In No Man's Land: The Adolescent

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In No Man’s Land: The Adolescent Conference Report

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Acknowledgements

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Not quite children, and not yet adults, adolescents are a problem for everyone! Talk to anybody—parents, teachers, policy makers, policemen, a random person on the street—they all have an opinion about this age group. About how they are difficult, how they need to be controlled, how they should behave better, what they know, what they don’t know, what they should know, how they should be trained better so that they can be more productive and better prepared to be good workers, wives, husbands, fathers, mothers, etc. etc. If you look back in time at your own life, chances are you too will have conflicted feelings about that stage of your life—the crazy rollercoaster ride of too-felt feelings, the confusion in your head and in your body, the not knowing what to do and who you are.

Adolescence is a time of transition, it is both an extension of childhood, as well as a preparation for adulthood; it’s a time of tumultuous change—physically, mentally and emotionally. Ambiguity abounds, and unfortunately what that has done is it has led to multiple definitions of adolescence. At what age does adolescence start and when does it end? Is this person to be treated as a child, or an adult, or something else altogether? Defining adolescence and answering these questions is important because how else is a society to make laws, policies, programs and interventions to best support and nurture this person, this child in flux.

India is home to more than 243 million adolescents (accounting for approximately 20% of the country’s population). Given that mere survival is a daily battle for so many, and infant and under-5 mortality remains a staggeringly high number, political attention, energy and resources are largely focused on issues pertaining to the very young. Sadly, what that has resulted in is a vacuum in vision and policy for older children. It is urgent for us to realize that this does not have to be an either-or situation.

Adding to the confusion around definitions or perhaps because of it are contradictions within different laws regarding who a child is, exacerbating the adolescent’s vulnerability. Age plays a role in determining protections, entitlements and access to services. At the age of 14, certain protective and beneficial legislations are no longer applicable. Children over the age of 14 are no longer entitled to state funded education, for instance. Nor is there any restriction in their employability, as a child is a person under the age of 14 under our regressive labour laws. On the flip side, control proliferates in other areas. For example, children’s sexual lives and identities are tightly curtailed by the State, to the extent that even sex education is taboo, or worse, prohibited. Young males between the age of 16-18 are another controversial grouping who are at present seen solely through the punitive prism of a criminal justice model of control.

Is an adolescent a child? Should laws pertaining to adults apply to the adolescent? Where is this group situated in interpretations of childhood? How do we work with the adolescent’s evolving capacities? What of their agency and participation?

Recent advances in the science of adolescent brain mapping reveal that the human brain undergoes significant growth and changes much later into life than was earlier understood—until as late as the age of 21 even. Developmental psychologists are now able to map adolescent brain development to show the dissonance between adolescents’ cognitive understanding and ability to self-regulate—where ‘understanding’ precedes the adolescent’s ability to successfully control impulsiveness or engage in higher tasks such as risk assessment, planning, and understanding consequences. Adolescents’ arousability, susceptibility to peer influence, and vulnerability makes them less able to extricate themselves from crime inducing environments. This creates a volatile emotional landscape, particularly for those who are exposed to violence, trauma and exclusion in a routine manner. How should this new understanding affect social policy? Does it change our understanding of childhood?

At Aangan, a lot of our work is centered around adolescents. We see everyday the impact that the lack of clarity at policy levels has on the daily lives of these youngsters. To us, that’s a good enough reason to have a day devoted to thinking about adolescents.
Moreover, over the next year, our legislature is going to be pondering certain new laws and amendments to old laws that are going to have a huge bearing on the lives of young people. I speak specifically about:

- the Juvenile Justice (Care and Protection of Children) Bill of 2014 that seeks to create a new category of non-child by sending certain young offenders to adult prisons.
- the Protection of Children from Sexual Offences Act that criminalizes sexual contact between young people, including consensual sexual activity between older teenagers (16-18 years) that has resulted in the arrest and detention of hundreds of young people.
- the Child Labour (Prohibition and Regulation) Amendment Bill which seeks to finally ban all forms of labour for children under the age of 14 and also more importantly, to protect older children (adolescents) who work in dangerous and hazardous occupations.

For all of these reasons, we believe that it is important, nay, imperative for all of us who work with and are concerned about children and their development to come together and resolve these issues through a deeper exploration and understanding of young people.

This is why, this conference.

Atiya Bose
Director, Policy and Advocacy
Aangan
As people working on the ground, we have been trying to understand just how challenging the adolescent population is. We started thinking about it deeply a couple of years ago. We noticed that when we go to a rescue or a shelter home, younger children are treated with some amount of empathy but in the case of adolescent children, empathy was far less or absent altogether.

Atiya (Bose) and I happened to be in a shelter home in Delhi. A Child Welfare Committee (CWC) member lamented that it was frustrating to work with the older girls. ‘As a well-trained CWC member, our mandate is to send the girls back home,’ she said to us. ‘With the younger children, we ask them about their background when they are in the process of repatriation. The older girls lie. We are aware that they know their addresses and phone numbers. But they just lie,’ she said.

Maybe we need to start thinking about why the adolescent girl is lying about going back home. When my colleagues, Renuka Rao and Deepti Khera went to several institutions and started asking the girls about this, we realised that the reality is quite different. 72% of the girls said that nobody was really asking them if they wanted to go back home. 58% of them said that given a choice, they choose not to go back home. Some of them didn’t know where they could go. 66% of them said that they had an opportunity to make a phone call, but chose not to.

This is a classic conflict between the adolescent’s right to participate as one who is fairly discerning and competent, an adolescent’s agency and her right to protection. This is the very real conflict that we have to grapple with as policy makers.

For adolescent boys, it is a crucial and terrible time in our country as the thirst for retribution and punishment rages. It is the time to look at boys not just through the lens of masculinity, but also vulnerability.

If we raise those kinds of questions, we could consider this a successful day.
Evolveing ideas of childhood: Moving towards a definition of adolescence
Jacqueline Bhabha, FXB Director of Research, Professor of the Practice of Health and Human Rights at the Harvard School of Public Health

Summary: The session examined the gap between general notions of adolescence as a time of exploration, opportunity and relative freedom and the reality of adolescence for most, where the luxury of exploration and freedom are submerged by social, economic and other burdens and oppressions.

Bhabha stated that while traditionally governments, policymakers, and international bodies have focused more on early childhood (the first 1000 days of birth), there is an increasing need to focus on the specific needs of adolescents, acknowledging the turbulent period it represents. The United Nations Development Report (UNDR) 2014 report, while ranking India 135th in the human development index also established the importance of adolescence. The report re-establishes the importance of holistic interventions as opposed to specific solutions. Many leaders such as the UN secretary-general Ban Ki-Moon have described adolescence as a period of exploration, of searching for your identity, a freedom from responsibilities, with a growing idealism, and engagement with social issues.

"You only have to read the writings during the Arab Spring to understand this population. It is full of ideals, yet it’s not tied down by family responsibilities," said Bhabha. Citing another example, she spoke of the protests after the gang rape of the 23-year old physiotherapist in December 2013 which was led by young people.

Statistics on children in India
In India, this optimistic view on adolescents does not unfold as a large number of adolescents do not have the privilege of going to school. In India, only 60% of children who enrol in standard one continue school. Of the poorest 20%, of these children, only 29% of children continue in school. While in case of the richest 20%, 82% continue studying at school.

The figures on child labour are also staggering. UNICEF data in the South Asia and Pacific Region states that 64% of children between the ages of 5-14 are working, that is, 122 million children.

Complexities posed by adolescence
Bhabha cited the multiple definitions of youth according to different international bodies, stating that the most widely accepted definitions of adolescence are those of the UNFPA, UNICEF and WHO, of 10 to 19 years, while the International Labour Organisation has listed this as 15-24 years. According to the National Youth Policy, 2014, this is 15-29 years.

Bhabha then elucidated the issues governing adolescence. On the one hand, she said, there is a need to protect them and their agency and on the other hand, adolescents have a right to express their views. “Adolescence is the time for dramatic physical and mental growth. It is the time for puberty and other emotional changes. It is a transition from being part of the member of a family to a community. It is also the time sexual differentiation takes place,” said Bhabha.

There is no clear definition on what the government means by adolescence in India. There are at least five definitions as per different programmes and policies. Definitional clarity is important and not a luxury, especially for action and policy formation.

The period is complicated for both boys and girls. For girls, one has to think about the autonomy of reproductive rights, how to tackle sexual harassment at the workplace or school or any other public place, and maternal mortality (as young women are at a higher risk of dying).
To add to the confusion, there is no clear definition on what the government means by adolescence in India. There are at least five definitions as per different programmes and policies. “Definitional clarity is important and not a luxury, especially for action and policy formation. It also becomes very difficult to collect data. If you cannot agree on a subject, you can’t establish benchmarks. There is also not much accountability. It then becomes difficult to get a clear budget line,” said Bhabha.

Bhabha went on to speak in detail about the ‘best interest’ principle enshrined in the widely recognised international instrument, the United Nations Convention on the Rights of the Child (UNCRC). According to this, the child’s best interests have to be the primary consideration in making any determination about the child. This runs contrary to the traditional Victorian notion of a child as an innocent being to be protected—a notion that was caricatured. As per this older notion, children were possessions and did not a voice.

“The newer view is that of a child as a rights bearer. This also applies to adolescence. So a 17-year old trafficked girl has a right to be asked if it is safe for her to go home, what the consequences are, how she will be treated, and who sent her away,” said Bhabha.

The rights based approach, however, has an inherent conflict. What an adult thinks is best for an adolescent, particularly the mythical teenager, may not be the same as what the adolescent thinks. “We do not have a mechanism to figure out this inherent conflict. We have an unresolved problem right there,” said Bhabha. For instance, an adult may feel that education may be in the best interest of the child, while the child may want to continue to work.

Also, the UNCRC speaks of non-discrimination irrespective of age, sex, disability, sexuality, ethnicity, religion and so on. So, while the children have a right, the parents have a right to decide on the religion, schooling, and the best interest of the child vis-à-vis reproductive rights. If a girl wants to go to school and the family does not want to send her, who decides in this scenario? While some families are enabling or supportive, there are many who are not. For instance, there was a famous case in the US Supreme Court where an Amish family withdrew their 14-year old daughter from school when she began menstruating, and the court decided that it was constitutional to do so.

“Who decides when there are conflicts like this? What about reproductive rights? Should parents get involved, especially on issues of whether they should take contraceptives? Should they know about their relationships? There are issues of freedom of opinion, access to internet, migration, socialising, among other issues which are unresolved. The CRC does not help us navigate these issues, though it gives us a road map. These tensions will only increase as adolescents mature,” said Bhabha.

Issues pertaining to child labour
There are also other socio-political dilemmas to consider, especially issues surrounding child labour. How much should children work? “There are people who say that it is easy to say that a child should be in school. But the reality is that in the villages, families rely on children to put food on their tables. At the other end of the spectrum are those who say that education is a fundamental right. There is an idea that pulling children out of school creates a descaled population, where machines are substituted with people. Why should we insist as a society that it is a normal baseline?” said Bhabha.

Besides, many children who work in informal sectors do not fall under the legal paradigm of what constitutes work. In the case of girls, the legal definition of work does not cover the half of it. While 29% of Indian women are in the labour force, the other 71% are not part of the formal labour force. They work without pension, sick benefits, and any guarantee of security.

“We need to cover a bigger workforce under the legal framework of work. Employment laws assume a certain amount of formality in the workforce which doesn’t always exist. A lot of employees are therefore let off the hook, “said Bhabha.
It is also a tough time in our country to be a boy. A boy has to think carefully about sex, gender norms, and to comply with what is expected. A boy is supposed to know where to draw a line; a wrong move can be dangerous and even lead to imprisonment. “There is also peer pressure to deal with. How does a boy comply with expectations of machismo and earning a living? We see devastating consequences of this pressure. Gangs impress peers in completely dangerous and punishing ways, “said Bhabha.

**Juvenile Justice and the Adolescent**

In the area of juvenile justice too, there are issues, both physiological and sociological. Cognitive development (including the ability to reason and deductive thinking) peaks at the age of 18-19 years. In the meanwhile, the development of the brain involving emotional behaviour takes longer. Besides that, the biological processes which connect cognitive processes with affective processes involving the synapses, could take up to 22 years to develop. This means that adolescents may be equipped to deal with cognitive challenges, but do not have the sophistication to curb arousal or an adrenalin rush.

“There is a lot of emotional energy at the time, but the ability to control this emotion, takes much longer. Therefore, the notion that we should have special ways to deal with adolescents seems justified. So we need to treat children differently even if they do terrible things. A 16-year old boy committing a heinous crime cannot be treated the same way as a 30-year-old man committing the same crime. This doesn’t mean that boy is innocent, but the same punishment cannot apply to everybody,” said Bhabha.

In this notion too, there is an innate contradiction, she added. “On the one hand, we are saying their voice matters. But on the other, we plead that they are not fully competent to face adult punishments. This is the real tension which manifests itself,” said Bhabha.

Taking all these points into consideration, we need to move away from an idealised notion of adolescence and think more seriously about the huge challenges ahead. “The idealised notion is a luxury, a remote chimera,” said Bhabha. We also need to acknowledge the differences, not just equality, especially in the context of disability.

**Questions and comments**

Bishakha Datta, Point of View: With regard to understanding the child’s perspective, especially while taking decisions pertaining to the rescue and rehabilitation of trafficked girls, many lie about not knowing where they live as they do not want to go home. “Lying becomes a coping strategy. Girls fear stigma and violence. Some girls went home from red light areas and were burned to death in West Bengal,” said Datta.

Also coercion is a big question in any conversation on trafficking. “How do we place sex work in this continuum of sexuality? Are we saying that if the child is below 18, we can have sex for pleasure, but not for payment? We need to place the argument in a broader avenue,” said Datta. She also felt that while working on child rights, gender should not be thought of as a binary, but as a continuum.

Bhabha said that given the political situation, where the health minister is against sex education, we have to figure how to have constructive conversations about sex and sexuality.

Ankit Macwan: In the context of keeping the best interests of the child in mind, Ankit spoke of a landmark case in the UK where the mother of a 16-year old girl took on local authorities for giving contraceptive advice or treatment without parental consent to her daughter. This case led to the formation of what is called Fraser guidelines. These guidelines are used in deciding whether a child is mature enough to make decisions related to contraception. “In India, we often struggle with what the teenager expresses. We feel that there is an immediate risk to a young person. The emphasis is currently on rehabilitation, rather on the child’s rights,” said Macwan.
Macwan also spoke about how in serious cases involving adolescents, such as the Delhi gang rape case, we need to probably think about victim’s rights too. “Should we treat each case differently, or categorise? Should we apply different set of rules for different cases? In the UK, the rarest of rare case is treated differently for juvenile offenders,” said Macwan.

Responding to these comments, Bhabha said that this kind of complication evaluation will require an allocation of resources. “We have to gauge each situation as per different social and national contexts. What resources we could allocate to make these different decisions? How unbiased would these judges be to say street children. None of these decisions are easy. For the less privileged section of society, nobody has resources,” said Bhabha.

Priya Agrawal, Founder Director, Antarang: Antarang works with the youth and skills training, and they face a challenge whereby a child whose inherent nature is to question authority has to be part of the organised workforce.

Bhabha said that we do not have to completely deferential to the youth and should be able to set boundaries. “If you are not in any way orderly or disciplined, then it is perpetuating disorder. This requires time, energy, resources and support,” said Bhabha.
Adolescent Girls and Education: Exploring child labour, child marriage, current education policy and the exercise of agency
Shantha Sinha, Founder trustee and Secretary, Mamidipudi Venkatarangaiya Foundation (MVF), Hyderabad

Summary: Through interviews with young girls who were once school drop-outs and child labourers but have since crossed many hurdles to finish school and pursue their dream of higher education, this presentation explored the importance of ‘agency’, community support and institutional arrangements, that together enable these young girls’ act of defiance within their families against early marriage, child labour and gender discrimination.

Sinha said that MVF’s work is premised on the principle that no child must work and every child must attend full-time, formal, day school. She spoke of how MVF has worked with children and adolescents, withdrawn them from child labour, and enrolled them in school. Among these adolescents, Sinha interviewed 30 girls who were once school dropouts and child labourers, but have since crossed many hurdles to finish school and pursue their dream of a higher education. She said that while one girl is pursuing a PhD in organic chemistry, another has become a village revenue officer.

Laws pertaining to children and their implementation
In this context, she spoke of legislations meant for children, which she felt are in practice, ineffective—the first, the Child Labour (Prohibition and Regulation) Act 1986, as none of the work undertaken by girls has been defined as hazardous or prohibitive under the Act. The second, The Prohibition of Child Marriage Act, 2006 as it does not nullify child marriage—a girl would have to exercise her agency, go to the district magistrate and say that she did not want this marriage to have it dissolved. The third, the Right to Education Act 2009 is only for children up to the age of 14 years and does not cover children between the ages of 14 to 18 years. Further, the Protection of Children from Sexual Offences Act 2012, criminalises sexual relationships between the ages of 16-18, and is also going to be “useless”, said Sinha.

On the debate over the issue of age and the proposed amendment of the Juvenile Justice Act, Sinha said that she does not have a “fundamentalist” position about it. “If the cut-off age of 18 years is in the best interest of children for say child labour, then that is as it should be. 16 years is a good cut-off for consensual sex. 18 years is for protecting all children in conflict regardless of the nature of crime the child is involved in and has to be addressed only by the JJB. The predicament and the location of the child should decide the age cut off. I am not so much for uniformity of ages in all the Acts. To me it sounds logical that one has to look at the best interest of the child to define age cut-offs,” said Sinha.

Right to education and child labour
Speaking about the strong stand MVF has taken in relation to child labour and enrolling children into full time formal schools. This strong stand, she said, has resonated with lakhs of parents who supported them in sending their children to school. There were of course some parents who took time to decide on withdrawing their children from work. MVF staff has gone to each parent multiple times for two or three years till they listened and sent their child to school.

Sinha said, “Anything that compromises education is wrong. School participation is of primary importance. All the work the child does before school hours which enables the child to participate in school is important. School participation would also mean the time spent by the child before and after school hours that enables her to be active in the school and the classroom. Thus, even if a child attends school but cannot do homework, or cannot play because he or she is tired from work cannot be considered as school participation.”

Earlier, MVF was encouraging of boys leaving home to join residential school camps, but not girls. She shared the story of a 9-year old girl who challenged their thinking on this. The girl had walked 20 km through farms and fought getting married, before she came to MVF. “When we told her it is not right for a girl to run away from home and that she should go back, she said that if this is what you believe, you should close down MVF. We were challenged by this little girl. You will have to take on families and the state—that was the message that hit us. If the girls are ready, we have to be ready. That’s how we started working on child marriage,” Sinha said.
She added that many girls grow up in a world of violence, abuse and work. They grew up to accept this kind of violence and the constant work of cooking, cleaning, washing. “This kind of monotony is deadly. This is what she does all her life and sees no other world,” said Sinha.

Many girls have had to drop out of school when one of the family members, especially the mother, falls ill. The first-borns are usually the worst affected and denied an education. “First born girls are viewed as little mothers. They see how the mothers are being ill-treated and feel guilty about leaving home. They say if I run away what will happen to my mother,” said Sinha.

MVF has managed to stop over 20,000 child marriages. “So many marriages were stopped when girls protested and exercised agency to say no to marriage. Otherwise, their families wouldn’t listen. Many burned food, or stopped washing vessels as form of protest. Many girls got out of work too,” said Sinha.

For these girls, the aspiration to study was very strong. “Many who never went to school wondered what children with school bags do. One girl said that her brothers and sisters would come home and say ‘A for Apple’. She would wonder what they were saying. Now that girl is doing a masters course in English,” said Sinha.

Girls pursuing education beyond class 10 were told by their parents to find their own means of livelihood to educate themselves. So at a time when they were supposed to give time to their education, they were also working. Girls could attend only about 50% of the college lectures. Those who went to college also worked as domestic workers and tuition teachers, walking long distances to go to college. All of them asked for residential facilities, bus passes, clothes, and other resources to fend for them just to continue studying. “One girl used her class 10 notebooks and wrote between lines in red ink and margins in green ink to save paper as she could not afford to buy books. They knew that only by doing this, they can break the cycle of poverty and deprivation,” said Sinha.

Sinha said that residential camps have really worked for girls. “For the first time they danced, and enjoyed themselves in the hostel. Even if it was a very bad hostel, they would seek admission. It is an important place for girls to come together. They are informed by a sense of togetherness, of the injustice meted out to them. It is a combination of pride and justice. They know that things are bad, but they are willing to fight it,” said Sinha. Despite fighting their parents, many have a strong bond with their families. Families are proud that their daughters are supporting themselves. “It is fear for their safety that makes many parents keep their girls away from education. They think perhaps that it is safer for girls to be married. When the girls prove they can do it, the scenario changes,” said Sinha.

She spoke of a girl who had to attend an interview for the position of a teacher, but had to ask her father who once opposed her higher education for money to go for the interview. The girl’s father borrowed money and went with her to Hyderabad to support her, where she was selected as a teacher. Another girl’s parent had fallen sick just before her class 10 exams. She missed her exam, went to care for her father and then took her exam. She too went on to become a teacher. “The relationship between the parent and daughter is qualitatively far more superior. They share whatever little they have,” said Sinha.

Child participation and agency

Sinha said that there are several practices in India in relation to child participation. Kerala has a system of balpanchayat sabhas in its Kudumbashree programme for women’s empowerment; UNICEF has a child reporter’s programme in over 632 schools in Odisha, there is the Meena manch sponsored by UNICEF with over 80,000 girls and many other such initiatives.

Agency is the ability of an individual to make effective choices to transform their choices into effect. The imagination of agency is not just the decision to break from the past, but to break from the past for the future. It is the link between the past, present and future.

“Children are heard by adults in a manner that is patronising. Child participation is not taken to its logical conclusion especially in cases where caste and child marriage are in question. While children get a sense of accomplishment in asking after why services are not available to them, exercising agency is about gaining strength to find solutions to a problem, defying power structures at the family and in society. No child marriage can be stopped without agency,” explained Sinha.
She explained the importance of a child’s agency when it comes to seeking education, breaking out of the cycle of child labour or escaping child marriage. Agency is the ability of an individual to make effective choices to transform their choices into effect. “The imagination of agency is not just the decision to break from the past, but to break from the past for the future. It is the link between the past, present and future,” said Sinha.

To escape the cycle of violence and work, children are always planning how to escape. “No child is not planning on an escape. There is hope that something will happen if they get away from their current situation,” said Sinha.

For a child to exercise agency, a support group in the community whom she can trust becomes very important. Sinha said that a child will not take action if there is no support group. She would also need residential programmes. “A child gets the strength to defy authority when they get help. Without that support, asking a child to defy the norm is to put them at risk,” she said. So if the child has no confidence in the adult, she will not be able to stand up to her family.

She added that many girls grow up in a world of violence, abuse and work. They grew up to accept this kind of violence and the constant work of cooking, cleaning, washing. “This kind of monotony is deadly. This is what she does all her life and sees no other world,” said Sinha.

Many girls have had to drop out of school when one of the family members, especially the mother, falls ill. The first-borns are usually the worst affected and denied an education. “First born girls are viewed as little mothers. They see how the mothers are being ill-treated and feel guilty about leaving home. They say if I run away what will happen to my mother,” said Sinha.

All that the child needs is the support of an adult or an institution that has the courage to stand by her. Sinha gave the example of a girl, Nasreen, who wanted to study and refused to pull out of the residential camp despite the intervention of a police officer and MLA. “Because Nasreen was ready, MVF was ready. We could defy all of them.. We can only give them a ray of hope. But anchoring on that, the children can do wonders. They even have the strength to change the entire economy,” said Sinha.

Equally, state accountability is important for these children to come out of their situation. It provides for an enabling environment to empower girls to exercise agency. “While structural issues related to the economy are huge challenges, it is not unsurmountable. The way to break is to empower girls. Such children, in their acts of defiance, have valiantly fought saying no to one’s past and have charted a new path. This has radical implications for society,” concluded Sinha.

Questions and Comments
Uma Subramanian, from ADM Capital Foundation, questioned the criticism of POCSO in the context of lowering of age of consent for sex from 18 to 16. “We need to think about how exposed and vulnerable girls are if there was not protection from sexual offences. Someone could take advantage of their sexual exploration,” said Subramanian. Sinha said a good campaign on sex education for children in schools and out of schools is a better idea to tackle this problem than banning consensual sex in that age-group.

Sujata Ganega, Executive Director, Support, who works with street children said that the lack of residential programme in the state is a big problem for them.

Suparna Gupta, Founder Director, Aangan, asked Sinha what she felt the role of shelters were in the urban context.

Sinha: Shelters are very important, as for many it is the last resort. In many cases the biggest violators of rights have been the institutions themselves. But where is the guarantee that in foster care or sponsorship there will not be any violation? Each child will require his or her own plan. I feel the advantage of a residential space is that the children can as a collective convert it into something very positive works.

Having said that, she added that ashram shalas in India are very badly designed. These residential schools are built by the tribal
Sinha: It is important to prepare the community about child rights and build a solid support network of those who will vouch for child rights at the basti.

About state intervention, Sinha affirmed that the state should intervene in the case of any violation of human rights. She added that she, as the head of National Commission for Protection of Child Rights (NCPCR) had intervened even in cases of corporal punishment of children in families. Once there is violence on a child it no longer is a private issue. It is a violation of human rights and becomes a matter of public concern and a public issue. “If there is a conflict between tradition and the child’s right, I say dump the tradition and uphold the child’s right, and create new traditions that care for children.” said Sinha.
**Constructing masculinity in youth**  
Sanjay Srivastava, Professor of Sociology, Jawaharlal Nehru University, Delhi

**Summary:** The presentation explored definitions of ‘masculinity’ and the importance of thinking about gender through thinking about masculinity. It explored the cultural and social processes through which masculine identities are produced and consolidated, and examined ways in which the masculine ‘ideal’ is institutionalised in everyday life.

When his 16-year-old daughter asked him if sex is obligatory in a marriage, as was discussed by few of her classmates, Srivastava said it got him thinking about notions of sexuality and gender—how boys become men and how they come to hold certain opinions about the world.

Sociologists have recently started thinking of gender as a relationship which is essentially about power. Quoting Rosalind O’Hanlon, professor of Indian History and Culture, Srivastava said that it is important to look at men as gendered beings and to see what psychic and social investments sustain a sense of themselves as men. He added that one should also look at what networks and commonalities allow them to be men together on the basis of a shared gender identity and what hierarchies and exclusions set them apart. This question is important when we are thinking about understanding adolescence and youth.

“Masculinity is socially produced and embodied. It is interesting to see how the two work in tandem, so that we become human. It is important to see how biology and society get together,” said Srivastava. It manifests itself in the manners of speech, behaviour, gestures, social interaction and the division of tasks “proper” to men and women.

**On the difference between patriarchy and masculinity**

Srivastava said that patriarchy is the relationship between all men and all women such that it makes all men (heterosexual, homosexual, etc.) superior to all women. Masculinity, on the other hand, is the relationship between men and women but also between different kinds of men.

“It is important to look at masculinity as a subset of patriarchy. While masculinity makes men superior to women, it also makes some men superior to other men. Adolescence is the period when boys learn to be certain kinds of men,” said Srivastava.

**Masculinity through a historical lens**

We have to look at this notion of masculinity through the lens of history. “If you do not look at these notions as a subject of history, there is no possibility of change. Or else you know that as you move along, things change,” said Srivastava.

In India, certain groups have been identified as martial races, such as the Sikhs and Gurkhas, some of whom fought the 1857 war and for the British rulers. These groups internalise masculinity. Also, if we look at our family history vis-a-vis masculinity, old family photographs tell the story. The women are usually seated in front, while men are standing behind them. Also, while men were allowed to wear Western clothing, women were not, as they were considered “traditional”. Srivastava pointed out that even when our sportswomen came out for parades in international arenas, such as the Olympics, they wear Indian clothing, while men wear suits.

The history of the nation is also linked to certain ideas such as family, which produces notions of masculinity. For instance, the history of the father of the nation (Gandhi) projects an image of the nation as one of father and sons. Also the history of the uncle of the nation (Chacha Nehru), denotes childhood and youthfulness. Our modern history youth icons, such as Bhagat Singh and Swami Vivekanand, project certain ideas about masculinity.
Sites of learning about masculinity: Family, school and popular culture

While there is a significant modern history about notions of childhood and youth, there is no real understanding on how this “default” child or “default” youth came into being. Srivastava said that there are various sites of learning of masculinity.

**Family:** To begin with, the family as an institution is a site for learning about the connection between male honour and feminine behaviour. There is a sense of entitlement about masculinity. Boys also learn about sexuality and what it is to be a “proper” man.

“Family is also a place where you learn about the fragility of masculinity, but to project yourself as strong. It takes almost nothing to offend someone’s masculinity. Otherwise a man would not be offended if someone drove in front of someone else’s car, for instance. There is a constant battle to project yourself as not fragile at all. There is a great psychoanalytic fear that there is nothing there. Or else why would you need constant reinforcement through advertisements and films?” said Srivastava.

**School:** School is another site of learning about masculinity. Srivastava spoke about the Australian swimmer, Ian Thorpe, who came out as gay. Thorpe had denied his homosexuality and had noted in his autobiography that all his relationships were ‘straight’ and that he hoped to be married and have children someday. Thorpe also mentioned that he was questioned about his sexuality in school and the only way he dealt with it was by becoming hyper-masculine.

“Schooling as a context of heterosexual masculinity is important. We build notions about class and caste here. School is where boys learn to be boys and girls learn to be girls,” said Srivastava. Boys for instance are never taught cooking, but are encouraged to take up sports.

**Popular culture:** Multiple informal sites of masculinity also exist, as is evidenced through popular culture such as films and posters such as An Ideal Boy. “Changes in popular culture are very interesting in India. The muscular hero who dominates cultural representations of a ‘man’ today, were not so a few decades ago. Earlier, the muscular hero represented the lower classes. With the rise of consumer culture, muscular body becomes significant. The body has become something to work on,” said Srivastava.

Informal sites of learning also speak of notions of masculinity as violence. Srivastava said that for men, to not take part in violence is to lose grip on what they are told is an inherent part of their identity. But while violence makes men, it also unmakes men, if you do not do it properly.

“Women are as capable of violence as men which is why it is important to think of social contexts and not biology. A biologised notion of sexuality is dangerous. So, if we have a good social explanation, it is far more powerful. We need to have the tools to question those kinds of notions,” said Srivastava.

There are also other sites of learning about institutions that propagate masculinity such as clubs, societies, leisure and civic associations. There is also a strong notion of space and the notion that women and men should be in their “proper spaces”. Along with this idea also comes this notion of protection of women. “Women should have the right to public spaces and should not be harassed in such spaces, but should behave like women’. Who are ‘immodest women’?” asked Srivastava.

**Male bonding and masculinity**

Another important context within masculinity is male bonding. There are different sites of bonding, explained Srivastava. The family can be a site of ‘hierarchic bonding’, that is between father and son, where a superior teaches the sub-ordinate how to become a man. This may be changing in the urban context, where father-son relations are cast in the egalitarian mould.
There are other kinds of egalitarian bonding groups such as clubs and urban groups where there is a notion that everyone is equal, though there are hierarchies. The stance taken is anti-hierarchy, anti-structure and anti-adult. “However, this kind of bonding is not anti-family and is linked to broader notions of propriety and hierarchy. These groups also decide on what is the proper thing to do with the family. The two are linked and feed each other ideas,” explained Srivastava.

Srivastava said that male bonding is a strategy for survival where men legitimise each other’s actions. It usually produces ideas in the relationship with men and about how young boys should behave. “But this is not always necessarily about opening out to the world. It is a closed system. Within the context of male bonding, you can never display vulnerability. In that sense, there are costs of masculinity, upon oneself, the relationships men have with women, and others,” said Srivastava. For example, they produce notions such as one should always marry a “good woman” and not women such as the character of Helen (who played a sexy vamp) in Hindi films.

The notion of male bonding becomes a sort of shelter in the changing world, where men are moving away from their places of birth and childhood friends. “In a changing world, where people migrate, men learn to survive in cities through male bonding. Also, they are exposed to the working woman,” said Srivastava.

In these circumstances, male bonding is seen as ritual of trust. “But this has a cost. One has to keep performing. There is a notion that this is a completely biological relationship, beyond caste. It is seen as a more powerful force, even bigger than the man and wife. Recent films, such as 3 Idiots, Munnabhai MBBS, reinforce these ideas about male bonding.

“What is at stake? What are the costs of masculinity? How does it harm both boys and girls? What are the possibilities of thinking about other kinds of men? If we understand what happens with girls when they grow up, it is also important to think about how we bring up boys to be strong. It is important to look at masculinity in a fundamental social context where experiences are structured. If we change that, people will think about their futures as different,” concluded Srivastava.

Questions and Comments

Madhumita: Is the vulnerability of an adolescent necessarily a bad thing? There is a feeling of fear and anxiety about the adolescent as a category of concern, particularly because they are vulnerable. Are we not getting trapped in the way in which patriarchy views vulnerability? What if this vulnerability is a positive thing?

Srivastava agreed with her and said that vulnerability saved lives. “Earlier, men would refuse to go to the doctor because they would not admit to being sick. Many women would therefore outlive their husbands. There are practical consequences of not accepting vulnerability, which is true of a large number of men. Also the notion of risk becomes skewed among men. There are everyday practical consequences to not admitting to vulnerability,” he said.

Mohua Nigudkar, Assistant Professor, Tata Institute of Social Sciences: I work with children trapped in the juvenile justice system, but not enough work is done with the families of these children. We do not factor in how childhood experience is linked to patriarchy. We had a 14-year old boy, whose father had died and felt that he had to support his mother and sister. These messages were going on in his head. He had taken himself out of school. He had ingrained the patriarchal system. Currently, our programme addresses peer bonding which sometimes initiates children into risky situations.

In the context of helping juvenile offenders, Srivastava said that it is significant to get access to the family: “Children in villages become adults at the age of 14. What becomes a peer group is completely socially influenced, depending on the kind of people we are working with. So, we have to think about working at different kinds of sites.”

Arun Kumar, CEO, Apnalaya: Is there is a uni-linearity to the definitions of manhood and boyhood?

Srivastava said that while there is not necessarily a uni-linearity, power demands that there is uni-linearity in these definitions.

Bishakha Datta, Founder Member, Point of View: The internet is changing vulnerability in a big way. You cannot be in that space without feeling vulnerable. We do not have enough research to know what is happening. Vulnerability can be equated to authenticity. The internet can teach you certain constituents of being vulnerable.
Age, agency and consent in the context of POCSO
Flavia Agnes, Co-founder of Majlis, Mumbai, and women’s rights lawyer

Summary: POCSO has criminalised all consensual sexual activity between children below the age of 18. It has brought in greater parental and state control and has placed children at greater risk of criminal intimidation by those in authority. At another level, the provision of mandatory reporting has made the situation of doctors precarious. Doctors in public hospitals have struggled to bring young pregnant girls at risk of illegal abortions into the health care system with an assurance of confidentiality. The mandatory reporting provision runs contrary to this assurance and if enforced stringently, will result in driving these young girls away from the state health care system. The presentation examined some of these concerns.

Agnes spoke of old and current laws dealing with women and children and sexual abuse, including the newly formed Protection of Children from Sexual Offences Act (POSCO) and the Criminal Law Amendment Act, 2013. She explained that there is usually a huge gap between the law and how it plays out in reality, especially for poor sections of society.

The current laws, for example, do not take into account the importance of victim support, especially children. Talking about the lack of a victim support programme, particularly for lower class victims, Agnes gave the example of a minor girl who was raped in school at Mumbai. Taking up the girl’s case inspired them to start a programme for victims of sexual assault. Their presence in courts helped them secure a conviction against the likes of the high profile lawyer such as Majeed Memon.

“How can we expect this child and mother to go through with the criminal justice system by themselves? None of us, not even the most educated person, can enter a court without a lawyer. But we think that a child will be able to go there, depose against the accused and help secure a conviction,”

Challenges posed by mandatory reporting and making 18 the age of consent
She continued that the new laws continue to pose many problems. Spearheaded by child rights groups, POCSO was legislated in 2012. While it radically redefined sexual assault, it also increased the age of consent from 16 to 18 years. This, Agnes said, will enable parents to file criminal cases against boys in cases of elopement when they do not like the choice the girl has made. With greater parental and state control, the law has placed children at a greater risk of criminal intimidation by those in authority.

“After making the age of consent 18 years, girls will not have any sexual freedom at all. We told the Ministry of Women and Child Development not to increase the age of consent as it will affect lower caste and class boys. Besides, it has also shifted the burden of proof from the prosecution to the accused. What are we doing to our boys and girls? What are we doing to our society?” asked Agnes. The new Criminal Amendment Act has also increased the age of consent from 16 to 18 years.

The mandatory provision of reporting a sexual offence poses other problems. Agnes spoke of a 15-year old girl who got pregnant by her boyfriend. The couple were to get married. However, in her eighth month of pregnancy, the girl had a complication and started bleeding. The doctors at the government hospital who examined her made her file a sexual assault case against her boyfriend. While Majlis was attempting to help the girl, the girl stopped trusting them as she felt that they wanted to get her boyfriend convicted. The boy was later acquitted, but not before their families went through the entire rigmarole of the criminal justice system.
“While the question is raised about whether we want a 15-year old girl to have sex, the bigger question is whether our criminal law system is equipped to deal with such moral questions? The question is of the girl’s vulnerability. We are looking at that girl sitting in places like this conference, and deciding what her future should be, and how she should get education, etc. But we do not know her reality,” said Agnes. The provision of mandatory reporting also runs contrary to the assurance that young pregnant girls could get safe, legal abortions. Instead, it will result in driving these young girls away from the public health system.

Speaking of cases of survivors of sexual assault as witnesses of prosecution, Agnes spoke of cases where fathers rape their daughters and the mothers put pressure on the girl to withdraw her statement as the alternative is for the breadwinner to go to jail. She also gave the example of a girl who was to give evidence against her own brother-in-law who raped her, but was going to pieces when her sister pleaded with her not to. These girls are just about 14, and live in such poverty, but yet the State expects them to co-operate with them without understanding their circumstances.

She spoke a poignant case where the public hospital detects the pregnancy of a 13-year old girl. The staffer ask her for the name of the man who has done this to her and she mentions a name. She is in trauma, she has just discovered that she is pregnant, she does not even know what this means or how her life will change after this. At that point she is pressurised into giving a name and she mentions a name. The police then file a case against this man. “This girl is a very poor and so young. She is caught in the sinister web of the criminal law and then is placed at the centre of it. She delivers the child in a shelter home with almost no support at all. When the DNA test does not match, possibly because the girl is raped by many men, she is called a liar in an open court,” said Agnes.

Whereas in the Shakti Mills rape case, the state and prosecution took pains to ensure that the statements were matched and the case was water tight for conviction. Talking about the blatant discrimination against these poor girls, Agnes said, “So when the state wants, they can match statements. But when they do not want to, the survivors of abuse become liars. So while I agree that a child has no right to become pregnant, who are we to decide the fates of millions of girls?” said Agnes.

Questions and Comments

Some participants had reservations about assuming that cases of ‘technical rape’ (where there is a case of intercourse between a boy and a minor girl whose consent does not count) are a couple in love.

Jacqueline Bhabha, FXB Director of Research at the Harvard School of Public Health: There is an enormous amount of vulnerability. Marriage and motherhood are not optimal solutions. Reproductive rights are so inaccessible and sexual exploitation is so huge.

Agnes said that the statistics Majlis has collected so far shows and at least one-third of cases of rape are cases of elopement where the parents file a case against the boy. There is another set of cases, where the boy promises marriage and then reneges on his promise. About 7-8% of the girls are raped by their fathers. The rest are rape cases involving uncles, and known people. The last category is rape by complete strangers.

Shantha Sinha, Founder of MV Foundation, enquired about the divide between women’s rights and child rights groups on the age of consent.

Agnes said that she is not able to comprehend it either. She added that Majlis works for both children and women. “If there is a sexual offence, we cannot segregate between children and women,” said Agnes.

Arun Kumar, CEO, Apnalaya: Does POCSO interfere with personal law, especially when a man marries an underage woman and has intercourse?

Agnes replies that POCSO does not fall within the realm of personal law. 60% of the girls are married before they are 18, whether they are Hindu or Muslim and POCSO does not apply. Section 376 of the Indian Penal Code which defines rape states that if the wife is over 15 years, it is not rape. So, if the child has sex with her boyfriend, the boyfriend is not culpable if he marries her. So, often the police tell the man to get married to avoid a police case.

“Section 376 of the Indian Penal Code, which defines rape states that if the wife is over 15 years, it is not rape. So, if the child has sex with her boyfriend, the boyfriend is not culpable if he marries her. So, often the police tell the man to get married to avoid a police case.”
Teenagers in India are rapidly turning into ‘screenagers’, with one eye constantly on a screen. Almost half of the 900 million mobile users in India are below 25 years of age. About 137 million users are urban, while rural users are about 68 million in India. There is a 58 percent growth of internet in rural areas.

“So it is not an elite issue anymore. There are poor people who are also part of the digital world,” said Datta. She said that Point of View has worked with 40 journalists from Khabar Lahariya a local language newspaper by a collective of women journalists in eastern Uttar Pradesh, one of the media black holes of the country. These young women were getting online on their phones or desktops displaying a huge aspiration for engaging with the online space. A Tata Consultancy Services survey with 18,000 high school children in 14 cities concluded that digital lifestyles are adopted much faster in mini-metros than in the bigger cities. In this context, it is now important to understand how digitality links with poverty, class, caste, gender etc.

Examining issues of consent and morality in the context of digital technology

In digital parlance, people who are born after 1980 are called digital natives as they are born into this kind of technology. People born before 1980 are called digital immigrants. “Digital natives has become an identity for young people across the world. Some people tend to spend longer with technology. The way they relate to the world is strongly influenced by technology including cognition,” said Datta, who said that these terms have also been contested: not everyone born after 1980 is equally familiar or comfortable with technology.

In the Indian context, this kind of engagement with technology came to the forefront during the Delhi Public School MMS scandal in 2004. Two teenagers from Delhi Public School filmed themselves having sex, which went viral on the Internet. “This scandal also dominated our minds on how we saw technology harming women and the fabric of society in general,” said Datta. Looking at technology as having an adverse effect on society and women in particular is as old as time. For example, when sewing machines had been introduced, people said that it will stimulate women as the motion of the legs would lead to arousal.

Later in 2007, 240 men and women were arrested at a rave party, invitations for which were put up online. In 2009, a 19-year-old in Kerala was arrested for posting death threats against the Shiv Sena on Orkut.

“Morality came to the forefront. We started believing that all these young people fall into the category of irresponsible young people. We ended the discourse of morality and painted the young people with this brush,” said Datta. Instead, she said, we should have been talking about consent, which was an issue in the Delhi MMS scandal where the schoolchildren had not consented to the circulation of the video. In the context of the Orkut scandal, the right to free speech should have been discussed. One should be also talking about coercion when sometimes men or boys could force a woman to send them sexual content online.

Continuing the discussion on society’s narrow view of the internet, Datta spoke of a recent case involving a student from an Udupi college whose semi-nude photos with her boyfriend appeared in social media. The college felt that the incident set a bad precedent, particularly because the girl had consented to her photos being taken. The digital space throws up,” said Datta.

Speaking of a recent case involving a student from an Udupi college whose semi-nude photos with her boyfriend appeared in social media, the college felt the incident set a bad precedent, particularly because the girl had consented to her photos being taken. If somebody consents to represent themselves in public in a certain way and we are able to put morality aside, is there any law they are violating? These are the complicated questions the digital space throws up.

[1] Source: Internet And Mobile Association of India (IAMAI 2013)
“If somebody consents to represent themselves in public in a certain way and we are able to put morality aside, is there any law they are violating? These are the complicated question

The addicted screenager?
So the notion of a teenager as addicted, distracted, self-centred, sexed up, or too public continues to grow. “The way we see young people and technology, we tend to conflate engagement and participation with addiction. In India, the standard number of hours a person spends online these days is about two to three hours, which is a norm all over the world. To say that hundreds of millions of people are addicts is ridiculous,” said Datta. It is not surprising that parents feel the need to monitor their children. Many families insist that children carry cell phones with them or befriend their children on social media platforms, as a way to monitor them. Parents worry about stranger danger, romantic or sexual relationships, or about the use of pornography. “But one has to understand that every teenager has a mental model of what is cool. For this generation, social media is cool. It is the new hangout place. When we were working with Khabar Lahariya reporters, they all wanted to be on Facebook,” said Datta.

In the US, a researcher Danah Boyd interviewed 166 teenagers between 2007 and 2009 and observed that engagement with social media is an everyday affair, like watching TV or using a phone. Despite being major users of the social media, “teenage voices rarely shape public discourse surrounding their networked lives,” wrote Boyd in her book, It's Complicated.

Being online, for a teenager is like walking on a street where they have an intimate conversation with a friend. “Suppose everybody starts listening to you, and comments on it, then the context collapses. All the people on the street are an invisible audience. So teenagers have learnt to navigate the internet and maintain their privacy,” said Datta.

Teenagers usually just hang out with friends, or get into relationships, dating, etc. What is interesting is more and more Lesbian Gay Bisexual Transgender (LGBT) young people are using the internet to connect with each other, especially in countries where same-sex relationships are illegal or even in India where stigma is high, said Datta.

Disabled youth also use the internet to connect with others. “So they have a screen, where they can play different selves and not reveal themselves completely. We have anecdotal evidence on these tortured identities where they present themselves as people without disabilities, but feel worse about their disability in the long run,” said Datta.

The easiest way to get some sex education is also the online space, specially in a country where there are few other outlets for sex education Take the example of transgender people who want to go through a sex change surgery. They have access to a lot of information online and read up on others who have gone through a similar experience.

There is also a certain amount of activism online which attracts young people. The Pink Chaddi campaign, for instance, was a form of non-violent protest launched by the Consortium of Pub-Going, Loose and Forward Women in response to incidents of violent, conservative, right wing activism where a group of women were attached in a pub in Mangalore. “This campaign generated discussions online which were similar to the discussions during the women’s movement in the 70s and 80s. However, we were a very small group then. In 2009, there were 50,000 men and women talking about right wing forces usurping the Indian culture. The form of online discussion was different,” said Datta.

Digital technology and pornography
While adults fear that online porn will harm teenagers, Datta feels that there is not much difference between pre-Internet times and the present, “But what has online porn done that was not there earlier? It has improved accessibility and proliferation. Earlier you had to go to a shop, which is no longer necessary. This practice is across class,” said Datta. Also, there is a larger variety of porn available, including LGBT and disability porn. “You can now see people like you and me having sex. It has normalised porn and there is increasing evidence that not only men, but women are also consuming it,” said Datta.

Yet, the question of pornography makes feminists uncomfortable. “Is it sexism, misogyny, nudity, violence? The problem I feel is shrouded in morality,” said Datta. There are also two petitions filed in India, one before the Supreme Court which states that watching porn increased violence against women, while the other, put before the Rajya Sabha, states that porn corrupts society.
Keeping morality aside, there are some risks and vulnerabilities of being online, which have to be acknowledged and addressed. There are college bulletin boards that shame young girls and tarnish their reputations. There are also cases of amateur porn shot in seedy hotel rooms without the consent of the couple (eg. the Mysore Mallige case). There are cases of online bullying, threats, harassment, and other forms of online violence. “But if we keep focusing on moral questions, we will never focus on the specific harm done to women and girls,” said Datta. Recently, a few rape cases, such as the Shakti Mills rape case where a survivor was shown porn on a phone, have started a debate that pornography causes rape. But, the issue needs a more nuanced approach, said Datta, since there is no evidence of causality.

Adopting a nuanced approach to technology
So, as a civil society, what can we do? To begin with, Datta said, we need to look at the issue from a teenage users’ lens. “We need to understand that it is very aspirational, even for people who do not have access to technology.”

There is also a question of access to information. “Information is power and people who have access get more opportunity. We try to work with children to ensure that there are no have-nots. For instance, if there is a teenage boy and girl in the house, the boy will definitely get to use technology more, while the girl will be monitored more,” said Datta. She added that young people have to be empowered and taught about privacy. There are also language barriers to be broken. For instance, a Gujarati-speaking man using a smart phone will find much less information online in his language compared to an English-speaking person.

Policymakers have to have a more objective approach towards technology. “We tend to think of technology as utopian or dystopian. It is neither. We also need to separate morality and crime from technology. Our policies should be based on evidence and not perception,” said Datta.

Questions and Comments

Flavia Agnes, Co-Founder, Majlis: While technology can and does pose various problems, it can also be part of evidence. For instance, a cell phone can help locate a person, which is useful evidence in a rape or a murder case. It can also be used in divorce cases where a woman is accused of having sex online, for instance.

A participant asked if there is any data in relation to online sex tourism in India.

Datta responded that while there is a lot of concern that young people are being attacked online, there is no India-specific data to prove it. Boyd in her writing has said that usually young people socialise online with their own friends or within a certain group, which in itself becomes a safety net. Young people are careful about who they make friends with. A small percentage steps out.

Jacqueline Bhabha, FXB Director of Research, Harvard School of Public Health: Bhabha spoke of child pornography and how it is an inherently exploitative practice. “Every time, someone uses it, it becomes an offence. So it is an ongoing offence. It is also a big issue among disabled children. This kind of practice is very hard to control.”

Mohua Nigudkar, Assistant professor, TISS: Many children are not able to process technology properly and veer into crime. She spoke of a case of two college students who had a fight, and one decided to defame the other. Nigudkar also asked if online relationships demean face-to-face relationships, and about Datta’s opinion on selfies. Datta said that we need to deal with the crime and not the technology. “We cannot be nostalgic about technology and judge digital lives with pre-digital standards,” she said. Selfies, she said, is something she may have done in college which her parents may have thought were equally stupid.

Having said that, Datta said that it is possible to have deep and engaging discussions online with relative strangers. “You can have intimacy which is as thrilling as anything else you can encounter. Imagine one person here wants to have intimacy or sex with a person in another part of the world. Technology is the way to do it. The way of looking at technology and saying that one is better than the other is counterproductive,” said Datta.
This boy’s life: Exploring boy vulnerability

Panelists:
Nilima Mehta, Consultant, Child protection and adoption and former Chairperson, Child Welfare Committee, Mumbai
Sanjay Srivastava, Professor of Sociology, Jawaharlal Nehru University, Delhi
Jerry Pinto, Writer and journalist

Summary: Sometimes the lived realities of boys belie the commonly consumed public narratives about them. Panelists responded to stories given to them from the lives of some boys Aangan has known or worked with to explore how boys experience their lives and how this creates different kinds of

A monologue of Aslam, one of the boys Aangan has engaged with, was first shared with the participants. The story spoke of the vulnerability of a boy whose mother was not living with him, whose father had remarried, and who had to work for a living, sometimes having to steal food, while projecting the image of being invulnerable to his friends.

Nilima Mehta, who has worked extensively in the area of juvenile justice and child rights, thanked Aangan for providing the space to talk about this issue. “The story tells us about how boys are forced to quickly grow into men without experiencing and enjoying childhood,” said Mehta.

Talking about society’s denial of an adolescent’s sexuality, Jerry Pinto said, “We like boys to be asexual. We like them as little boys or as fully grown adults. We do not like boys with uncontrolled passion. We prefer our image of children as cherubic.”

Pinto said that it is currently a dangerous point in dealing with adolescent boys and sexuality. “The adolescent male lives at a time when he has no power over universe, where nothing is yours, except the body. And that becomes the field of operation. We have to find a way to deal with them. They are not men. They are how they are,” said Pinto.

Sanjay Srivastava said that the story threw up many facets, and particularly those related to masculinity, friendship and violence, need to be explored. “There is an absolute blunting of one’s emotion. These are terrifying circumstances for children. It is an extraordinary burden of masculinity. How does a child express himself in such conditions?” asked Srivastava.

The notion of group loyalty among adolescents is also so strong that they cannot show themselves as being vulnerable. “This is a time of extraordinary fragility. The boy has to be constantly worried about letting his guard down. There is a contingent understanding of friendship where the boy has to be someone else.”

This kind of on-guardedness is both a feature of masculinity and femininity, said Pinto. “So when you drop socialisation, who is that you and where are you located?” asked Pinto. He added that our culture puts people or categories of people in boxes such as adolescents, gay, boy, girl, etc. It is important to start thinking about challenging these restrictive notions of gender, sexuality, childhood, adolescence, which keep changing. For instance, during Shakespeare’s time, girls were married at the age of 14. The attitude towards sexuality is ours, and it can be constructed and deconstructed as we want, said Pinto.
The world of boys becomes even more complex when they come from particular backgrounds which have to do with violence and deprivation. Mehta said that to understand boys, we need to have a multidisciplinary approach where we understand the child’s socialisation and his rights. For instance, she shared a case where a 14-year old boy was scalded on his buttocks by his mother because he was pleasuring himself. The boy felt that his mother was not at fault, even though he could not sit down for days after. To address the issue of young boys, we need to focus on, and understand the socialisation process, the social construction of childhood and have multi-disciplinary interventions.

“A child is considered the possession of an adult. ‘Parents know best’ is the attitude. However, the child is not just a recipient of services, and he has a right to participate in the decisions of his life,” said Mehta.

She felt that discussions like this should take place when legislations and policies are being framed. “We had a child policy which said that children are an important asset for 30 years. It makes me extremely angry and makes me wonder where all this wisdom goes when an Act is being formed,” lamented Mehta.

On the subject of laws, Pinto said that the key is implementation. For example, every police station is supposed to have a special juvenile police aid unit (JAPU), but that is yet to be implemented. “So if a child goes to the police station with a problem, who is going to protect him? Who is going to talk to him like it is not his fault?” said Pinto.

To compound this already bleak situation, both legislators and government servants are squeamish about talking about anything related to sex. Shantha Sinha said that when they were drafting the Protection of Children from Sexual Offences Act (POCSO), the commission had given the government a list of all possible offences that could be committed.

“They asked us: ‘How you can be so explicit? We cannot have such explicit language in the Bill. This is pornography.’ So, whatever we had given them in detail was condensed into four lines just because they thought it was pornography,” said Sinha.

Flavia Agnes explained that it becomes worse in the field where a police officer has to book someone. “A young officer has to deal with a possibly illiterate child who has to describe the offence. Or get his mother to describe it. He or she can at most say: Kharab kaam kiya hai (Someone did something bad to me). Penis is described as kida (insect). The officer is usually blushing and not putting anything down,” said Agnes. To make this kind of language operational is the real challenge.

Moving on to the context in which violence takes place among adolescents, Jacqueline Bhabha said that we need to think about how to strengthen alternative institutions. “Many problems among adolescents are responses to failures in the home. This basic bedrock that the child needs is lacking. That is when a gang takes over,” said Bhabha. But, rehabilitative spaces for children are not always safe for a child. “How do we create these safe spaces where children are not violated? Children are sexually violated the most in institutional care. Alternative care that looks at family based or community oriented care is considered better than residential care,” said Mehta.
What a girl has to do: What makes girls vulnerable to trafficking, exploitation, violence and abuse

Panelists:
Jacqueline Bhabha, FXB Director of Research, Professor of the Practice of Health and Human Rights at the Harvard School of Public Health
Shantha Sinha, Founder trustee and Secretary, Mamidipudi Venkataramaiya Foundation (MVF), Hyderabad
Sameera Khan, Journalist, researcher and writer

Summary: Panelists responded to the narrative of a teenaged girl and the journey she is sent on to save her family. Using the narrative as an entry point, they spoke of different aspects of girl vulnerability—issues of family insecurity (exacerbated by social and economic exclusion), work insecurity, isolation, etc.

Shantha Sinha started the discussion by saying that the narrative indicates the utter failure of society, especially the elite and the state. “Why is the father so indebted despite the Bonded Labour (Abolition) Act? Why must school be so difficult for a child? Did the teachers notice that a girl dropped out? What happened to any institution that was meant for children?” asked Sinha. No child, Sinha said, wants to leave home and become a domestic labourer, where the child has to sleep under the staircase.

Sinha cited the case of a domestic child labourer who was left alone with a dog and no food while her doctor employees went on vacation to Thailand. The girl was rescued by the police, but not before she also had to lose her dignity when the police used a crane to pull her out from the balcony, rather than breaking down the door. In a television talk show after the incident, some participants said that they treat domestic labour as their own children and give them clothes. “We should be asking if they really treat these children like their own daughters. Does she use the same toilet? When the daughter of the household grows up, she will have dreams. This girl will have nothing. More than the failure of institutions, there is neither shock nor outrage in society about children being treated like this,” said Sinha.

Jacqueline Bhabha said that no matter how much time they spend thinking about the issue, the poignancy of a child’s story is irreplaceable. “There are lessons that haven’t been learnt or solved. This is not an unknown story. We need to start thinking about prevention in a systematic way,” said Bhabha.

One of the ways to do so may be by enabling families to think about solving their problems differently. “Often, parents do not really know what to do and feel that migration is the only option. We need a shift in power. There needs to be resources for families to call upon,” said Bhabha. She added that we need to think about deterrence, and that this is difficult when the police are in cahoots with the offenders.

The state also needs to think about whether rescue and reintegration, where the trafficked girls are sent home, is effective. What is the point of the rescue if they are going to go back to the same place where they came from? Reintegration is not really a solution. It is something the government is doing just for the sake of superficially showing some good work.

Jacqueline Bhabha

The state also needs to think about whether rescue and reintegration, where the trafficked girls are sent home, is effective. What is the point of the rescue if they are going to go back to the same place where they came from? Reintegration is not really a solution. It is something the government is doing just for the sake of superficially showing some good work.” said Bhabha.
Sameera Khan who has examined women’s access to public spaces, then spoke of how many studies have shown that spaces for young girls shrink as they grow older while for boys spaces considerably expand. Citing the example of the use of a playground by boys and girls, Khan said that a playground is dominated by boys in the centre while girls play at the periphery, if at all.

“Boys are raised to be spatially dominant while girls are constantly made aware of their spatial limits and are expected to stay within certain boundaries. A lot of girls we spoke to as part of our research on women and space talked about the pressure to be a ‘good’ girl – ‘good’ girls stay at home, if they go out it’s with purposeful intent, such as picking up a younger brother from school; ‘good’ girls come home before dark, etc. The other concern besides proving purpose is the concern of proving respectability at all costs.

The question was not just about physical safety but sexual safety. There is a fear that girls could form consensual relationships with all sorts of inappropriate men (of the wrong caste, class and religion),” said Khan. One girl was stopped by her younger brother from walking in a park. Many girls, Khan said, stated that they felt schools are important as they are a means of accessing the outside world.

Interestingly, when girls were asked to come up with a utopian image of the city, upper class girls turned hostile. “The girls told us that this kind of city does not exist, they said. We are meant to be in our place and there is a reason for it,” said Khan. The girls from underprivileged backgrounds knew exactly what they wanted to do. Some wanted to sit in a chai tapri and sip tea. Some wanted to walk on Marine Drive. They had no hesitation in drawing a pen portrait of their utopian world.

Atiya Bose from Aangan commented that the idea of the shrinking space exacerbates the isolation of a girl who is already secluded and insecure.

Child participation is also crucial in the prevention of such incidents. Sinha said that MVF formed a group of girls called Vimukti who negotiated with the gram panchayat to hoist a flag. Also, getting boys and girls in one club to play sports that helps them understand one another without having to fall in love.

Jerry Pinto asked about how one finds and trains teachers who are willing to do so much for children, especially with prejudices such as caste biases prevalent in the community. Sinha said that children teach you to love them. Also, it is about having faith in people and their capabilities. “There was a teacher who had a bonded labourer in class. He said that he stopped going for bhajan classes after he started looking after that child. We have won a drunk teacher over. We couldn’t catch up with their humanness. The community was far ahead,” said Sinha.

UNICEF Child Protection Officer, Alpa Vora agreed with Sinha and said that it is impossible to wait for NGOs to spearhead these movements. “While we work with adolescents, we need to also work with communities. A child is within the larger family where the community is very important,” she said.

Mohua Nigudkar, assistant professor at Tata Institute of Social Sciences, said that the whole aspect of prevention needs to have a multi-disciplinary approach where health, education, and nutrition come together. “At the Juvenile Justice Board, whenever we have had success, we have listened to the boy or girl and told them that just by being there you are a value to the society. We have also found success when we worked as a team, where police and social workers got together,” said Nigudkar.
Bishakha Datta from Point of View spoke about successful anti-poverty measures taken by the Brazilian government where they made conditional cash transfers to 12 million families who belonged to the lowest income groups. The conditions were to send their children to school and to get them vaccinated. This showed an actual change in poverty. “Are there any plans to push for reforms such as these which are proven techniques?” asked Datta.

While Bhabha noted that it is an important precedent, the money sometimes does not end up benefitting the children. Sinha said that this system may not work in India where there are millions of poor people, not just the lowest 10% of the population like in Brazil.

Sinha also felt the Brazilian system may not work. “If we talk to children and tell them we will give you Rs 75 per month for going to school regularly, they will turn around and say that they can make Rs 75 in two days of work. They want safety and security,” said Sinha.

If every child in an area is in a school, Sinha said, the wages of women goes up by five times. Male wage is twice the wage of female workers, so they bring back much more than they did earlier. “Child labour depresses wages in the area. Poverty does not cause child labour; it is child labour that causes poverty. If children no longer work, it will unleash productive forces in the community and bring down poverty levels,” said Sinha.

“Child labour depresses wages in the area. Poverty does not cause child labour; it is child labour that causes poverty. If children no longer work, it will unleash productive forces in the community and bring down poverty levels.

-Shantha Sinha
Jacqueline Bhabha is FXB Director of Research, Professor of the Practice of Health and Human Rights at the Harvard School of Public Health, the Jeremiah Smith Jr. Lecturer in Law at Harvard Law School, and an Adjunct Lecturer in Public Policy at the Harvard Kennedy School. Prof. Bhabha has published extensively on issues of transnational child migration, refugee protection, children’s rights and citizenship. She is the editor of Children Without A State (2011), author of Moving Children: Young Migrants and the Challenge of Rights (Princeton University Press, 2014), and the editor of Coming of Age: Reframing the Approach to Adolescent Rights (forthcoming, UPenn Press, 2014).

Shantha Sinha has been founder trustee and Secretary of the Mamidipudi Venkatarangaiya Foundation (MVF). Working on the principle that no child must work and every child must attend full-time formal day school, MVF has ensured that 10 lakh children have been withdrawn from child labour, over 20,000 child marriages have been stopped, and all these children have been enrolled into government schools. MVF pioneered a program for mainstreaming children to schools through residential bridge courses, achieving a 99% retention rate of children in school up to the 10th grade in 1500 villages.

From 2007-13 Prof. Sinha headed the National Commission for Protection of Child Rights (NCPCR) where she addressed issues concerning violation of children’s rights in relation to child labour and child trafficking; rights of children in areas of civil unrest; children’s right to education; juvenile justice system; corporal punishment, child abuse and violence on children; child malnutrition and so on.

She is currently Professor in the Department of Political Science at the University of Hyderabad.

In recognition of her outstanding contribution, Shantha Sinha was awarded the Padma Shri in 1998 by the Government of India and in 2003 was chosen for the prestigious Ramon Magsaysay Award.

Sanjay Srivastava is Professor of Sociology at the Jawaharlal Nehru University, Delhi. His key publications include Constructing Post-colonial India: National Character and the Doon School (Routledge, 1998), Passionate Modernity: Sexuality, Class and Consumption in India (Routledge, 2007) and Entangled Urbanism. Slum, Gated Community and Shopping Mall in Delhi and Gurgaon (OUP, 2014). He has edited and contributed to Sexual Sites, Seminal Attitudes, Sexualities, Masculinities and Culture in South Asia (Sage, 2004) and Sexuality Studies (OUP, 2013). He is co-author of Asia: Cultural Politics in the Global Age (Palgrave, 2001). He works with a number of NGOs in the areas of gender, sexuality and social justice and is a member of the organising committee for the 2nd MenEngage Global Symposium on Masculinities (Delhi November 2014). He writes regularly for newspapers and is co-editor of the journal Contributions to Indian Sociology.

Flavia Agnes is a legal scholar and women’s rights advocate. She is the co-founder of Majlis, a legal and cultural resource centre, that provides legal services to women and children. Significant among her many publications is her autobiographical book ‘My Story Our Story ... Of Rebuilding Broken Lives’. Her other publications include ‘Law & Gender Inequality – The Politics of Personal Laws in India’ (1999), ‘Women and Law’ (co-edit) (2004), an Omnibus and Family Law (2 volumes) – a text book on Personal Laws, Constitution and Matrimonial Litigation (2011). She is the consultant to RAHAT a pilot project for providing support to survivors of sexual violence in Mumbai.

Bishakha Datta writes and films non-fiction, works at the cusp of gender and sexuality, runs the non-profit Point of View and is on the boards of non-profits including Breakthrough, CREA, Dreamcatcher Foundation, Majlis and the Wikimedia Foundation. Documentaries she’s made include In The Flesh: Three Lives in Prostitution, Taza Khabar: Hot Off The Press, Zinda Laash: Bollywood’s Norms for Dhandewalis. Books she’s edited include Nine Degrees of Justice, and Who Will Make The Chapatis? Bishakha is currently writing a book on the lived realities of sex workers in India - and exploring how gender and sexuality interact with digitality and disability.

Nilima Mehta has worked extensively in the area of child rights, child protection, the juvenile justice system, family strengthening and non-institutional alternative care programmes like adoption, foster care, and family counselling. Dr. Mehta is associated with the State and Central Government and the Planning Commission for policy development, training, research and review of national legislations. She has been a member of the Juvenile Justice Act Review Committee, Ministry of Women and Child Development (MWCD). She was the first Chairperson of the Child Welfare Committee (CWC), Mumbai. Dr. Nilima has been the Chair Professor at the Tata Institute of Social Sciences (TISS) and is a Visiting Faculty at the College of Social Work, Mumbai University, SNDT University and TISS. She has been a Consultant to several organizations like UNICEF, CRY, CHILDLINE, ICCW, IAPA, FSC, Mumbai Mobile Crèches, and the Vatsalya Foundation.
Dr. Mehta is the author of Ours By Choice - Parenting through Adoption and Child Protection and Juvenile Justice System for Children in Need of Care and Protection.

**Sameera Khan** is a Mumbai-based independent journalist, researcher and co-author of the critically-acclaimed book, 'Why Loiter: Women & Risk on Mumbai Streets' (Penguin Books, 2011) which examines women’s access to public space. A former Assistant Editor with The Times of India, she teaches journalism at the School for Media & Cultural Studies at the Tata Institute of Social Sciences. An active founder member of the Network of Women in Media, India, she co-authored the first Global Media Monitoring Project (GMMP) India Report 2010 and has contributed articles and essays to several publications and anthologies. Her interest is in covering issues relating to women, health, media, cities, minorities and marginalised people.

**Jerry Pinto** has been a mathematics tutor, school librarian, journalist and columnist. His first book of poems Asylum (Allied Publishers) was released in 2004. His other works include, Helen: The Life and Times of an H-Bomb (2006) which won the Best Book on Cinema Award at the 54th National Film Awards, Surviving Women (2000) and Bombay Meri Jaan: Writings on Mumbai (Penguin India, 2003), which he co-edited with Naresh Fernandes. His first novel Em and The Big Hoom was published in 2012. He is guest lecturer at the Social Communications Media department of the