresher session for institutions working with CNCP would go a long way in implementing the Act effectively, in letter and spirit. This however, in no way suggests the training for functionaries dealing with Juvenile in Conflict with Law is to be ignored since these juveniles are at a higher risk of abuse and are equally entitled to their rights protection.

3: For Effective Implementation of Child Protection Policy in Schools:

It becomes essential to make recommendations and suggestions for ensuring a proper implementation of the Policy and put forth a way forward for all the concerned stakeholders to give shoulder to the wheel and facilitate implementation of the Policy in letter and spirit. In other words, duty bearers under the Policy must be made accountable to fulfill their obligations and right holders (children) must be empowered to demand their rights.

Thus, it becomes imperative to put forth the following suggestions in this respect.

- *Renew Commitment of Governments and Authorities:*

It is important to make governments and authorities commit to ensure holistic protection for all children in schools and renew their motivation for implementation of CP Policy in educational settings across all the districts. It is necessary to take on board and consult administrative authorities (Commissioner/Secretary to School Education), Directorates (Kashmir Division and Jammu Division), District Authorities like Chief Educational Officers, Zonal Education Officers, etc. at their own levels. Such an approach had a great potential to refurbish their respective commitment and motivation in making the CP Policy work with their jurisdictions. It is also important to convince authorities to issue new circulars/directions with regard to CP Policy in schools.

- *Training and Capacity Building of Key Officials and Stakeholders:*

Training, building capacities and sensitizing Chief Education Officers and Zonal Educational Officers in first place is essential to build a sort of ownership of the CP Policy. It could be followed by the training and capacity building of principals, teachers and other staff, which is essential for actually implementing the Policy at school level. The training centres (DIETs) at district level, which are backbone of training infrastructure in Education System of the State, need to be roped in for training and building capacities of staff on implementing CP Policy and sensitizing stakeholders

regarding Child Protection issues of children in educational settings. It is of paramount importance to develop relevant training modules for School staff and integrate such modules in the induction and refresher courses being conducted at DIETs.

- *Creating Mass Awareness about Child Rights and CP Policy:*

All students and teachers should get an idea about the existence of CP Policy within educational settings. Mass awareness campaigns should be planned to circulate basic notions of child right and also provisions of the CP policy across all the stakeholders, especially teachers and students. The use of social media and other platforms having regional and cultural significance in the region could be effective in disseminating appropriate and timely information to child, families and other stakeholders.

- *Promote open discussion of child protection issues with in Schools.*

Educational settings have to be made hub of open discussions on issues that concern children and their protection. Such open discussions are essential to devise harmonized, shared consensus required for mass-level understanding and awareness of issues. It also facilitates positive changes in attitudes and behaviours among teachers and students. Protection failures should be acknowledged, and an empowering settings should be setup to allow young people to discuss their issues and concerns within their peer groups at school and in neighborhoods.

- *Promote meaningful child participation and empowerment.*

Encouraging children to engage with those issues which are critical to their empowerment as active and independent actors in their ecologies is need of the hour. The focus must also be on participation and engagement through life skills, peace education, interpersonal communication, and programmes to curb all tendencies which are stigmatic and discriminatory. Moreover, their participation is paramount in varied practices and in exploring solutions to issues that may block their progression and development in families, schools or neighborhoods. .

- ***Strengthen the protective role of Schools within Communities:***

Educators and other staff in schools need to be engaged in training and sensitization programmes that address gender bias and increase their understanding of child psychology and development. Those activities need to be promoted that encourage non-violent forms of discipline. Schools can substitute the protective environment by way of introducing innovative and effective ways of services like community services, voluntary work and involving children in school campaigns endorsing the abolition of all forms of violence and exploitation against children.

- ***Linkages with ICPS JJBs and CWCs:***

As District Child Protection Units, JJBs and CWCs are in place in all the districts of Jammu and Kashmir, it is of great help if communication between DCPUs/JJBs/CWCs and District level authorities in School Education like CEOs/ ZEOs is enhanced on matters of building awareness in schools with in their respective jurisdictions. It will greatly influence the school environment if weekly or likewise session are held in morning assemblies of schools with support from JJBs/CWCs and ICPS structures.

- ***Need for powerful social action and potent advocacy***:

It becomes inevitable to initiate social action where-in diverse stakeholders, groups and agencies are taken on board to bring motivation back into the relevant authorities so that the CP Policy is valued and seen as indispensable for school system in J&K. Preventing and responding to issues of children in schools is crucial if children's rights as outlines in the UNCRC are to be guaranteed. Abusive practices against children have a dangerous potential to throw them into spiral of deprivations, which haunts their lives forever and makes an irreparable damage to its agency and wellbeing. By contrast, where children are protected in enriching settings, their health, education and wellbeing are enhanced as well as their capacity to immensely payback to society. This study shows that there is hardly any progress in implementation of CP Policy in schools. When there is hardly any awareness among teachers or students about the Policy, it is unthinkable to expect any sort of implementation. Although, the CP Policy has been

conceptualized five years back with earnest support from senior officers of School Education Department J&K Government yet its penetration to field functionaries has been abysmal and almost zero. There is hardly any sensitivity in school level functionaries with regard to issues and concerns of children. The whole system seems to be unresponsive which is greatly disturbing and calls for action on this in systematic, holistic and powerful manner and for incisive mobilization and action at all levels.

VI

Concluding Discussion:

Moreover, it is worthwhile to mention that the State in J&K has greatly been influenced by the socio-political context that has been prevailing in the region. This context has immensely altered everything that has come its way, i.e, the State, government apparatuses & its institutions, native people and their ways of life. As a consequence of these complex processes, children have not been immune to resulting adversities and rather have been witnessing ruptures, breaches and breakdowns in their everyday lives. The government's misplaced approach amidst this complex crisis at diverse levels has only relegated the crisis to next generations in the region, and thereby creating situations that define and govern the functions of its institutions. Through this stance it works to draw legitimacy as well as consent from the local people which in no ways is simply achieved. Infact, the state in the region has to assume paradoxical roles to remain viable and to manage its rightfulness. This understanding can be demonstrated, to a large extent, by refereeing to the inferences drawn from data and narratives presented in the previous chapters of this thesis. The major findings of this research activity discussed in Chapter 3, 4 and 5 can be supplemented to fortify the above argument. The failure of many ill-conceived children-related programmes in sectors like education, nutrition, child protection, juvenile justice, child safety and survival, etc makes it more clear. The situation underlined below maps some of the serious concerns that people in general and children in particular confront while negotiating their lives and experiences in the region.

For instance*,* poor quality of education, lack of buildings, libraries, drinking and toilet facilities in schools run by government; significant population of children out of school due to varied reasons like non-availability of schools and other facilities within their neighborhoods or local regions, poverty, marginalization or backwardness; around 149% increase in child labourers in the last few decades; increasing child malnutrition in excluded and deprived sections of population like Gujjar, Bakerwal or others belonging to lower socio-economic groups; the declining sex ratio in the region is alarming pointing towards the gaping gender based inequalities and deprivations. Similarly many other negative situations have overriding influence on any welfare or developmental initiatives for children in particular. For instance, maltreatment and torture of children & young people within custody of security forces, police or other illegal militant groups; no adherence to juvenile justice or child rights standards for children in conflict with law; no quality standards of care in child care institutions for child in need of care and protection; detention of child and adolescents illegally or under Public safety act and other harsh legislations without proper legal or judicial access to justice; physical and sexual abuse and exploitation in police custody; non-deliverance of justice after violations of human rights and the resulting sense of lawlessness and despair in people accentuates marginalization and suffering of victims. In this conundrum, this State has to bear normative and usual responsibilities of governance and at the same time justify its existence in legal and reasonable manner along with its depiction as a benevolent entity for the masses. It may also be an interesting thing to note that that these paradoxical characters overlap in complex manners and congeal into a unified and dominant entity leaving very little scope for its deciphering or decoding. It is in this context argued that the state and other actors have used violence, directly or indirectly, to *create* situations of adversities for children that inflict suffering and misery on them. Such adversities expose children to numerous vulnerabilities that endanger their survival, health and over-all well-being. Second, these precarious conditions prepare ground for the state to again intervene, in a different way, in children's lives, not as a perpetrator but as a 'provider' of welfare. The state is also seen as

partnering with INGOs by *delegating* child welfare to these foreign agencies in order to create rhetorical show among general masses that 'something is being done for children'. These are the critical point where state's violence meets state's welfare in Kashmir. Further, in its hardened stance on the space of childhood as being its domain, a modern state regards itself as sole authority to determine what is in the best interest of *'its'* children. On the similar pattern, the State policy and practice vis-à-vis children in J&K has been uncritically swayed to adopt the 'modern' notion of childhood' where it is seen as the 'unitary natural phenomenon and 'a monolith' while seriously undermining its situational and cultural dimensions. These ideas have got institutionalized and 'universalized' through various socio-economic, cultural and political institutions without any attention being paid to gaping socio-economic inequalities, deprivation and poverty experienced by diverse sections of population in the region including STs, minorities and other vulnerable groups. Any arguments or assertion against this narrative of the State is seen as deviance, irresponsibility, backwardness or failure on your part. The influence of INGOs and other non-state actors working in J&K has been crucial in homogenizing the notion of childhood among state institutions and polices. These agencies have propagated their prioritized conceptualizations in line with their covert or overt agendas, and the same have been uncritically adopted by policy makers in the government. These guidelines/polices are thrust down and take very little time to reach to grassroots where uncritical foot-soldiers of government religiously implement or seek compliance from the masses. Unsurprisingly, these decontextualized and hegemonic policies and programs fail to achieve anything substantial as targeted beneficiaries find it irrelevant and unrelated to their felt needs and lived experiences. These observations reemphasize that the modern constructions of childhood is a product of free-market, liberal capitalism and the emergence of 'modern nation-states' with its accompanying authoritarian 'child-focused' institutions.

Nonetheless, the institutions of state are uniquely seen as having capacity, though finite and less than wholly adequate, to respond to any human

necessity. It is unwise to neglect this part of the State's story and rationality lies in defending and appreciating these limitations, and supporting to redress what is missing in state's welfare work and policy. But when it comes to the other part of this state, that is *ruinous state*, human mind is confounded and yet convinced to accept that 'violence' is the core of this 'State' with a unified, powerful and dominating institutions to control and regulate its subjects. Whether the State takes up the *former* definition of its roles and functions or the *latter* one, it majorly defends on the context it is supposed to function in. In the context of an armed violence and political strife, as political theorists argue, the State enforces the *latter* definition on its roles and functions. In J&K more or less the State has been more inclined towards the same. The case of child welfare and child protection in this region has made it more obvious and noticeable. The intentional persecution and brutalizing treatment of children by State and other armed agencies has had different motives at its core. The suffering inflicted on people by perpetrating violence against children, is used as a political weapon by the agencies to create an air of fear and collective fear-psychosis among groups and fundamentally to weaken the on-going so called *"peoples' movement"* in the region (Junaid 2013; Zia 2020). Children have been arrested; killed or orphaned; made targets by armed-groups; many tortured and having faced 'degrading' treatment especially at a time when Child Protection Systems in the region were at its weakest. (Hussian 2007; ACHR 2010a; Rashid 2012).

The rights and entitlements of children including access to progressive learning, & education, food programmes and public health & medical services and recreation have not been delivered sufficiently. It has resulted in hampering the development trajectory of children especially in the context where the State is overburdened by law and order situations (NCPCR Report 2011).

The situation has been worsening after the enactment of Armed Forces (Special Powers) Act, 1958 (AFSPA) was extended to Jammu & Kashmir w.e.f July, 1990, which empowers the security apparatuses to take custody, detain, conduct searches and seizures notwithstanding the age or other

sensitivities guaranteed under different progressive legislations. In absence of a proper and effective Juvenile Justice or child protection systems the situation for children is bound to exacerbate. In absence of a proper and effective Juvenile Justice or child protection systems the situation for children has been exacerbating. Such practices on part of security agencies have drastically increased since 2008 as the participation of children and youth in political protest has also exponentially increased. A report published by the Centre for Dialogue and Reconciliation (2011) critical notes that almost 70 percent of children that had died in 2010 summer were from relatively poor working class backgrounds and whose parents were either farmers, labourers or having very low land holdings. The report reiterates that strife in the region is assuming newer and complex dimensions that are in-turn exposing children to diverse forms of vulnerabilities and risks.

Apart from that, a survey conducted by JKCCS (2006) in two Districts (Baramulla and Badipora) reveals that 392 children, including 43 girls have been killed among the total 5106 casualties since political strife in 1989 to 2005. It further reports that killings of children in these said regions from 1989 to 2006 constitute 8% of the total killings. In its 2006 report on J&K, *Medecins Sans Frontieres* (Doctors without Borders) reported that a larger proportions of people in J&K have witnessed sexual exploitation and violence than in conflict situations like Sri Lanka and Sierra Leone, which includes huge percentage of children who have sexually abused and victimized. In October 2019 three minor boys arrested by police on charges of 'stone-pelting', accused a police officer in Srinagar of forcing them to sodomise each other in custody. The lawyer in bail application had drawn a parallel with the alleged torture in Iraq's Abu Ghraib prison (Raina 2019). Similar incidents have been reported in media, especially since 2000 (Chatterji 2001; Irfan 2010; Rashid 2012; JKCCS 2017; APDP 2019). Moreover, the psychosocial impact of these violations is paramount and debilitating especially for young people. As discussed in Chapter 3, the Shopian Rape and Murder case, created fear psychosis among women of the area, particularly among young girls. The everyday life of these girls

seemed changed for all times to come. The impact of the incident on psycho-social environment added diverse pathologies- psychological, emotional, economic and political, to the lives of people. All the social institutions, as if, collapsed and life came to a standstill. This is what remained visible and much of the impact remained hidden and unexplored. Likewise, in 2019 eight children were killed in various incidents of violence, as children continued to suffer due to state violence in J&K. The rampant use of pellet guns has continued till date since 2010. Thousands of people have received serious eye injuries due to pellet firing including a 20 month year old girl child of Shopian (Perrigo 2018; JKCCS 2019; APDP 2019).

As discussed in the previous part of this thesis, the foundations of child protection policies in J&K have majorly undermined the regional, political and cultural context of children in the J&K. It may precisely be the reason that schemes like ICPS and CPP in Schools are still struggling to make any headways even after being in place for 5 to 7 years. Of course, there are many other factors that need to be mentioned as to why these progressive schemes could not significantly find owners within the communities or beneficiaries. For instance, the recruitment of staff under ICPS in J&K has been the most unfortunate accident that child protection system could have had in the region. The guidelines and criteria[1] for recruitment of ICPS staff were not followed in any way by the recruiting body[2]. Finally, the staff which was selected for the positions like Child Protection Officer, Social Worker and Counsellor for DCPUs had no professional qualifications to be fit for the job as per the ICPS guidelines. Instead, it has been observed by the researcher himself that the majority of the selected candidates had done degrees in academic disciplines like Urdu, History, Political Science, Management etc. It has been observed that very few ICPS personnel in J&K had degree in Social Work, Psychology, sociology or there relevant fields. When the institutions do not follow professional guidelines and do not have

---

[1] See www.jkipcs.in notifications for different positions. (Retrieved from internet on Feb 2019)
[2] Deccan Herald (May 9, 2019): ICPS proves a damp squib in J&K due to official apathy. (Retrieved from internet on June 12, 2019).

professional people to do their respective jobs, it is not wise to expect desirable results out of any flagship programme or scheme. It has also been widely reported that the J&K Government has failed to implement the ICPS scheme in letter and spirit. Such a callous approach has forced the Central Government to reduce the annual allocation under ICPS scheme for J&K. In 2018 the relevant Union Ministry categorically blamed the administration of J&K for not submitting any proposal for release of grants and thus resulting in huge lapse of funds and subsequent reduction in annual allocation. It is being estimated that J&K has lost funds to the tune of Rs 100 crores in the last 8 years (Kuloo 2018). This administrative failure of the State seems to be willful, thereby depriving thousands of vulnerable children in J&K of their rights, wellbeing and quality life. Out of the researcher's personal experience, it is worthwhile to mention that majority of the funds and resources under ICPS have till date been spent on trainings and capacity building workshops. There is no doubt that training and capacity building activities are crucial for staff development of any organization. But it is very essential to plan and execute such trainings in a meticulous and professional manner rather than having a crowd of 200 more people with a *foreign* resource person in a hall of expensive hotels, bragging about alien frameworks of CP practice. In other words, such ill-planned trainings have hardly any dividends except for diverting huge funds towards expensive hotels, food and glossy conference paraphernalia. This argument take us further to point out that institutions in the region seem to malfunction at the behest of those who regulate or control it. This malfunctioning may be typical of the modern states in third world contexts which generally witness a barrage of decontextualized policy frameworks being supplied to them through non-state actors including global rights or aid agencies.

The direct impact of law and order policies on children in J&K, as descried in the Chapter 3, testifies that State acts as 'perpetrator' against children Especially, in the last decade children and young people in J&K have been on the fore-front of public protests or incidents of armed violence. Moreover, there has been a sharp upsurge in joining militant ranks by teenagers and young people. It has been reported by security agencies that

young people across the Kashmir valley join militant groups or work with them as upper-ground workers majorly belong to an age-group of 13 to 25 years. Also, the public protests in J&K, violent or peaceful, are generally galvanized by participation of children who often turn to stone-pelting or other means, when such rallies and protests are thwarted by security agencies. Also, there is significant evidence (Doty 2010; Beristain 1996; patel et al 2007; Nandy 1987; Boyden 2002; Prout 2007) that children do capitalize on their agency and resilience when exposed adversities or difficult circumstances in their lives. In similar situations, the present research has observed children as keen to behave as active agents for overcoming adversity, resolving problems and exploring alternatives; who protect their self-esteem; and who actively manage their social interactions, that in turn enhances their resilience and coping mechanisms. The level of tension and stress in children's social ecologies in the region is being negotiated well by majority of children. The self-defeating and self-destructive responses are prevented by consciously exploring alternative and developing survival strategies to face adversity. But it is paramount to mention that the response of the State apparatus to this agency and active participation of children has been disproportionately violent and brutal. In the recent past, hundreds of children and young people have got killed or injured in tear-gas shelling and pellet-gun firing. There have been numerous instances also where child-militants have been killed in encounters with security forces (Romana & Bhat 2018; KW 2018). The security agencies do not generally respect any juvenile justice standard, whether local, national or international, especially at times of encounters with militants and other operations in the region (KW 2018; Perrigo 2018). There is chronic neglect on part of the state agencies in preventing young people and children from joining armed groups or bringing them back into civilian life after joining militant ranks. In fact, progressive legislations like JJ Act and other laws are withheld or suspended for these children whose childhood is captured within an exception to face sovereign power without the arbitration of justice and legal rights. Children in conflict with law (CCL) are generally treated in similar manner as other accused adults or criminals. There is chronic dearth of progressive and positive attitude in State agencies towards

CCL. These agencies fail to realize that the situation and context in which these children grow or experience their lives. The socio-cultural and political factors that shape their childhood does not carry any weight in the State's security narrative. The labeling and projection of CCL as a monolithic category of 'stone-pelters' not only deprives such children of their social position and identity, but leaves very little scope for their rehabilitation and reintegration as envisaged in Juvenile Justice system. There have been numerous instances in previous two decades where the same 'children', who had been labeled and caged in the timeless category of *'stone-pelters'*, later on joined militant groups and got killed in encounters with government forces (Rashid 2012; Das 2018; JKCCS 2015-18). The government is unable to function without being transformed into 'a lethal machine' (Agamben 2005). It extends a *'State of Exception'* on *such children* in J&K where it assumes sovereign powers to kill, monitor or control them. The state normalizes and transforms the *'exceptional measures'* into a regular *'technique of government'*. This paradigm of *'governmentality'* adopted by the militarized and bio-political State in the region is being justified in the name of bringing normalcy and peace, disregarding human rights especially the right to protection and right to survival of children. In other words, the state, by enforcing 'exception' on the category of children and by using the 'space of childhood' takes on an identity of a perpetrator to meet its own political interests. The invoking of the legislations like Armed Forces Special Powers Act, Public Safety Act or Disturbed Areas Act into Kashmir by the State makes this ruinous identity of the State more manifested in the lives of children and young people of the region. More so, the 'shrinking State generates insecurity complexes so as to rationalize its militaristic approach in implementing of laws and policies on ground. Further, it is of great academic interest that besides the role of State as *perpetrator*, it has parallel aspirations for child welfare and child rights. That is, the State assumes now a role of a *'provider'* in intervening into the lives of children and capturing the space of childhood that reflects an array of paradoxes in its practice. It is here where this paradoxical state uses *child welfare* for declamatory and strategic use to capture imagination of the general masses and to humanize its identity. In

achieving this, the State also acts as a *'partner'* with INGOs or other civil society networks and puts to use these 'cultural organizations' (Gramsci 1971) to manufacture *consent* among general masses in favour of the *provider*, i.e the State. As discussed in detail in the previous chapters, the State in J&K has delegated this sector of child rights and child welfare to INGOs and CSOs to absolve itself of the actual responsibilities and duties it has towards children and their families. In fact, it has unleashed a critical realm of socio-political activity through civil society in an implicit way. Though, the nature and engagements of this deep activity vary across time and space, and between regions and communities. Its conceptualisations and interpretations are complex which are elusive and outside the common understanding of people. In fact, a multitude of CSOs or INGOs align their programmes in such a way that these tend to the same "end-initiatives and activities", which reflect the same political and cultural authority of the State. As Gramsci states points out that this supremacy and hegemony of this State belongs to private forces, to civil society which is nothing but a state-idea itself. (Gramsci 1998:261). Many of the contemporary studies (Hall 1995; Pierson 1996; Kaviraj and Khilnani 2002; Cohen and Arato 1992; Chandhoke 2003) on the relationship between State and civil society have elaborated the way and means of State's withdrawal from welfare, public development and social security and how the remaining space has been handed over to non-government entities like INGOs, CSOs, etc. (Seethi 2009; Fukuyama 2001; Diaz 1997). Especially, in the recent decades, INGOs in child welfare have been empowered to transpose the very State from its development and welfare agenda (Rudolph 2000; Wickramasinghe et al 2009). This rearrangement of regimes has led to easy imposition of neo-liberal policies across the nations especially in the contexts of armed conflict or complex emergencies where civil society is instrumental in crystallizing social and political consciousness (Gramsci 1998). Children have been the most affected populations of this new version of the practices of State (Ayers 2006; Boyden 1999, Williams and Young 1994).

Triple-P Paradox:

In this context, children in J&K having been experiencing a conflict emergency for decades now seem to be witnessing a State which is complex in its approaches and practices. It is being argued that the State in relation to children in J&K enforces a *dialectical paradox* on itself by being *a perpetrator of violence*, *a provider of child welfare* and *a partner of INGOs* at the same time. The dialectical paradox enables this State to flip-flop its identities of 'perpetrator', 'provider' and 'partner' (triple-P) and thereby, derive its legitimacy amidst a conflict situation in the region. It functions and intervenes in the lives of children and their families by adopting these conflicting identities where-in this *triple-P paradox* maintains its power and authority and also neutralizes any form of contestation or resistance from the native people or children. The structures and institutions of this post-Enlightenment State are masterly configured to translate 'state-goals' into 'public-aspirations'. Any attempt of challenging its legitimacy invites acrimony of this super-structure which thwarts all forms of resistance, *just* or *unjust*. In other words, the state uses different processes and activities to intervene into the lives of peoples and to manufacture their consent in favour of the state. Unsurprisingly, in all these processes 'children' are seen by the State and its institutions as political subjects of manipulation, regulation and control. This paradoxical understanding of State in J&K has been more explicit after August 5, 2019 decision of Indian parliament to scrap the controversial Article 370 that guaranteed so called 'autonomy' to the State of J&K. Also, the decision of splitting the State of J&K into two separate Union territories of J&K and Ladakh has also been seen by many political commentators and activist as unilateral and oppressive (Kuchay 2019; Lalwani and Gayner 2020). The recent regression in State's policy is also witnessed in winding up of various Commissions including the Jammu and Kashmir State Information Commission (SIC), State Human Rights Commission (SHRC) and State Accountability Commission and Consumer Commission. Though, the government at the Centre has been projecting this major decision as a great historic step towards regional empowerment and national integration of J&K and its people. It is a fact that time will only

prove which narrative is correct. As far as the current research point is concerned, it is worthwhile to mention that obliteration of democratic and political space in the region is seen as another way of perpetrating structural violence where the representation of people has greatly diminished and local bureaucratic and administrative apparatus is tightly controlled from the Centre. In the end, it is plainly argued that the time for resolution of political conflicts in the region like J&K is overdue. All the stakeholders, chiefly in the governments, need to rise above narrowly-conceived interests and work for restoring '*welfare and development identity'* of the State in Jammu and Kashmir. It would in real sense pave ways for ensuring *happy childhood* for children in the region. Of course, these things are easier said than done especially in the present global order where the States work within constricted ethnic, political and economic range. Yet, hope is beautiful, big and dominant. This study may be a small ray of light that illumines us to reflect and act upon the world in order to transform it for betterment of the children of Jammu and Kashmir as they '*are'* and as they will '*become'*. The '*Happy Childhood'* ought to be restored and integrated into the social ecologies of children across the regions of J&K. The *Model of Happy Childhood (Annexure I)* may be a present a tentative road map towards restoring '*happiness'* into the lives of children in Jammu and Kashmir. The Model is ambitious in proposing that the State and other stakeholders in child welfare work for Survival, Health, Protection and Education of all children in the region. It is founded on three fundamental premises that includes working for resolution of all political and regional conflicts, commitment of government and other agencies for prioritizing child welfare and wellbeing and ensuring transformation of state Child policy goals into concrete policies on ground. Having said this the Model draws attention towards of the Government to put children-in-need-of-care-and-protection (CNCP) and Children in Conflict with law (CCL) on high priority list. It needs to ensure family strengthening and empowerment of marginalized populations including Gujjar, Bakerwal and other lower socio-economic groups. The State needs to prioritize primary health care with special focus on early childhood care; nutrition and hygiene of children

within families. It is proposed to focus on strengthening of school health programme. In the field of education, it puts emphasis on revitalizing primary education across government schools with special focus on early childhood care. In achieving this it is necessary to train and build capacities of teachers and other allied stakeholders to create child friendly, safe and sensitive settings at all levels. For this, strengthening of child protection system is crucial and also bringing all child care institutions under child protection system. The focus has also to be on enhancing life skills of children and build their resilience and capacities to positively engage with adversities or disasters. The processes of research, advocacy, linkages and awareness need to go hand in hand which are instrumental for informing policy and in turn making policies meaningful and relevant for communities and families. At this conclusion it needs to be reemphasized that struggle to deliver basic rights to all children must continue and we must include and empower all children to contribute effectively in making decisions that influence their lives, now and in future.

Bibliography and References:

Abdulkader, T. 1995. Islamic Resurgence in South Africa: The Muslim Youth Movement, Cape Town: University of Cape Town Press.

Abdullah, I. 2005. *'I am a Rebel': Youth Culture & Violence in Sierra Leone,* in Honwana, A & De Boeck, F. (Eds.), *Makers and Breakers: Children and Youth in Postcolonial Africa.* Africa World Press.

Abrams, P. (1988): "Notes on the Difficulty of Studying the State", *Journal of Historical Sociology*,1(1), pp 58-89

Abrams, P., 2006. Notes on the Difficulty of Studying the State. *The anthropology of the state: a reader*, 1, pp.112-130.

ACHR. 2010. *India Human Rights Report Quarterly.* Asian Centre for Human Rights, July-September 2010(1).

Action Aid 2008. *Treating Post-Traumatic Stress Disorders in Kashmir*; Action Aid International, India.

Action Aid 2009. Providing Comfort in Conflict: ActionAid Provides Food and Medicine in Kashmir, *ActionAid International Emergency Page: www.actionaid.org/what/emergencies*.

Agamben, G. 2005: "*State of Exception*", The University of Chicago Press: Chicago.

Agamben, G. 1995. We refugees. In *Symposium: A Quarterly Journal in Modern Literatures* (Vol. 49, No. 2, pp. 114-119). Taylor & Francis.

Allott, P. 2005. Law and War: A Sinister Partnership. Proceedings of the Annual Meeting of *American Society of International Law*, Vol. 99:203-207.

Amin, A. & Rashid, S. 2010. *Shopian 'Rape and Murder': What it means to the Young Girls of the Area*. Report prepared for ActionAid International, Jammu & Kashmir.

Amin, S. 2000. *The Future of Global Polarization*, in Johannes Dragsbaek Schmidt

Amit, V, & Wulff, N. eds. 1995. *Youth Cultures: A Cross-Cultural Perspective.* London: Routledge.
and Jacques Hersh (eds.), Globalization and Social Change. London: Routledge.

Anderson, M. 1980. *Approaches to the History of Western Family: 1500-1914.* London, MacMillan.

Aptekar, L. 1989. Characteristics of the Street Children of Colombia. *Child Abuse and Neglect* 13: 427-437.

Arendt, H. (1958). *The human condition*. M. Canovan (Ed.). University of Chicago Press.

Aries, P. 1962. *Centuries of Childhood*, London, Jonathon Cape.

Ashley, K.M. 1990. <u>Victor Turner and the Construction of Cultural Criticism: Between Literature and Anthropology</u>, Indiana University Press.

Ayers, A.J., 2006. Demystifying democratisation: the global constitution of (neo) liberal polities in Africa. Third World Quarterly, 27(2), pp.321-338.

Barakat, S. & Wardell, G. Exploited by Whom? An Alternative Perspective on Humanitarian Assistance to AfghanWomen *Third World Quarterly*, Vol. 23, No. 5:909 930.

Barfield, T.J. 1997. *The Dictionary of Anthropology*. Oxford: Blackwell.

Barnett, M. 2005. Humanitarianism Transformed. *Perspectives on Politics*, Vol. 3, No. 4:723-740.

Baru, R 2010. School Health Services in India, Sage Publications.

Bates, T. R. (1975): "Gramsci and the Theory of Hegemony", *Journal of The History of Ideas* 39(2), pp 351-66.

Belloni. R. 2005. Is Humanitarianism Part of the Problem? Nine Theses.. *BCSIA Discussion Paper* 2005-03*,* Kennedy School of Government, Harvard University.

Bequele, A. & Boyden, J. (Eds) 1988. *Combating Child Labour,* Geneva, International Labour Office.

Beristain, C., Valdoseda, M. & Paez, N. 1996. *Coping with Fear and Loss at an Individual and Collective Level: Political Repression in Guatemalan Indigenous Communities*, in Perren-Klingler, G., (ed.) *Trauma, from Individual Helplessness to Group Resources.* Berne-Stuttgart-Vienna: Paul Haupt Publishers.

Berry, J. *n.d. Children Affected by Armed Conflict in Afghanistan.* Refugee Studies Centre, Oxford University.

Billon, P. 2000. *The Political Economy of War: What Relief Agencies Need to Know*, Humanitarian Practice Network, London.

Black, M. 1996. *Children First: the Story of UNICEF Past and Present.* Oxford University Press.

Black, M. 1986. *The Children and the Nations: the Story of UNICEF.* UNICEF.

Boyden, J. & Gibbs, S. 1997. *Children of War: Responses to Psycho-Social Distress in Cambodia.* Geneva: The United Nations Research Institute for Social Development.

Boyden, J. 1997. *Childhood and the Policy Makers: A Comparative Perspective on the Globalisation of Childhood.* in James, A. and Prout, A. (eds.) *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood.* London: The Falmer Press.

Boyden, J. 1997. *Childhood and the Policy Makers: A Comparative Perspective on the Globalisation of Childhood.* in James, A. and Prout, A. (eds.) *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood.* London: The Falmer Press.

Boyden, J. & Gibbs, S. 1997. Children of War: Responses to Psycho-Social Distress in Cambodia. Geneva: The United Nations Research Institute for Social Development.

Boyden, J. & Hart, J. (eds) 2007. Special Issue: Refugee and Asylum-Seeking Children, Local and Global Perspectives' Children & Society: 24(4).

Boyden, J. & Levison, D. 1999. *Children as Economic and Social Actors in the Development Process.*

Boyden, J. & Mann, G. 2005. *Children's Risk, Resilience, and Coping in Extreme Situations*, in Ungar, M. (Ed.), *Handbook for Working with Children and Youth; Pathways to Resilience Across Cultures and Contexts*: Sage Publications.

Boyden, J. 1985. *Children in development: Policy and Programming for Especially Disadvantaged Chidlren in Lima, Peru,* report for UNICEF and OXFAM, UK.

Boyden, J. 1991. *Children in Especially Difficult Circumstances in Myanmar.* Yangon, Myanmar: UNICEF Country Office.

Boyden, J. 1994. Children's Experiences of Conflict Related Emergencies: Some Implications for Relief Policy and Practice. *Disaster* 18(3).

Boyden, J. 1997. *Childhood and the Policy Makers: A Comparative Perspective on the Globalisation of Childhood.* in James, A. and Prout, A. (eds.) *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood.* London: The Falmer Press.

Boyden, J. 2003. Children under Fire: Challenging Assumptions about Children's Resilience. *Children, Youth and Environments 13(1),* Spring 2003. Online available at: http://colorado.edu/journals/cye.

Bracken, P. & C. Petty 1998. *Rethinking the Trauma of War*. London: Free Association Books.

Bracken, P. 1998. *Hidden Agendas: Deconstructing Post Traumatic Stress Disorder.* in Bracken, P. and Petty, C. (eds.) *Rethinking the Trauma of War.* London and New York: Save the Children/ Free Association Books.

Brett, R. & McCallin, M. 1998. *Children: The Invisible Soldiers*. Save the Children Sweden, Stockholm, 2nd edition.

Braun, V. and Clarke, V., 2006. Using thematic analysis in psychology. Qualitative research in psychology, 3(2), pp.77-101.

Cairns, E. 1996. *Children and Political Violence.* Oxford: Blackwell Publishers.

Carter, C. 1991. 'We are the Progressives': Alexandra Youth Congress Activists and the Freedom Charter, 1983-1985, *Journal of Southern African Studies 17(2).*

Chandler, D. 2001. The Road to Military Humanitarianism: How the Human Rights NGOs Shaped a New Humanitarian Agenda. *Human Rights Quarterly*, Vol. 23, No. 3:678-700.

Chandhoke, N., 2003. The conceits of civil society (p. 71). New Delhi: Oxford University Press.

Chatterji, R 2001 *The Valley of Kashmir Under White Terror: A Brief Account of Human Rights Violations in Jammu and Kashmir.* Association for Protection of Democratic Rights.

Chomsky, N. 1994. *World Orders - Old and New*, Pluto Press, London.

Cohen, J. and Arato, A., 1992. Politics and the Reconstruction of the Concept of Civil Society. Cultural-political interventions in the unfinished project of enlightenment, pp.121-142.

Collier, P. & Anke, H. 1999. *Justice-Seeking and Loot-Seeking in Civil War*, Washington, DC: The World Bank/CSAE.

Colls, R. 1976. "Oh Happy English Children!": Coal, Class and Education in the North-East, *Past & Present* No. 73 (75-99), <u>Oxford University Press</u> on behalf of <u>The Past and Present Society</u>.

Comaroff, J. & Comaroff, J. 2005. *Reflections on Youth: From the Past to the Post Colony,* in Honwana, A & Boeck, F. (Eds.) 2005. *Makers and Breakers: Children and Youth in Postcolonial Africa.* Africa World Press.

Coomaraswamy, R. 2001. *Violence against Women Perpetrated and/or Condoned by the State during times of Armed Conflict (1997-2000),* Commission on Human Rights,United Nations. document E/CN.4/2001/73.

Copson, R.W. 1994. *Africa's Wars and Prospects for Peace*, New York: M.E. Sharpe.

Cunningham, H. 1991. *The Children of the Poor: Representations of Childhood since the Seventh Century*, Oxford, Basil Blackwell.

Cunningham, H. 1995. *Children and Childhood in Western Society since 1500*, London, Longman.

Curtis, D. 2001. *Politics and Humanitarian Aid: Debates, Dilemmas and Dissension.* Humanitarian Policy Group, Report 10, London.

Dar, T. A. and S. Khaki (2012): Inequalities in Literacy in Jammu and Kashmir, *Economic and Political Weekly,*

Das, S 2018 Militancy situation worsening in kashmir, experts warn. Livemint.

Davis, J. 1992. The Anthropology of Suffering. *Journal of Refugee Studies 5,* 149-161.

Dawes, A. 1990. The Effects of Political Violence on Children: a Consideration of South African and Related Studies. *International Journal of Psychology* 25, 13-3 1.

Dawes, A. and Donald, D. 2000. *Cultural Diversity and Childhood Adversity: Implications for Community Level Interventions with Children in Difficult Circumstances. Children in Adversity.* Oxford University. *Online available at: http://www.childreninadversity.org/DocumentCentre.html*.

Dawes, A. and Donald, D. 1994. *Understanding the Psychological Consequences of Adversity*. in Dawes, A. and D. Donald, (eds.) *Childhood and Adversity: Psychological Perspectives from South African Research*. Capetown: David Philip, 1-27.

De Boeck, F. 1999. Domesticating Diamonds and Dollars: Identity, Expenditure and Sharing in Southwestern Zaire (1984-1997), in Meyer, B. & Geschiere (Eds.) *Globalization and Identity: Dialectics of Flow and Closure,* Oxford, Blackwell.

Dekker, J.H. 2009. Children At Risk in History: a Story of Expansion, *Paedagogica Historica* 45(1-2):17-36. Stichting Paedagogica Historica.

Diaz, M. 1997. *Children Uprooted by War*, Relief Web, www.reliefweb.org.int Accessed: Jan. 2011.

Doek, J. 2009. The CRC 20 years: An overview of some of the major achievements and remaining challenges Original Research Article *Child Abuse & Neglect, Volume 33, Issue 11*: 771-782.

Donaldson, M. 1978. *Children's Minds.* London: Fontana.

Doty, B. 2010. The Construct of Resilience and its Application to the Context of Political Violence. *Pursuit 1(1): 137-154.*

DSEK 2011, 2012 & 2013. Directorate of School Education Kashmir, Reports and Statistics, Govt of J&K.

Edson, S. 1998. *Children's Security and Human Insecurity: Mitigating the Impacts of Armed Conflict on Civilian Children - the Rhetoric and Reality of Human Security in the Post Cold War Era.* Unpublished Thesis, University of Leeds.

Ennew, J. 1996. The Child Business: Comments on the management of International Policies for Children, *Journal of International Development 8(849-58).*

Erickson, M.L. 1979. *Some Empirical Questions Concerning the Current Revolution in Juvenile Justice"* in Lamar T Empey (ed.): *The Future of Childhood and Juvenile Justice,* University Press of Virginia.

Foucault, M. 1976. *History of Sexuality,* Editions Gallimand. (Translated from French by Robert Hurley).

Franklin, B., Bloch, M., & Popkewitz, T. (Eds.). 2003. *Educational partnerships and the state: The paradoxes of governing schools, children, and families.* Springer.

Ferguson, H., 2017. How children become invisible in child protection work: Findings from research into day-to-day social work practice. The British Journal of Social Work, 47(4), pp.1007-1023.

Fukuyama, F., 2001. Social capital, civil society and development. Third world quarterly, 22(1), pp.7-20.

Furley, O. 1995. *Child Soldiers in Africa,* in Furley, O. *Conflict in Africa* (Ed), London: Tauris Academic Press.

Gardner, H. 1983. *Frames of Mind: The Theory of Multiple Intelligences.* New York: Basic Books.

Ghobarah, H., Huth, P. and Russett, B. 2003. Civil Wars Kill and Maim People – Long After the Shooting Stops. *American Political Science Review* 97: 189-202.

Gillham, V., N., Giacacum, R., Naser, G., & Boyce, W. 2008. Normalising the Abnormal: Palestinian Youth and the Contradictions of Resilience in Protracted Conflict. *Health and Social Care in the Community*, 16 (3): 291–298.

Gilroy, P. 1987. *'There Ain't No Black Youth in the Union Jack': The Cultural Politics of Race and Nation.* London: Hutchinson.

Gobarah, H., Huth, P. and Russett, B. (2004): "Civil Wars Kill and Maim People – Long After the Shooting Stops", *American Political Science Review* 97, pp 189-202.

Government of J&K 2008. "*Socio-Economic Profile of Jammu and Kashmir 2008",* Srinagar, Directorate of Economics and Statistics, Jammu and Kashmir.

Gramsci, A. 1971. "*Selections from the Prison Notebooks",* International Publishers: New York.

Gramsci, Antonio 1998. *Selections from the Prison Notebooks* (edited and translated by Green, E. and Wessells, M. 1995. *Evaluation of the Mobile War Trauma Team Program of Meeting the Psychosocial Needs of Children in Angola.* Richmond, VA: Christian Children's Fund.

Gurr, T.R. 1970. *Why Men Rebel*, Princeton, NJ: Princeton University Press.

Gurr, T.R. 1995. *Minorities at Risk: a Global View of Ethnopolitical conflicts*, Washington, D.C.: United States Institute of Peace Press.

Hall, S. & Jefferson, T. (Eds) 1976. *Resistance Through Rituals.* London: Routledge.

Harbom, L. & Sundberg, R. 2010. Systematic data collection: Experiences from the Uppsala Conflict Data Program. In: Kristine Ho¨glund & Magnus O¨ berg, eds, Understanding Peace Research: Methods and Challenges. London & New York: Routledge.

Harbom, L. & Wallensteen, P. 2008. Armed conflicts, 1946–2008, *Journal of Peace Research* 47(4) 501–509.

Harbom, L. & Wallensteen, P. 2009. Armed conflicts, 1946–2008. *Journal of Peace Research* 46(4): 577–587.

Harbom, L., Erik M. & Wallensteen, P. 2008. Dyadic dimensions of armed conflict, 1946–2007. *Journal of Peace Research* 45(5): 697–719.

Hardimann, M. & Midgley, J. 1982. *The Social Dimensions of Development, Social Policy and Planningin the Third World*, New York, John Wiley and Sons.

Hardyment, C. 1995 (Ed). *Perfect Parents: Baby-care Advice Past and Present.* Oxford University Press.

Harkness, S. and Super, C., 1996. *Introduction.* in Super, C. and Harkness, S., (eds.) *Parent's Cultural Belief Systems: Their Origins, Expressions and Consequences.* New York: The Guildford Press.

Hart, J. & Tyrer, B. 2006. *Research with Children Living in Situations of Armed Conflict: Concepts, Ethics and Methods*. RSC Working Paper No. 30, University of Oxford

Harvey, D. 1989. *The Condition of Postmodernity: An Enemy into the Origins of Cultural Change.* Oxford Blackwell.

Harvey, D. 2000. Cosmopolitanism and the Banality of Geographic Evils*, Public Culture 12(2): 529 64.*

Harvey, D. 2005. *A Brief History f Neo-liberalism.* Oxford University Press, UK.

Hashmi, S.J. 2007. Jammu and Kashmir Public Safety Act-1978, on www.countercurrents.org (consulted on May 03, 2011).

Hein, A. S. Qouta, A. Thabet, E. Sarraj, E. 1993. Trauma and Mental Health of Children in Gaza. *British Medical Journal*, Vol. 306, No. 6885:1130-1131.

Hendrick, H 1994. *Child Welfare England:1870-1989*, London, Routledge.

Hendrick, H 1997. <u>*Constructions and Reconstructions of British Childhood: an Interpretative Survey, 1800 to the Present*</u>, in James, A, & Prout, A. (Eds) *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood.* London: Falmer House.

Hendrick, H. 1992. Changing Attitudes to Children, 1800-1914. *Genealogists' Magazine,* 24(2): 41-9.

Honwana, A & De Boeck, F. (Eds.) 2005. *Introduction*, *Makers and Breakers: Children and Youth in Postcolonial Africa.* Africa World Press.

Honwana, A and Pannizo, E. 1995. *Evaluation of the Children and War Project in Mozambique.* Research Report for Save the children US and USAID.

Honwana, A. 2005. *The Pain of Agency, the Agency of Pain: Child Soldiers as Interstitial and Tactical Agents,* in Honwana, A & Boeck, F. (Eds.), *Makers and Breakers: Children and Youth in Postcolonial Africa.* Africa World Press.

Horn, P. 1974. *Children's Work and Welfare 1780s -180s,* London, MacMillan.

Horowitz, D. 1985. *Ethnic Groups in Conflict*, Berkeley, Ca: University of California Press. International Commission on the Balkans 1996. *Unfinished Peace*, Washington, DC: Carnegie Endowment for Peace.

HRW. 1996. *Shattered Lives: Sexual Violence during Rwandan Genocide and its Aftermath*, Human Rights Watch Women's Rights Project, September.

HRW. 1999. *World Report 1999: Human Rights Developments: Violence Against Women.* Human Rights Watch.

Hurt, J.S. 1979. *Elementary Schooling and the Working Classess:1860-1918,* London, Sidgwick and Jackon.

Hussain, S.S. 2007. Children - Victims of Torture: A case Study of Kashmir*; Kashmir University Law Review*, XIV. University of Kashmir.

Hyslop, J. 1988. School Student Movement and State Education Policy: 1972-1987, in Cobbett, William & Cohen, Robert, (Eds)*Popular Struggles in South Africa,* London: James Curry.

ICPS 2009 Integarted Child Protection Scheme. MCWD, GoI.

ICPS 2011. *Armed Conflicts in South Asia*, Fifth Annual Conference Report, Institute of Peace and Conflict Studies, New Delhi.

IFHS, 2007. *Iraq Family Health Survey 06/07*, Ministry of Health, Republic of Iraq and WHO/ECHO.

Igbinovia, P.E. 1985. Perspectives on Juvenile Delinquency in Africa, *Journal of Juvenile Legislations*. 12(9).

Imroz, P., 2015. The Informative Missive, June 2010< http://www. jkccs. net/wp-content/uploads/2015/02. Informative-Missives-2010. rar>, accessed December, 11.

Ingleby, D. 1986. *Development in Social Context*. in Richards, M. and Light, P. (Eds) *Children of Social Worlds*, Cambridge: Polity press.

International People's Tribunal. 2010. Human Rights and Justice in Indian-administered Kashmir (IPTK), *Militarization with Impunity: A Brief on Rape and Murder in Shopian, Kashmir*. IPT.

Iqbal, K. & Sial, S. 2007. *Armed Conflicts in South Asia: Overview and New Dimensions*. Pakistan Institute of Peace Studies, Pakistan.

Iqbal, Zaryab. 2006. Health and Human Security: The Public Health Impact of Violent Conflict. *International Studies Quarterly*, 50:631–649.

Irfan S 2010. https://kashmirlife.net/interrupted-childhood-disrupted-future-755/

Jaggers, K. & Gurr, T.R. 1995. Tracking Democracy's Third Wave with the Polity III Data,"*Journal of Peace Research*, 32, 4, 469–482.

James, A. 1993. *Childhood Identities: Self and Social Relationships in the Experience of Childhood*. Edinburg: Edinburg University Press.

James, A. and Prout, A. 1997. (eds.) *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*. London: The Falmer Press.

James, A., Jenks, C., & Prout, A., 1998. *Theorizing Childhood*. Cambridge, UK: Polity Press.

Jenks, C. 1992. *The Sociology of Childhood* : Gregg Revivals.

Jenks, C. 1996. *Childhood*. London: Routledge.

Jessop, B., 1982. The capitalist state (pp. 9-12). New York: New York University Press.

Joshy, P.M, 2010. *State, Civil Society and Security: Ascendancy of the New Right and its Implications For India*, Phd Thesis submitted to the Mahatma Gandhi University, Kottayam.

JJ Act 2013. *Juvenile Justice Act (Care and Protection) 2013*, Govt. of J&K.

JKCCS 2017, *Annual Human Rights Review*, Jammu Kashmir Coalition of Civil Society, Srinagar, J&K.

JKCCS 2018, *Terrorized: Impact of Violence on the Children of Jammu and Kashmir*. Jammu Kashmir Coalition of Civil Society, Srinagar, J&K.

JKCCS 2019, *Annual Human Rights Review*, Jammu Kashmir Coalition of Civil Society, Srinagar, J&K.

Junaid, M. 2010. Elephant in the Room, *Economic & Political Weekly* 45(50) December1 -December 17, 2010.

Junaid. Mohamad. 2013. "Death and Life Under Military Occupation: Space, Violence, and Memory in ... M.Phil., Jawaharlal Nehru University (India), 2008.

Kak, S. (eds.) 2011. *Until My Freedom Has Come - The New Intifada In Kashmir.* Penguin Books, India.

Kakkar, S. 1978. *The Inner World: a Psychoanalytic Study of Childhood and Society in India.* Oxford University Press.

Kapila, M. 2004. Did We Learn From Rwanda? – The Initial Humanitarian Response in Darfur. Paper presented to the 15th Biannual Meeting of the *Active Learning Network for Accountability and Performance* in Copenhagen 14-15th June 2004. www.alnap.org.

Kashmir, B., 2016. JKCCS releases. Human Rights Review of 2016. Brighter Kashmir, 31.

Kaviraj, Goel, D. and Khilanani, S., 2002. "Civil Society-History and Possibility': A Critical Notice. Social Sciences Research Journal, 10, p.159.

Keen, David, 1998. The Economic Functions of Violence in Civil War, *Adelphi Paper* 320. Oxford: Oxford University Press.

Khajuria, RK 2018. https://www.hindustantimes.com/india-news/raid-at-illegal-orphanage-   in-kathua-20-kids-rescued/story-v0ywb6TZKaM380gJNzr8yO.html

Khanna, R. 2008. Communal Violence in Gujarat, India: Impact of Sexual Violence and Responsibilities of the Health Care System. *Reproductive Health Matters*, *Volume 16, Issue 31:142-152*.

Kobusingye, O.C. Injury Prevention and Safety Promotion in Africa- Local Actors and Global Partners. *African Safety Promotion Vol 4 (I) pp:44-51*.

Kuchay, Bilal (7 August 2019). Hundreds rally in Delhi to protest against India's Kashmir move. Al Jazeera. Retrieved 8 August 2019.

Kuloo 2018. https://www.thekashmirmonitor.net/jk-loses-rs-100-cr-icps-funds-in-8-yrs/

KW 2018. https://thekashmirwalla.com/2018/12/14-year-old-boy-among-three-militants-   killed-in-srinagar-gunfight/

Lacina, B.A. & Gleditsch, N. P. 2005. Monitoring Trends in Global Combat: a New Dataset of Battle Deaths. *European Journal of Population. Vol 21(2-3] pp 145-65.*

Last, M. 1991. Adolescents in Muslim City: The Cultural Context of Danger and Risk, *Kano Studies Special Issue.*

Lalwani, S., & Gayner, G. (2020). (Rep.). US Institute of Peace. doi:10.2307/resrep25405

Leader, N. & Macrae, J. 2000. *Terms of Engagement: Conditions and Conditionality in Humanitarian Action,* Humanitarian policy Group Report 6, London.

Leavitt, Lewus A. & Fox, N. eds, 1993. *The Psychological Effects of War and Violence on Children*. Hillsdale, NJ: Erlbaum.

Leebaw, B. 2007. The Politics of Impartial Activism: Humanitarianism and Human Rights. *Perspectives on Politics*, Vol. 5, No. 2:223-239.

Levine, P. 1999. *Assessing Detachment Patterns and Contextual Trauma across Cultures*. The Refugee Studies Programme Seminar, June 3, University of Oxford.

Levine, R.A., Dixon, S., Levine, S., et al. 1994. *Child Care and Culture: Lessons from Africa*, Cambridge: Cambridge University Press.

Li, Q. & Wen, M. 2005. The Immediate and Lingering Effects of Armed Conflict on Adult Mortality: A Time-Series Cross-National Analysis. *Journal of Peace Research* 42: 471.

Lieven, A. 2011. *Pakistan; A Hard Country*. Allen Lane, Penguin Books, UK.

Lischer, S. 2003. Collateral Damage: Humanitarian Assistance as a Cause of Conflict *International Security,* Vol. 28, No. 1:79-109.

MacFarlane, N. 1999. Humanitarian Action and Conflict. *International Journal*, Vol. 54, No. 4:537-561.

Machel, G. 1996. Impact of armed conflict on children: report of the Expert Group of the Secretary- General. New York, NY, United Nations, (document A/51/306).

Machel, G. 2001. *The Impact of War on Children.* Orient Longman, India.

Macrae, J and Zwi, A. 1994. *War and Hunger: Rethinking International Responses to Complex Emergencies,* Zed Books, London.

Margoob, M.A., Dutta K.S. 1993. Depresssive Disorders in Kashmir: a Changing Socio demographic and Clinical Profile of Patient over the Past Two Decades. *Jammu Kashmir Practitioner,* Vol. 2 (1), 22-24.

MCWD 2009, 2012. Ministry of Women and Child Development Reports.
Motta, S. A. 2009. Women in Kashmir Suffer Silently; *One World South Asia* 06 April.

MRGI. 1997. *War: The Impact on Minority and Indigenous Children*, London, pp. 19-20. Stover E. et al. The medical and social consequences of land mines in Cambodia. Journal of the American Medical Association, 1994, 272:331–336.
MSF 2006. *Kashmir: Violence and Health: A Quantitative Assessment on Violence- The Psychosocial and General Health Status of the Indian Kashmiri Population.* Médecins Sans Frontières/Artsen zonder Grenzen, Netherlands.

Muggah, R. & Batchelor, P. 2002. *Development Held Hostage: Assessing the Effects of Small Arm on Human development.* United Nations Development programme, Bureau for Crisis Prevention and Recovery; New York.

Murray, C. J. L., King, G., Lopez, A., Tomijima, N., Krug. 2002. Armed Conflict as A Public Health Problem. *British Medical Journal*, Vol. 324, No. 7333 (Feb. 9), pp. 346-349. Pelletier, D.L., Fongillo, E.A., Schroeder, D.G., & Habicht, P.J. 1995. The Effects of Malnutrition on Child Mortality in Developing Countries, *WHO Bulletin* Vol. 73 (4).

Murshed, M.S., & Gates, S. 2004. Spatial Horizontal Inequality and the Maoist Insurgency in Nepal; Research Paper No. 2004/43, United Nations University.

Murshed, S.M. 2002. Civil War, Conflict and Underdevelopment. *Journal of Peace Research*, 39: 387 93. Kathmandu: Institute of Human Rights Communication Nepal (IHRICON).

Nabi, Daanish 2018. https://www.newslaundry.com/2018/11/16/in-kashmir-child-abuse-in-   orphanages-is-rampant#:~:text=Newslaundry%20 investigates%20six%20orphanages% 20 that,to%20abuse   %20or %20poor %20facilities.

Nancy, H. & Sargent, C. 1998. *Introduction: The Cultural Politics of Childhood*. In *Small Wars: The Cultural Politics of Childhood*. Nancy Scheper- Hughes and Carolyn Sargent, eds. Pp. 1–33. Berkeley: University of California Press.

Nandy, A. 1984. *Traditions, Tyranny and Utopias: Essays in the Politics of Awareness.* Oxford University Press.

Naqshbandhi, M.M., Sehgal, R. and ul Hassan, F., 2012. Orphans in orphanages of Kashmir and their psychological problems. *International NGO Journal*, 7(3), pp.55-63.

Natsios, A. 1995. NGOs and the UN System in Complex Humanitarian Emergencies: Conflict or Cooperation? *Third World Quarterly*, Vol. 16, No. 3:405-19.

Navlakha, G. 2010. Kashmir: Resistance or Agitational Terrorism?, *Economic & Political Weekly,* 45(20) May 15 - May 21.

NCPCR 2011. Report of the Commission on J&K and its Status of Child Rights.

Nika, FA 2013. Child Labour in Jammu and Kashmir, Meezan Publishers.

Nosworthy, D. (Ed.) 2009. *Seen, but Not Heard: Placing Children and Youth on the Security Governance Agenda,* London and New York, Transaction Publishers.

Nunnenkamp, P., Weingarth, J. Weisser, J. 2009. Is NGO aid not so different after all? Comparing the allocation of Swiss aid by private and official donors. *European Journal of Political Economy* 25:422–438.

Obikeze, D. & Mere, A. 1985. Children and the Nigerian Civil War: A Study of the Rehabilitation Programme for War Displaced Children, Nukka: University of Nsukka   Press.

O'Hagan, L. 1999. Life, Death and Aid: Humanitarian Organisations and International Politics. *Irish Studies in International Affairs*, Vol. 10:31-41.

Oldman, D. 1991. *Childhood as a Social Phenomenon*, National Project for Scotland, Euro-social Report 36/9, Vienna, European Centre.

Onda, M. 1993. Human Rights, Humanitarian Intervention and World Politics. *Human Rights Quarterly*, vol. 15, 2:290-314.

Parekh, B. (1997): "Rethinking Humanitarian Intervention", *International Political Science Review / Revue internationale de science politique*, 18(1).

Parekh, B. 1997. Rethinking Humanitarian Intervention. *International Political Science Review / Revue internationale de science politique*, Vol. 18, No. 1.

Patel V., Fischer A.J., Hetrick S. & McGorry P. 2007. Mental Health of Young People: a Global Public-Health Challenge. *Lancet* 369:1302–1313.

Patil, B.R. 1986. The Urban Industrial Working Child in India, in *Lawasia Conference on Child Labour and Child Prostitution*, Feburary, Kuala Lumpur, pp 247-88.

Pierson, P., 1996. The new politics of the welfare state. World politics, 48(2), pp.143-179.

Perera, J. 1999. *Sri Lanka's Children learn peace amidst conflict,* UNICEF. www.unicef.org/features/feat174.htm, Accessed: Dec., 2010.

Perrigo, B 2018 https://time.com/longform/pellet-gun-victims-kashmir/

Poulantzas, N.A. and O'Hagan, T., 1973. Political power and social classes (pp. 195-224). London: NLB.

Plumper, T. & Neumayer, E. 2006. The Unequal Burden of War: the Effects of Armed Conflict on the Gender Gap in Life Expectancy. *International Organization. Vol. 60(3) :723-54*

Prout, A. 2005. *The Future of Childhood: Towards the Interdisciplinary Study of Children*. London: Falmer Press.

Prout, A. 2006. *Conclusion: Social Inclusion, the Welfare State and Understanding Children's Participation' in Children, Young People and Social Inclusion*, in Tisdall, K., Davis, J., Hill, M and Prout, A. (Eds), Bristol: Policy Press.

Prout, A. 2008. Culture-Nature and the Construction of Childhood in Drotner, K. & Livingstone, S. (Eds), The International Handbook of Children, Media and Culture. London: Sage.

Prout, A. 2008. Paticipation, Policy and Changing Conditions of Childhood, in Lingard, B., Nixon, J and Ranson, S. (Eds), Transforming Learning in Schools and Communities: the Remaking of Education for a Cosmopolitan Society. London: Continuum Press.

Prout, A. 2008a. *Culture-Nature and the Construction of Childhood* in Drotner, K. & Livingstone, S. (Eds), *The International Handbook of Children, Media and Culture*. London: Sage.

Prout, A. 1989. Sickness as a Dominant Symbol in Life course Transitions: an Illustrated Theoretical Framework. *Sociology of Health and Illness,* 11(4): 336-59.

Prout, A. 2006. Conclusion: Social Inclusion, the Welfare State and Understanding Children's Participation' in Children, Young People and Social Inclusion, in Tisdall, K., Davis, J., Hill, M and Prout, A. (Eds), Bristol: Policy Press.

Prout, A. 2008. *Participation, Policy and Changing Conditions of Childhood,* in Lingard, B., Nixon, J and Ranson, S. (Eds)*, Transforming Learning in Schools and Communities: the Remaking of Education for a Cosmopolitan Society*. London: Continuum Press.

Prout, A. 2008b. *Participation, Policy and Changing Conditions of Childhood,* in Lingard, B., Nixon, J and Ranson, S. (Eds)*, Transforming Learning in Schools and Communities: the Remaking of Education for a Cosmopolitan Society*. London: Continuum Press.

Punamaki, Raija-Leena, 1996. 'Can Ideological Commitment Protect Children's Psychosocial Well-being in Situations of Political Viol- ence?', Child Development 67(1): 55-69.

Punch, S. 1998. *Negotiating Independence: Children and Young People Growing up in Rural Bolivia*. Ph.D. dissertation. The University of Leeds, School of Geography, Leeds, UK.

Qadeer, I. 2005. Population Control in the Era of Neo-Liberalism. *Journal of Health and Developement* Vol. 1(4):31-8.

Quintin Hoare and Geoffrey –Novell Smith, Hyderabad, India: Orient Longman Ltd.

Qvortrup, J. 1987. Introduction: the Sociology of Childhood. *International Journal of Sociology*, 17, 3, pp, 3-37.

Qvortrup, J. 1991. *Childhood as a Social Phenomenon*- an Introduction to a Series of National Reports, Eurosocial report 36, Vienna, European Centre.

Qvortrup, J. 1994. *Childhood Matters: An Introduction*. in Qvortrup, J., Bardy, M., Sgritta, G. & Wintersberger, H. (Eds) *Childhood Matters: Social Theory, Practice and Politics*, Aldershot, Avebury Press.

Raina M 2019 https://www.telegraphindia.com/india/students-level-sodomy-charge-at-j-k- cops/cid/574506

Rashid, I. 1999. Subaltern Reactions: Lumpens, Students and the Left, *African Development* 23 (3&4):19-43.

Rashid, J. 2009. "*Conflict-related Juvenile Offenders in Kashmir- A Study",* report prepared for ActionAid International, Jammu &Kashmir.

Rashid, J. 2011. *"Juveniles of Jammu and Kashmir: Unequal before the Law & Denied justice in Custody",* report published by Asian Centre for Human Rights, New Delhi.

Rashid, J. 2009. *Conflict-related Juvenile Offenders in Kashmir- A Study;* report prepared for ActionAid International, Jammu &Kashmir.

Rashid, J. 2011. *Conceptualizations of Childhood in International Policy: Between Paradigms of 'Vulnerability' and 'Having Agency'*, in Sigamani, P. & Khan, N.U. *Reinventing Public Management and Development in Emerging Economies*. MacMillan Publishers, India.

Rashid, J., 2012. An analysis of self-accounts of children-in-conflict-with-law in Kashmir concerning the impact of torture and detention on their lives. *International Social Work,* 55(5), pp.629-644.

Rattan, R. C. 2001. *The Valley of Kashmir under White Terror*; Shalimar Art Press.

Reynolds, P. 1996. *Traditional Healers and Childhood in Zimbabwe*. Athens, OH: Ohio University Press.

Reynolds, P. 2005. *Forming Identities: Conception of Pain and Children's Experiences of it in Southern Africa,* in Honwana, A & Boeck, F. (Eds.) 2005. *Makers and Breakers: Children and Youth in Postcolonial Africa.* Africa World Press.

Rieff, D. 1995. The Humanitarian Trap. *World Policy Journal*, Vol. 12, No.4:1-11

Rizvi, T., 2020. *Sexual violence against children in Jammu and Kashmir*, The Kashmir Images, Jammu, J&K.

Romana and Bhat, S 2018 https://thediplomat.com/2018/12/kashmirs-teenage-militants/

Rosen, D.M. 2005. *Armies of the Young: Child Soldiers in War and Terrorism*. New Brunswick,   NJ: Rutgers University Press.

Rosen, D.M. 2007. Child Soldiers, International Humanitarian Law and the Globalization of Childhood. *American Anthropologist* Vol. 109(2).

Roy, A. 2008. Listening to Grasshoppers- Genocide, Denial and Celebration, *Countercurrents.org:* http://www.countercurrents.org/roy260108.htm; Accessed on May 20, 2011.

Rudolph, C.L., L.B., Henderson, D.A., Dansby, V. and Dansby, T., 2000. Counseling children. Pacific Grove, CA: Brooks/Cole.

Ruxton, S. 1999 *A Child's Policy for 21st Century Europe*, URL (consulted December 2010): http://europeanchildrensnetwork.gla.ac.uk.

Sadgopal, A. 2010 Right to Education Vs Right to Education Act, *Social Scientist* 38(9-12):17-50 September–December.

Sadowski, Y. 1998. Ethnic Conflict. *Foreign Policy*, No. 11:12-23.

Sartre, J.P, 1961. *Preface,* in Fanon, F. *The Wretched of the Earth:* New York: Grove Press.

Prakash, S. 2020, *Child abuse on the Rise, Punishment No Deterrent*, The Tribune India.

Save the Children 1996. *Promoting Psychosocial Well-being among Children affected by Armed Conflict and Displacement: Principles and Approaches,* Geneva.

Save the Children Fund 1993. *Helping Children in Difficult Circumstances. A* Teacher's Manual. London SCF.

SC (2012): *"Orphaned in Kashmir"*, report published by Save the Children UK: Jammu and Kashmir.

SC 1993. *Helping Children in Difficult Circumstances. A* Teacher's Manual. London SCF.

SC 1996. *Promoting Psychosocial Well-being among Children affected by Armed Conflict and Displacement: Principles and Approaches,* Geneva.

SC 2017 A Future for Every Child, Save the Children, India.

SC 2018. The Many Faces of Exclusion, Save the Children Federation Inc.

Sen, A 2015. The Country of First Boys, Oxford Publications.

Sen. A 2011 Development as Freedom Oxford Publications.

Sengupta, S. 2006. In India, Maoist Guerrillas Widen 'People's War. *New York Times*, New York: The New York Times Company.

Seremetakis, C.N. 1994. The *Senses Still: Perception and Memory as Material Culture in Modernity*, Chicago and London: University of Chicago Press.

Shobha, G. 2001. Women and Children in the Periphery of People's War.

Singer, D. 1996. Armed Conflict in the Former Colonial Regions: From Classification to Explanation, *in* v. d. Goor, L., K. Rupesinghe and P. Sciarone (eds.) 1996. *Between Development and Destruction: An Enquiry into the Causes of Conflict in Post-Colonial States*, The Hague: Netherlands Ministry of Foreign Affairs/The Netherlands Insititute of International Relations.

Singh, J. 2020. Study of Child Sexual Abuse in Jammu District of J&K: Case Studies, *Parishodh Journal,* SSRN. India.

Smith, D. 2004. *Trends and Causes of Armed Conflicts.* Berghof Research Centre for Constructive Conflict Management, Available online: http://www.berghof-handbook.net. (Accessed before May 2011).

Snow, N.E. 1994. 'Self-blame and Blame of Rape Victims', Public Affairs Quarterly 8(4): 377- 93.

SoHRJK 2008. Situation of Human Rights in J&K Report. JKCCCS.

Sommerville, J. 1982. *The Rise and Fall of Childhood*. Beverly Hills, CA: Sage.

Sonpar, S. 2007. *Violent Activism: A Psychosocial Study of Ex-Militants in Jammu and Kashmir*; Aman Public Charitable Trust, New Delhi.

Stephans, S. (ed.) 1995. *Children and the Politics of Culture*, Princeton, NJ: Princeton University Press.

Stover E. 1994. The Medical and Social Consequences of Land Mines in Cambodia. *Journal of the American Medical Association,* 272:331–336.
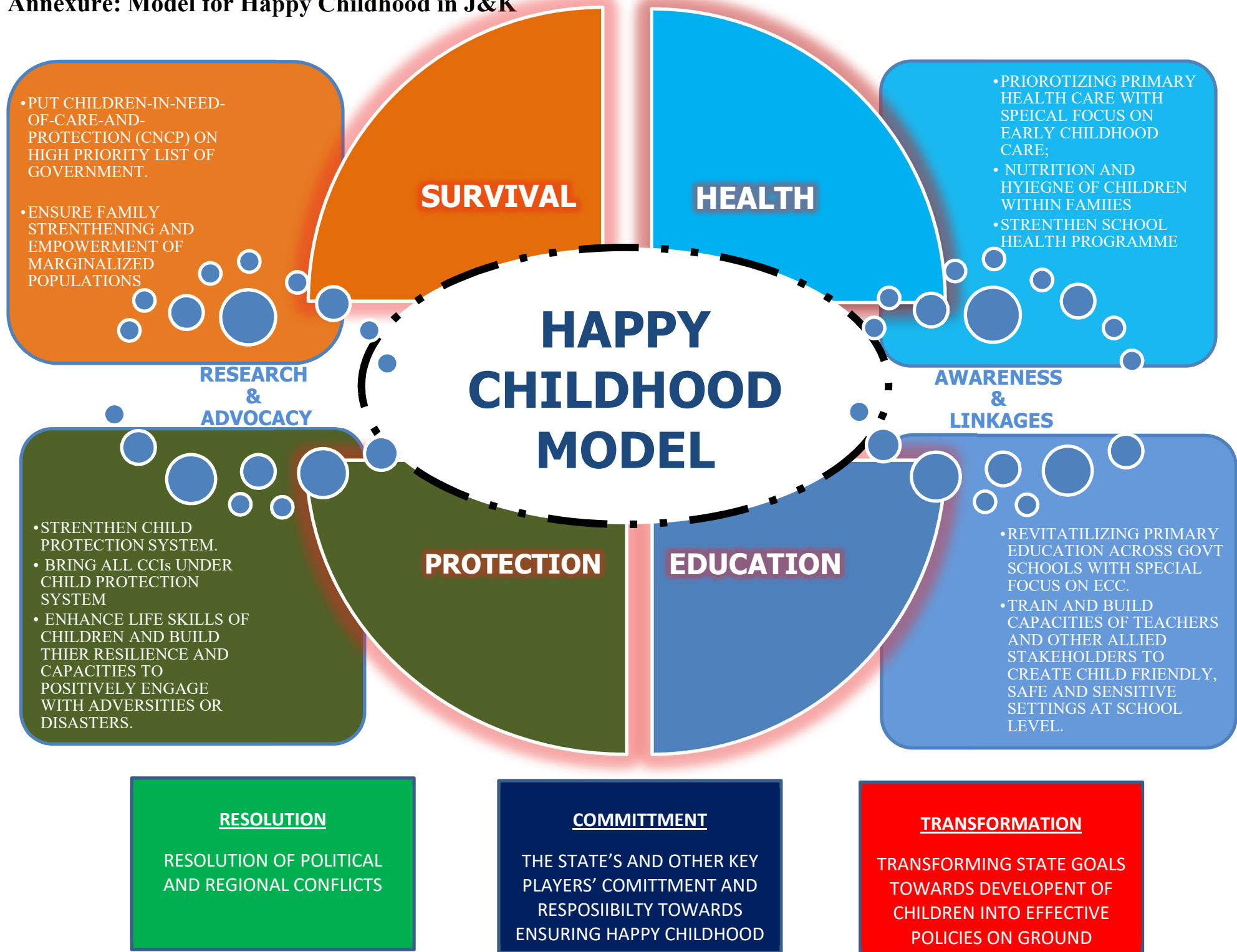
Straker, G. 1992. *Faces in the Revolution: The Psychological Effects of Violence on Township Youth in South Afica*, Cape Town: David Philip.

Straker, Gillian, 1987. 'The Continuous Traumatic Stress Syndrome: The Single Therapeutic Interview', Psychology and Sociology 8(1): 48-79.

Straker, Gillian, 1996. 'Ethical Issues in Working with Children in War Zones', in Apfel & Simon (18-32).

Summerfield, D. & Toser, L. 1991. "Low Intensity" War and Mental Trauma in Nicaragua: A Study of a Rural Community. *Medicine and War*, 7:84-89.

Summerfield, D. 1995. Technical Notes: Assisting Survivors of War and Atrocity. *Development in Practice,* vol. 5, no. 4:352-356.

Summerfield, D. 1996. The Social, Cultural and Political Dimensions of Contemporary War. *Medicine, Conflict and Survival,* vol. 13:3-25.

Summerfield, D. and Toser, L. (1991): "Low Intensity" War and Mental Trauma in Nicaragua: A Study of a Rural Community", *Medicine and War*, 7:84-89.

Summerfield, D. 1998. *The Social Experience of War and Some Issues for the Humanitarian Field*. in Bracken, P. and C. Petty, (eds.) *Rethinking the Trauma of War*. London: Save the Children, Free Association Books.

Swartz L, & Levett A. 1989. Political Repression and Children in South Africa. Soc Set Med;28:741-50.

Thoms, O. & Ron, J. 2007. Public Health, Conflict and Human Rights: Towards a Collaborative Research Agenda. *Conflict & Health*, Vol. 1(11).

Tompkins, T.L. 1995. Prosecuting Rape as a war Crime: Speaking the Unspeakable. *Notre Dame Law Review* 70(4): 845-90.

Tucker, L. 2006. *Child Slaves in Modern India: The Bonded Labour Problem.* Critical Quest Publishers, New Delhi.

UNDP. 2010. *The Real Wealth of Nations: the Pathways to Human Development.* Human Development Reports- 20th Anniversary Edition. UNDP.

UNFPA 2010. *Beiging at 15: UNFPA and Partners Charting the Way Forward.* United Nations Population Fund.

UNHCR 1991. Policy on refugee women, and UNHCR, Guidelines on the Protection of Refugee Women, pp. 5-7.

UNHCR 1997. 'Safeguarding Human Security', *The State of the Worlds Refugees: A Humanitarian Agenda*, www.unhcr.ch/refworld/pub/state/97/ch1.htm. Accessed; April, 2010.

UNICEF (2011): "*The State of World's Children 2011*", United Nations Children's Fund, New York.

UNICEF 1994. *'I dream of peace: Images of war by children of former Yugoslavia'*, Harper Collins Publishers, NY.

UNICEF 2001. *The State of World's Children 2001,* United Nations Children's Fund, New York.

UNICEF 2002. *We the Children: End-decade review of the follow-up to the World Summit for Children.* United Nations Children's Fund.

UNICEF 2009. *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World.* United Nations Children's Fund.

UNICEF 2011. *The State of World's Children 2011*, United Nations Children's Fund, New York.

Va¨yrynen, R, ed. 2006. *The Waning of MajorWar: Theories and Debates*. London & New York: Routledge.

Valenti, M., Ormhaug, C. M., Mtonga, R. T., & Loretz, J. 2007. Armed violence: a Health Problem, a Public Health Perspective. *Journal of Public Health Policy*, 28,b 389–400.

Valentine, G, Skelton, T. & Chambers, D. 1998. *Cool Places: An Introduction to Youth and Youth Cultures,* in Skelton, T. & Valentine, G. (Eds). *Cool Places: Geographies of Youth Cultures.* London and New York: Routledge.

Vogel, T . 1996. The Politics of Humanitarian Intervention. *The Journal of Humanitarian Assistance, September, 3.*

Voux, T. 2006. Humanitarian Trends and Dilemmas. *Development in Practice*, Vol. 16, No. ¾:240-254.

Vygotsky, L.S. 1978. *Mind in Society.* Cambridge, MA: Harvard University Press.

Waksler, F. C., (ed.) 1994. *Studying the Social Worlds of Children: Sociological Readings*. London: The Falmer Press.

Watts, C. & Zimmerman. C. 2002. Violence against Women: Global Scope and Magnitude', *The Lancet* 359(9313): 1232–7.

Weiss, B. 2005. *The Barber in Pain: Consciousness, Affliction and Alterity in Urban East Africa,* in Honwana, A & Boeck, F. (Eds.) 2005. *Makers and Breakers: Children and Youth in Postcolonial Africa.* Africa World Press.

Weiss, T. 2001. Researching Humanitarian Intervention: Some Lessons. *Journal of Peace Research,* Vol. 38, No. 4:419-428.

Welch, D. 1993. *Justice and the Genesis of War*, Cambridge: Cambridge University Press.

Wessells, M.G. 1998. Children, Armed Conflict, and Peace, *Journal of Peace Research* 35(5):635-646 London: Sage Publications.

Wickramasinghe, R., Lorek, A., Ehntholt, K., Nesbitt, A., Wey, E., Githinji, C., and Rossor, E. 2009. The mental and physical health difficulties of children held within a British immigration detention center: a pilot study. Child abuse & neglect, 33(9), pp.573-585.

White, S. R. 1998. *Questioning Misfortune*. Cambridge: Cambridge University Press.

Williams, D. and Young, T., 1994. Governance, the World Bank and liberal theory. Political Studies, 42(1), pp.84-100.

WHO (2002): "*World Report on Violence and Health*", World Health Organization, Geneva.

WHO 1996. World Health Assembly. *Resolution 49.25*. Available at: www.who.int/, visited before May 20.

WHO 2001. *Small Arms and Global Health*. WHO Contribution to the UN Conference on Illicit Trade World in Small Arms and Light Weapons July9-20. Geneva.

WHO 2002. *World Report on Violence and Health*. World Health Organization, Geneva.

WHO 2010. *Inter-agency Field Manual on Reproductive Health in Humanitarian Settings 2010: Revision for Field Review;* 30 November. World Health Organization, Geneva.

Wilkerson, I. 2020. *Caste: The Origins of Our Discontents*. Random House

Woodhead, M. 1999. Reconstructing Developmental Psychology-Some First Steps. *Children and Society* 13: 3-19.

Woodhead, M. 1998. *Is There a Place for Work in Child Development? Implications of Child Development Theory and Research for Interpretation of the Un Convention on the Rights of the Child with Particular Reference to Article 32 on Children, Work and Exploitation.* Milton Keynes, UK: The Open University, Rädda Barnen.

Younghusband, E. 1981. *The Newest Profession: A Short History of Social Work,* London, Community Care/IPC Business Press.

Zia, A 2020. *Resisting Disappearance: Military Occupation and Women's Activism in Kashmir*. Washington, University of Washington Press.

Zietz, D. 1969. *Child Welfare and Perspective*, New York, John Wiley and Sons Inc.

Zwi A.B, Fustukian S, Sethi D. 2002. *Globalisation, Conflict and the Humanitarian Response.* In: Lee K, Buse K, Fustukian S, eds. *Health Policy in a Globalising World.* Cambridge, Cambridge University Press.

Zwi K. J. (1995): "Patterns of Injury in Children and Adolescents Presenting to a South African Township Health Centre", *Injury Prevention*, 1, pp 26–30.

Zwi, A. 1992, Children and War, *The Kangaroo*, December issue, pp. 46-50.

Zwi, A. 1996. Children and Armed Conflict, *Transnational Law and Contemporary Problems*, vol.6, pp. 329-351.

Zwi, A., R. Garfield, and A. Loretti. 2002. *Collective Violence.* In E. Krug, L. Dahlberg, J. Mercy, A. B. Zwi, and R. Lozano (eds.) *World Report on Violence and Health,* 215-239. Geneva: World Health Organization.

Annexure: Model for Happy Childhood in J&K

SURVIVAL

- PUT CHILDREN-IN-NEED-OF-CARE-AND-PROTECTION (CNCP) ON HIGH PRIORITY LIST OF GOVERNMENT.
- ENSURE FAMILY STRENTHENING AND EMPOWERMENT OF MARGINALIZED POPULATIONS

HEALTH

- PRIOROTIZING PRIMARY HEALTH CARE WITH SPEICAL FOCUS ON EARLY CHILDHOOD CARE;
- NUTRITION AND HYIEGNE OF CHILDREN WITHIN FAMIIES
- STRENTHEN SCHOOL HEALTH PROGRAMME

HAPPY CHILDHOOD MODEL

RESEARCH & ADVOCACY

AWARENESS & LINKAGES

PROTECTION

- STRENTHEN CHILD PROTECTION SYSTEM.
- BRING ALL CCIs UNDER CHILD PROTECTION SYSTEM
- ENHANCE LIFE SKILLS OF CHILDREN AND BUILD THIER RESILIENCE AND CAPACITIES TO POSITIVELY ENGAGE WITH ADVERSITIES OR DISASTERS.

EDUCATION

- REVITATILIZING PRIMARY EDUCATION ACROSS GOVT SCHOOLS WITH SPECIAL FOCUS ON ECC.
- TRAIN AND BUILD CAPACITIES OF TEACHERS AND OTHER ALLIED STAKEHOLDERS TO CREATE CHILD FRIENDLY, SAFE AND SENSITIVE SETTINGS AT SCHOOL LEVEL.

RESOLUTION

RESOLUTION OF POLITICAL AND REGIONAL CONFLICTS

COMMITTMENT

THE STATE'S AND OTHER KEY PLAYERS' COMITTMENT AND RESPOSIIBILTY TOWARDS ENSURING HAPPY CHILDHOOD

TRANSFORMATION

TRANSFORMING STATE GOALS TOWARDS DEVELOPENT OF CHILDREN INTO EFFECTIVE POLICIES ON GROUND

APPENDICES

Data Collection Tools:

For Child Protection Policy:

Headmaster/Principal:
1. What does child protection mean to you?
2. What can you do in your capacity for the protection of children?
3. How safe would you consider this school/institute for the students?
4. Do you know of any existing Child Protection or related policy?
5. Did you receive any official circular/document regarding Child Protection Policy?
6. Do you have any idea what the Child Protection Policy is about or what it should be about?
7. Is there any provision for a child protection group in the school?
8. What is the redressal mechanism if any case of abuse is reported?
9. Are you willing to start working towards making this policy functional in your school?
10. What do you think is required to make Child Protection Policy functional in all schools?

Teachers I:
11. How would you define child protection and child safety?
12. Does this school/institute meet the standards that promote a child safe/friendly environment?
13. How is the Student-Teacher and Student-Student relationship in the school?
14. Are there frequent cases of students bullying other students?
15. Ever felt/witnessed that another teacher is being harsh on a student?
16. What according to you is the best method to discipline a child?
17. Do you know about the Child Protection Policy?
18. Has there ever been any awareness/training programme regarding Child Protection Policy?
19. What steps according to you should be taken to implement this policy?

Children
1. Do you enjoy coming to school and being here?
2. How would you define the school environment?
3. Do the teachers and other students treat you properly?
4. Do you feel safe in the school all the time?
5. Are there any problems in the school?
6. What kind of problems do you find/face in the school?
7. Prioritize your problems.
8. Can you trust your school/teachers if you have a problem?
9. Do you report the problems/issues? If yes, then to whom do you report?
10. How do your teachers/school help you with your problems?
11. Does your school ever hold meetings with you/your classmates and teachers to discuss your problems?
12. Have you ever heard of Child Protection Policy?
13. What ideas would you like to add if asked, to Child Protection Policy?

Teacher II:

1. What is your understanding of safety and protection of children?
2. What is your understanding of the word "abuse"?
3. Having access to safe and abuse free environment is a must for over all development of a child.
   a. strongly agree   b. agree   c. disagree   d. strongly disagree   e. don't know
4. Our state is a safe place for children, having relatively less incidences of crime against them.
   a. strongly agree   b. agree   c. disagree   d. strongly disagree   e. don't know
5. In case of any child abuse/neglect, the perpetuator is never a family member.
   a. strongly agree   b. agree   c. disagree   d. strongly disagree   e. don't know
6. Abuse does not include mental or psychological abuse.
   a. strongly agree   b. agree   c. disagree   d. strongly disagree   e. don't know
7. The educational institutions in the state do promote a safe and positive environment.

a. strongly agree b. agree c. disagree d. strongly disagree e. don't know
8. In case of any child abuse/neglect, the perpetuator is never a teacher or member of the school staff.
   a. strongly agree b. agree c. disagree d. strongly disagree e. don't know
9. Children are listened to and respected.
   a. strongly agree b. agree c. disagree d. strongly disagree e. don't know
10. Children can talk to designated school authorities when they need help
    a. strongly agree b. agree c. disagree d. strongly disagree e. don't know
11. I am aware about the Child Protection Policy of the State.
    a. strongly agree b. agree c. disagree d. strongly disagree e. don't know
12. The school has recieved an official circular/document regarding Child Protection Policy.
    a. strongly agree b. agree c. disagree d. strongly disagree e. don't know
13. The existing Child Protection Policy is serving its purpose.
    a. strongly agree b. agree c. disagree d. strongly disagree e. don't know
14. This school has a Child Protection Group as per the policy.
    a. strongly agree b. agree c. disagree d. strongly disagree e. don't know
15. The school staff is or is being sensitized/trained according to the Child Protection Policy
    a. strongly agree b. agree c. disagree d. strongly disagree e. don't know
16. The reporting and redressal mechanism is in place in the educational institution and is fully functional.
    a. strongly agree b. agree c. disagree d. strongly disagree e. don't know
17. Reports are being filed and meetings held annually / bi-annually according to the policy.
    a. strongly agree b. agree c. disagree d. strongly disagree e. don't know
18. There has been a considerable decrease in cases of child abuse / neglect since the implementation of the policy.
    a. strongly agree b. agree c. disagree d. strongly disagree e. don't know
19. There is a need for a proper implementation of Child Protection Policy in our school.
    a. strongly agree b. agree c. disagree d. strongly disagree e. don't know

For Child Care Institutions:

1. Are the children of both sexes below 10 years kept in the same home
2. Are the bathing and sleeping facilities maintained separately for boys and girls in the age group of 5-10 years
3. Are children segregated in the age group given below? Give number of children in the age group of
4. Are there children in the age group of 0-5 years staying there?
5. Are there children above 18 years staying there?
6. No. of new admissions in the current month
7. No. of children who have moved out/released
8. No. of children referred by CWC/JJB during the month
9. No. of children produced before CWC/JJB during the month

Status of Children in CCIs

10. Sanction capacity of the Home
11. Are the children of both sexes below 10 years kept in the same home
12. Are the bathing and sleeping facilities maintained separately for boys and girls in the age group of 5-10 years
13. Are children segregated in the age group given below? Give number of children in the age groups.
14. Are there children in the age group of 0-5 years staying there?
15. Are there children above 18 years staying there?
16. No. of new admissions in the current month
17. No. of children who have moved out/released
18. No. of children referred by CWC/JJB during the month
19. No. of children produced before CWC/JJB during the month
20. No. of children as on last day of the previous month
21. No. of children with special needs, if yes, give details
22. Interventions made for their rehabilitation
23. Are the Individual care plans prepared for every child?

Record Maintenance
(Availability of Registers)
24. Staff attendance register,
25. Children attendance register
26. Central admission register
27. Individual case file with individual care plan
28. Communication with CWC/JJB
29. Children's suggestion book
30. Medical file / medical cards
31. Personal belongings register
32. Management Committee – minutes register
33. Children's Committee - minutes register
34. Nutrition / Diet File
35. Any other record maintained

Children's Committee / Management Committee
36. Formation of Children's Committee
37. Age wise formation of Children's Committee
38. Frequency of Children's Committee Meeting
39. Formation of Management Committee
40. Date of constitution of Management Committee and frequency of meetings held

Infrastructure

41. Are CCTV cameras installed at the entrance.
42. Sufficient space to accommodate the children
43. Rented   or Owned   building
44. Provision of sick room / medical unit, Counseling room, Recreational / activity room for Children, Kitchen / Dining Room, Number of toilets & bathrooms for Children,   Open Space for Outdoor Activities, Class rooms, Space for Vocational Training   Premises, Clothing / Bedding/Lockers/ Toiletries provided to the children.
45. Is there a TV set available with Cable network
46. How often are children allowed to view TV
47. Are children playing games indoors
48. What games are available to them
49. Are children playing games outdoors
50. Do they have equipment's/ accessories to play
51. Do children go for picnics/excursions
52. Do they have interactions with eminent personalities
53. Is there a recreation room available to children
54. Is the cooking area and pantry separate
55. Do children get individual thalis, mugs, glasses
56. Are cooking utensils adequate and clean
57. Is there a fridge available for children
58. Is there a Oven available for children
59. Is there a Gas stove available in kitchen
60. Is there a chimney available, What is the arrangement to keep the gas Cylinders
61. Adequate water supply for washing, cooking
62. Adequate drinking water available (RO),
63. Is cooking done by machines or by cook
64. Flush is working,   Taps in the wash basin are functioning
65. Is the floor slippery, Drains clean, Drains are clogged, Fittings for hanging clothes/ towels in place,   Cob webs are removed, Door has a latch, Door has peep holes
66. Frequency of bath a child is allowed
67. Water is adequately available
68. Adequate numbers of buckets and mugs
69. Personal toiletries are provided
70. Is washing powder or soap given
71. Do children wash their own clothes

72. Is there a washer man available
73. Is the washing machine functional
74. Does the home have a child friendly indoors?
75. How often is the sweeping, swabbing done?
76. Are the children involved in cleaning exercise during class hours?
77. Are the facilities of coolers/ heaters available for children?
78. Are the doors and windows maintained properly?
79. Are the rooms and dormitories well ventilated?
80. Is there an alternate provision for lights and fans when there is no electricity available?
81. Are the outdoors clean, pleasant and child friendly?
82. Are the clothes provided as per size and season   F
83. Frequency of changing undergarments
84. New clothes are stitched or bought
85. Are the mattresses given individually
86. Are pillows given individually
87. Are the mattress and pillows clean
88. Do children have separate cupboards
89. Are bed sheets and Khes available
90. Are blankets available in winters
91. Number of sets provided on arrival
92. Frequency of providing new clothes
93. Are these sets of same color or different colors?
94. Are children provided with individual lockers to keep their personal items
95. Other articles provided to the children

Services provided to the children

96. Medical facilities/ Maintenance of Health Cards Nutrition / Special Diet, Provision of safe drinking water   Daily Routine of Children, Education (Formal Education / NFE & Life Skill Training Programme)   Computer/ Internet/ Phone
97. Counseling/ Guidance services/special educator/physiotherapist, etc. provided   Vocational training, Recreational facilities
98. Linkages developed with other agencies/ departments   Implementation of track the missing child programme
99. Entries of children in track the missing child website   User Id and password provided
100. Other programmes and activities initiated
101. Is the facility of Computer with internet available?
102. Is the facility functional?
103. Are the children allowed to use the facility?
104. Is the telephone for official purposes only
105. Are the children allowed to use telephone
106. Is the number of Childline (1098) displayed near the phone