

BAL ADHIKAR SAMVAD

Delhi, 19th December 2006

Summary Report ♦

Introduction

'Bal Adhikar Samvad' was conducted on the sunny winter day of 19th December 2006. A daylong meeting, it saw participation of more than 800 people, from about 13 states. The presence of such varied participation was evident by the colourful banners, posters, slogans and photographs that the different groups had brought with them to display at the venue. The main aim of the Bal Adhikar Samvad was to focus public attention and encourage debate on the need

to ensure the nutritional, health and educational rights of children under six. The issue of the rights of children under six gained prominence in the Right to Food Campaign with the organization of the Convention on Children's Right to Food in Hyderabad in April 2006. The main focus of the Hyderabad Convention as well as the Samvad was the Integrated Child Development Services



(ICDS). The ICDS is the only national programme aimed at the 0-6 age group. In conception this scheme provides for the nutritional, health, immunization and educational needs of the child from the time when she is conceived till she reaches 6 years of age. With an aim to increase public awareness about the scheme, 'Anganwadi Divas' or 'Bal Adhikar Yatras' were organized in almost 8-10 states of the country, in November 2006. In continuation of these activities, Bal Adhikar Samvad was an opportunity for the different groups to share their experiences as well as, to impress upon the general public and policy makers the need to effectively implement this scheme. This event was convened by the Citizen's Initiative for the Rights of Children Under Six, as part of the Right to Food Campaign.

The morning session commenced at 10 a.m. with songs, the first few of which were presented by the cultural troupe of Bharat Gyan Vigyan Samiti (BGVS). Through various

♦ This report has been prepared by the Secretariat of the Right to Food Campaign. Thanks are due to all the volunteers who took notes, including Abhijeet Singh, Aparna John, Christian Oldiges, Debraj Bagchi, Deepak, Devika Lal, Dipa Sinha, Jyotsna Taporja, Nitya Asavari, Shonali Sen, Sugandha Nayyar, Tanushree Sood and Umesh Pant.

songs BGVS raised issues of child nutrition, child rights, and child labour, which form central concerns in the society today. They were followed by the celebrated duo of Vinay and Charul who spoke briefly of the context of child deprivation in India before presenting their composition.

Introductory Presentations

'Bal Adhikar Samvad' started with an introduction to the Right to Food Campaign by Devika Singh from Mobile Crèches. The campaign had started in Rajasthan around issues of hunger, however in subsequent years many more issues have been added to the campaign. The specific issue of child rights (*bal adhikar*) for children under six years arose as a major issue in the campaign last year at the Hyderabad convention. Since then the issue has attracted greater attention having been discussed at local and national levels. The challenge now was to take it further and cover more miles.



The first speaker of the day was Mina Swaminathan, an eminent worker in the field of early child-care development. Mina ji's speech began with the question of 'what are child rights?' She stressed that the period till two years is the most crucial one in the development of a child's faculties. It is in this age that the child's faculties of thinking power, imagination, social behaviour, language and intelligence develop. Inadequate nutrition can cause irreparable damage at this age. However despite such overwhelming importance, expenditure per child in this age-group is only a small fraction (about one-eighth) of the corresponding expenditure for older children. The period from pregnancy to 6 years for the child require the child to be engaged in varied and myriad activities, else the overall development is not possible.

Mina ji stressed the necessity of incessant efforts to bridge this gap. She discussed five essential rights of the child, based on the stage of development.

1. The first right is the 'right of the unborn child': the right to be born. She pointed out that child rights are violated even before birth, especially in the context of sex selective abortions of female fetuses.
2. The second issue is of the 'weight-at-birth'. The ideal weight is 2.5 kg. In India 30% children weigh less than 2.2 kg. This happens because of the mother's ill health. Thus mothers need the right nutrition during pregnancy.
3. The third focuses on the period 0-6 months after birth, when children should be exclusively breastfed. But often this doesn't happen, as the mother needs to go out for employment. This phenomenon is not restricted to any one class, but pervades all. To help the mother stay at home maternity entitlements need to be made available. Currently only the organized sector gives maternity leave, covering only 7 out of every 100 women. This must be a right as well, in the child's interest.

4. The fourth stage is between 6 months and 2 years. In this stage the child needs healthy food, in the right quantity, at least 5 times a day. This can be ensured through crèches (something the ICDS should manage). Crèches will also release older siblings from the responsibilities of care giving. Normally the elder sister is the one who is taken-out of school for this purpose: so a crèche also ensures continuing education for the girl child.

5. The next stage is 3-5 years. At this stage, children need many services for their development, many of which the Anganwadi seeks to provide. The country needs 14 lakh Anganwadi Centers (AWCs) with high quality provision of services to achieve “universalization with quality”. The right ratio between AWCs and children also has to be maintained. Finally, Mina ji argued that the rights of Anganwadi workers must also be guaranteed in terms of training, wages and accreditation.

Release of FOCUS Report

After this Prof. Amartya Sen was requested to release the Focus On Children Under Six (FOCUS) Report. The FOCUS Report is an action-oriented report on the wellbeing and rights of Indian children under the age of six years. It argues that childcare is a social responsibility, and makes a case for universal child development services. The report draws on a detailed survey of ICDS in six sample states (Chhattisgarh, Himachal Pradesh, Maharashtra, Rajasthan, Tamil Nadu and Uttar Pradesh). The findings show that ICDS can make a big difference to the lives of children, provided that this programme receives the attention and support it deserves. Following on this, there is a special focus on “universalization with quality” as the core objective of a plan of action for ICDS.

In the second introductory presentation, Jean Drèze briefly presented the FOCUS Report, and explained that it served three distinct goals: *Jagrukta* (awareness), *Shiksha* (education) and *Sangharsh* (struggle).

Jagrukta (Awareness), he said was necessary because of the silence that surrounds children’s issues in India. These issues are rarely discussed- in parliament, the mainstream media, or Gram Sabhas. This lack of interest is reflected in the tiny budget allocations that the Central government makes for this age group: only Rs 4000 crore or so for 15 crore children under the age of six, compared with Rs. 80,000 crores on defence. The first step towards change is to overcome this lack of concern for children in public debates and democratic politics. In this connection, Jean Drèze also drew attention to the alarming findings of the third National Family Health Survey (NFHS-3), which suggest that there has been no improvement in child nutrition during the last eight years or so. There is no other case, he said, of a country achieving such rapid rates of economic growth for so long without any significant impact on child nutrition.



Shiksha (Education) is another purpose of the FOCUS report. This involves going beyond general awareness of the situation of Indian children, and studying the issues in greater depth. The report tries, in particular, to present an authentic picture of ICDS in different states. To illustrate the findings, Jean Drèze drew attention to the experience of Tamil Nadu, where Anganwadis emerged in a very positive

light from the FOCUS survey. He argued that there is much to learn from this experience, including the possibility of building political commitment for children's rights.

Finally, Jean Drèze commented on the role of the FOCUS report as a tool for action-*Sangharsh*. The last chapter of the report presents wide-ranging ideas to consolidate the campaign for children's rights. This campaign also draws renewed strength from the recent Supreme Court judgement on ICDS, which incorporates many of the campaign's long-standing demands. We must remember, however, that sustained public pressure is essential to ensure that Court orders are implemented, as the recent campaign for mid-day meals illustrates. "*Jai Hind, Jai Bacche, Jai Anganwadi.*"

Panel Discussion

The two introductory presentations were followed by a panel discussion chaired by Yogendra Yadav (Lokniti). Mr. Yadav invited Shabana Azmi to speak first. Shabana Azmi started in a lighthearted vein by saying that she had been called first because she had the least knowledge amongst all the panelists. She congratulated the authors of this "much-needed" FOCUS Report, and also commended the Supreme Court Judgement as a very heartening one, and that many works are happening with the help of the Supreme Court. She said that one needs to take care of kids when they are in the mothers' womb, not just after they are born.

Shabana Azmi also addressed the situation of the anganwadi workers who are working hard despite the lack of proper infrastructure, which was appreciated by many anganwadi workers in the audience. She said that the Supreme Court appreciated the Anganwadi in Tamil Nadu because of the dedication of its women functionaries. She also drew attention to the significant role that political will plays in the implementation of any scheme. In such a situation the anganwadi becomes *kamyab* (successful).



Bal Adhikar Samvad also was an opportunity to share the recent Supreme Court judgement on the ICDS (passed on 13th December 2006). This judgement is truly historical in the opportunities it presents to galvanize the functioning of the programme. Kavita Srivastava the petitioner in the Right to Food Case (*PUCL vs. Union of India and Others, Civil Writ Petition 196/2001*) was invited onto the stage to share this judgement. She read out some of the salient points in the directives such as:-

- Government of India shall sanction and operationalize a minimum of 14 lakh AWCs in a phased and even manner starting forthwith and ending December 2008. In doing so, the Central Government shall identify SC and ST hamlets/habitations for

AWCs on a priority basis.

- Further, rural communities and slum dwellers should be entitled to an "Anganwadi on demand" (not later than three months) from the date of demand in cases where a settlement has at least 40 children under six but no Anganwadi.
- The universalisation of the ICDS involves extending all ICDS services (Supplementary nutrition, growth monitoring, nutrition and health education, immunization, referral and pre-school education) to every child under the age of 6, all pregnant women and lactating mothers and all adolescent girls.
- Chief Secretaries of all State Governments/UTs are directed to submit affidavits with details of all habitations with a majority of SC/ST households, the availability of AWCs in these habitations, and the plan of action for ensuring that all these habitations have functioning AWCs within two years.

After this Professor Amartya Sen was invited to deliver the keynote address. Prof. Sen began by congratulating the authors for the FOCUS Report. He described it as, wide ranging, insightful and powerful. He went on to say that the issues highlighted in this report are particularly important, as India is in a peculiar position. He



said that we have made progress in many areas yet there are major failures: the most dramatic being the failure to protect the well-being and rights of Indian children. He noted that India has the highest ratio of underweight children in the world, with even African nations having less deprivation than India. Moreover statistics show that the deprivation has not gone down in India: anemia is a big problem; progress in immunization has taken place in some states, but in the country as a whole, more than 40 per cent of the Indian children are not fully immunized. This is a terrible hardship that is redeemable and avoidable.

Sen held that one of the ways of looking at the problem is to place it in a broad framework. FOCUS Report appeals for human rights- *adhikar*. The concept of rights is not alien to India. He outlined three reasons why human rights are important:

I. 'Human Right' is an assertion that you have rights by virtue of being a human being. The existence of this right is not conditional on legality. It is helpful if governments implement these rights. India has a remarkable record in the Supreme Court orders like that of the ICDS, MDM etc. There is every reason to congratulate the SC for taking interest in these issues.

II. Sense of a right is attached with a sense of duty. Rights and duties must be specified together. There are also principles of perfect and imperfect obligation. He explained what he meant by the two.

Perfect obligation exists where someone's right is associated with the specific duty of a particular person for the realization of that right.

Imperfect obligation, on the other hand, is the obligation anyone who can help has to protect that right. To clarify this he narrated an example: an incident in New York, a woman named Kitty was killed in the presence of more than 60 people. In this case, there is a violation of three rights and duties: (a) Kitty's right to life, (b) the assailant's perfect obligation not to assail and (c) the imperfect obligation of the spectators to restrain the assailant.

Thus a general structure of 'human rights' is important to understanding the issue.

III. Rights are general terms. For instance, right to food, right to immunization. But rights by themselves do not lead to structures and institutions. There are issues of finance, implementation, institutionalization etc. Finances are often wasted. Many organisations need to work together on this. He shared his experiences of working with a Teacher's Unions in West Bengal, to help them utilize the money better. He admitted that a deep sense of understanding was developed through their interaction with the unions. He went on to advocate the need to take a broad role for the unions, going beyond 'economism'.

Similarly with the ICDS-implementation and effectiveness is important. It has to be a joint effort, as it is a concern for all- government, union, and citizens. More of what we are already doing is not the best thing if we are not doing the right thing. This whole issue

can be improved through the assertion of *Bal Adhikar* (children's rights). There should be no compromise on the fact that the situation of children in the country is intolerable. He went on to say that, "this is a much bigger issue than national pride."



to be intelligent in seeing how best we can make this change. He concluded by saying that, "We all stand united here to ensure that we do not continue to have what we have had for unbearably too long."

The next discussant was Prof Sukhdeo Thorat who discussed the issue of social exclusion in the context of rights of children under-six. Thorat appreciated the FOCUS Report for keeping the inter-sectoral disparities in mind. He stressed that social exclusion and discrimination's role in the society is restricting the Right to Food. The FOCUS Report speaks of 'inclusive development; and not aggregate development. Deprived sections of gender, caste, creed, religion need to be cared for. He shared the findings of his study of social exclusion in the Mid Day Meal Scheme (MDMS), where Rajasthan reported practice of exclusion in MDMS on the basis of caste. It also showed that Andhra Pradesh has best access to MDMS because self-help groups of deprived sections are managing the programme.

Professor Thorat noted that general policies were not enough, and inclusive policies are necessary. Even after Right to Food, the mid-day meal can be denied due to power politics. Taking this further he suggested that, strategies and policies to tackle exclusion need to be developed in the 11th Plan. Till we understand the forms of discrimination like caste, class, religion etc., we will never be able to tackle exclusion. Moreover till the 11th Plan comes into force, a proper policy should be designed.

Dr. Shantha Sinha, the next discussant focused on a survey conducted by the MV Foundation in Rangareddy district of Andhra Pradesh. She referred to the effort as teamwork of 50-60 researchers. She said that these surveys and reports give strength to people working on the ground. Commenting on *Bal Adhikar Samvad* she said that,

Prof. Sen suggested that we need to be intelligent and not mechanical in our demands. ICDS does not have a uniform implementation. We need to distinguish between different cases. For instance, MDM worked in West Bengal as a whole but it did not work in some areas of the state. Some opposition came from the privileged children who did not want to share a basic meal- this must be opposed. We need a radical change but we need

"Today, the issue on which we meet is crucial for our democracy. These forums must be used to air the issues of child rights otherwise democracy is incomplete." Each time children are not guaranteed life or food for nourishment, the trust of children in humanity is breached.

Dr. Sinha quoted studies from Rangareddy district, where the Anganwadi workers did not report "Grade 3" and "Grade 4" children officially, since the supervisors did not like it. There is a need to take up the issue point by point, which includes every child since its birth. Their experience also brings forth a heartening fact that, when child issues are raised, the entire community comes together.

Dr. Montek Singh Ahluwalia (Deputy Chairperson of the Planning Commission) was also present to comment on the provisions for children under six in the 11th Plan. He admitted that though statistics show that development has taken place, there has been no improvement in child nutrition. He also said that the government recognizes the importance of this issue, and that the ICDS is an important programme. He said that the ICDS already takes thousands of crores, but a lot more is needed.

The 11th Plan, he shared has laid great stress on ICDS. Dr. Ahluwalia committed that it will be expanded. "In the eleventh plan allocation will certainly be increased, but how much, I cannot say right now. Complete details will be worked out in a few months time, but it is necessary to expand radically." He went on to say that many non-governmental organizations and researchers have shown excellent implementation especially in some states like Tamil Nadu. A stress was laid on understanding the reasons behind this disparity among regions vis-à-vis implementation.

In nutrition, ICDS is the only programme. Dr. Ahluwalia also suggested that hopefully a report like FOCUS will be again generated after 5 years and that it would show some progress.

Following the discussion Vinay and Charul presented a soul-stirring song on the rights of a child.

Interactive Discussion

An important section of the morning session was the interactive session. During this session, in response to a question Dr. Ahluwalia said that, the problem of nutrition is more acute in the 0-2 age group, and the Anganwadi too is more important for this age-group. He went on to say that there are benefits to be derived from institutionalizing supplementary nutrition. Regarding health monitoring, he asked if there was an effective way of operationalising it at village level. He asked for help from civil society organizations, which he felt was more important than money. Moreover he stressed the need for flexibility to be built into the programmes, "because say mid-day meals is perhaps not required all that much in Punjab where the society is more affluent." A problem area is that currently different sections are catered to by different ministries- and

there is a need to 'ekikaran' (converge) these various sources/institutions- a roadmap for convergence needs to be drawn up.



As part of the morning session special invitees were called upon to raise certain specific issues. Harsh Mander commented upon the existence of a few categories of children who are unable to attend the anganwadi despite there being one- Disabled children, migrant, homeless and street children fall into this category. For these children, the malnutrition problem is more acute. The disabled children do not go as there are no adequate provisions to give them special attention and care. Children of migrants are not included due to lack of proper 'papers'. Children of prostitutes do not also attend anganwadis due to social disapproval. These children should be given special attention and efforts should be made to end their exclusion from the ICDS programme. Sudha Sundaraman brought up the concerns of Anganwadi Workers, and criticized a recent Supreme Court order (preceding the 13th December ICDS judgement) stating that Anganwadi workers were not entitled to minimum wages.

With this the morning session came to a conclusion. Lunch followed with some delay and confusion. Nonetheless there were lively performances by Mobile Crèches and the NACDOR team which presented a play each. The groups from some of the states too took this opportunity to sing a few songs.

Afternoon Session



To commence the afternoon session Aruna Roy was invited to address the gathering. She started by inviting a few children onto the stage and raising slogans with them. Aruna ji started by stating that 30 years ago people in Rajasthan thought sending children to Anganwadis was

unnecessary, as "*bachchon ka padha kar doctor thodi banana hai*". Our achievement is that today parents understand the importance of Anganwadis for their children. Everyone wants an effective anganwadi. The Supreme Court orders as well as the Right to Information Act have been useful in increasing implementation. It is important to raise the sensitivity of society to the needs of children under-six. Other issues too are connected like that of casteism- if a dalit cooks food in Anganwadis, then everyone must eat. Without this, the fight is not complete. The issue is very complex and an organized effort is needed for this.

Regretfully, due to time constraints, the dialogue, discussion and full reporting in the afternoon session got restricted. However, within this time limitation, some sharing took place from the states and some important issues were brought up by the following: Delhi (Hemlata Kansotia-Delhi FORCES), Tamil Nadu (Shaheen, TN-FORCES), Andhra Pradesh (Rajendra Prasad-MV Foundation), Jharkhand (Gurjeet Singh -BGVS) and Chhattisgarh. A few other leaders of organizations/networks too presented their views on this occasion: Annie Raja (National Federation of Indian Women), Ashok Bharti (National Conference of Dalit Organisations), and Radha Holla (Breastfeeding Promotion Network of India). The day concluded with a mime performance by Gandhi Darshan Mime group.

BAL ADHIKAR SAMVAD DELEGATION TO THE PRIME MINISTER AND UNITED PROGRESSIVE ALLIANCE CHAIRPERSON

Delegation to the Prime Minister

A 'Bal Adhikar Samvad' delegation of five, comprising Annie Raja, Harsh Mander, Jean Drèze, Kavita Srivastava and Shanta Sinha, met Dr. Manmohan Singh on the evening of the 19th December 2006. The Prime Minister was presented with a copy of the Focus On Children Under Six (FOCUS) Report. The delegation also handed him a letter requesting him to ensure that:

1. The Supreme Court order of 13th December is implemented in letter and spirit;
2. The universalisation of ICDS is a top priority of the 11th Plan; and
3. The NFHS-3 data be released immediately for public debate on this issue.

Dr. Singh said that he knew about the unchanged situation of the NFHS 3 data as far as immunisation, anemia and malnutrition was concerned; and also expressed concern that we were doing worse than Sub Saharan Africa. He went on to say that, "we know the problem but we do not know the solution." He felt that universalisation of ICDS was not a contentious issue, it was a commitment of the Common Minimum Programme and a decision had already been taken to increase the budget for ICDS. Nonetheless he was unsure whether ICDS centers could actually bring about improvement as, they were very good in Tamil Nadu but not necessarily in other

States. The delegation reiterated the case for “universalization with quality”, and for stronger political leadership on this issue. The members of the delegation also requested the Prime Minister to call a meeting of the Chief Ministers on the issue of children's nutritional status so that this problem can be addressed on a priority basis.

The delegation also suggested that different interventions were required at the urban and rural levels. Similarly the need to reach out to marginalized and excluded groups was put forth by Harsh Mander. Jean Drèze argued that the ICDS structure needed a comprehensive revamp issues. Shantha Sinha spoke of how in the last two years M V foundation had intervened with the *panchayats*, and motivated them to monitor the development of the children going to the ICDS on a monthly basis.

At the end of the meeting the Prime Minister said that he would immediately send a letter to all Chief Ministers, saying that children's nutritional and health status needed to be a priority and the need to focus on ICDS. He declared that a meeting with all Chief Ministers would be called within two months.

Delegation to the UPA Chairperson

A Bal Adhikar Samvad delegation met Mrs. Sonia Gandhi, on 20th December 2006. The delegation comprised Annie Raja, Devika Singh, Jean Drèze, Kavita Srivastava and Navjyoti. She was presented with a copy of the FOCUS report and a letter with the same demands as (those presented to the Prime Minister, see above).

Mrs. Gandhi said that she knew about the terrible condition of children and had also spoken with Montek Singh Ahluwalia who also was very concerned. The delegation expressed the same concerns with her and she said that she would try ensuring it priority in Congress ruled States. Devika Singh put forth that all efforts were being made to farm out work to ASHA, NGOs etc., in fact, everything but address the issues of improving outreach to under-threes and improve preschool education, which would require dealing with staffing, infrastructure and budget. These were priorities for improving quality. The delegation suggested that the 26th January Gram Sabhas could have ICDS as a priority. Devika Singh spoke about the constraints that a single Anganwadi worker is subjected to, and the success of the Tamil Nadu model was related to the fact that there were two Anganwadi Workers. The delegation also spoke of giving a dignity wage to the anganwadi worker and that Supreme Court orders had helped in streamlining ICDS in several places.

Mrs. Gandhi reiterated the government’s commitment to the universalization of ICDS and assured the delegation that this issue would be treated.