

# 1

## Introduction

### *Standpoint of the Unwanted Child*

Public conversation on children, their rights, and their childhoods<sup>1</sup> is remarkable for its balance and overlapping consensus.<sup>2</sup> Those who consistently speak on behalf of children and in their best interests now include a wide range of social actors. Other than their family, these include the large and always growing group of non-profit organizations, a small but influential group of individual scholars and journalists, and the State. This range of interests and varied standpoints are, however, not reflected in the public sphere.

At one end are scholars, development practitioners, and activists working in partnership with the State on behalf of children. They assert that more can certainly be done while accepting much has been done, comparing the present with the colonial past.

While maintaining a distance from the State, are a large and growing field of independent activists, practitioners, and scholars. They portray a bleak reality of promises broken. In juxtaposing the present with the past, they choose to hark back to the vision of social transformation that guided the nationalist struggle.

The story of childhood and within it the relationship of the child with the State has been spun through the overlapping narratives of progress, mapping both continuity and change. In these narratives time moves quickly, with history highlighting important milestones like Independence Day, Republic Day, Children's Day, which are recalled and celebrated. Extending these moments, nationalist historiography links the Majority Act to the Bardoli and Karachi Resolutions of the Indian National Congress. Post-Independence, these distinct identities of State and struggle, coalesced into the Constitution.

## 2 Growing Up and Away

Among the first to demonstrate that there is a difference between the positions of those who speak on behalf of children was that of degree was Myron Weiner in his seminal tract, *The Child and the State in India*.<sup>3</sup> By highlighting the fate of the inter-connected constitutional promises of ending child labour and universalizing primary education, he demonstrated why children were not doing well in India. 'Why has the State not taken legislative action when the Indian Constitution calls for a ban on child labour and for compulsory primary education, positions frequently reiterated in government reports as a long term objective?' He answers, 'India's low per capita income and economic situation is less relevant as an explanation than the belief systems of the State bureaucracy, a set of beliefs that are widely shared by educators, social activists, trade unionists, academic researchers, and more broadly by members of the Indian middle class'. Weiner's conclusion, though influential in setting the norms of the public conversation on children and their rights, only revealed the existing reality.

He argued that the relationship of the child with the State reflected the elite belief system on the nature of state responsibility towards children as limited and inadequate. Included in the definition of the elite are all those who speak on behalf of children, thus forging an overlapping consensus on the nature and tone of the State's relationship with children. His rich and often insightful exploration has become the definitive view of the relationship of the State and the child. Consequently, the nature of this relationship and the pre-eminence of the State/elite belief system in moulding it have remained largely uncontested.

Though Weiner does not directly make the connection, it is possible to trace this overlapping consensus back to the years of the nationalist struggle, less to the political movement for national independence and more to the goal of social transformation, then being advanced through M.K. Gandhi's constructive work programme.

Children, their rights and childhood were not a site of struggle between the colonial regime and the nationalists during the nationalist movement. Unlike other silenced communities of religious and linguistic minorities, Dalits, women, tribals, children, and their rights were viewed as a part of other relationships that the State would forge anew. Principally, these were relationships of the State with the family and with the ethnic community. This understanding of group

rights were perceived to frame the relationship of the State with the child.

Even in the process of ideation for nation-building, there is no evidence that multiple visions of the childhood experience were ever presented, nor were there significant debates on the possible relationships of the child with the State after Independence. In the absence of an opposing view, it was accepted that children had rights, claims on their parents, the extended family, the ethnic community, and the State, in that order of priority. Also acknowledged was that each of these groups on whom the child had claims were duty-bearers.

As there were no dissenting voices, there was no conversation on how those claims should be articulated, or who would have the right to speak on behalf of the child, just as there was no debate on the nature of claims that could legitimately be made to any of the duty-bearers from parent to State. The chain of responsibility was therefore, left ambiguous. Who would step in should any of the duty-bearers falter and were unable to fulfil a child's claim? During the years of struggle, there had never been any occasion or a felt need to engage with these questions.

Continuing the pre-Independence conversation, during the Constituent Assembly debates too, there was no evidence of alternative visions on the nature of State responsibility towards children. When legislators introduced and then discussed the provisions of what would become the Constitution of India, it was relatively easy to accept Dr Ambedkar's contention and promise both the right against exploitation as well as the right to opportunity. Thus the Constitution articulates the relationship of the State with the child in Part IV, the non-justiciable section, where the progressive ideas of what the vision of nation-building would mean for the most deprived are listed. These ideas, though clearly embedded in the vision of a welfare state, stop short of envisioning a universal national childhood. Certainly, in the text of the Constitution and in the debates leading up to the making and acceptance of the document, there is no evidence that the needs are equated. And yet the overlapping consensus continues to define the frame of public conversation.

The overlapping consensus has been crafted and is being carefully nurtured. Despite the widespread influence of Weiner's work, investigations on the child's relationship with the State, during the past

#### 4 Growing Up and Away

two decades, continue to move from one fixed constitutional milestone to the next. However, the route of the journey varies, leaving out much that could explain the creation of the path and emergence as well as disappearance of milestones.

There could be multiple views on how and why this overlapping consensus has continued to define the public conversation on children, their rights and their childhoods. There is likely to be less debate on the architect of the overlapping consensus that was effectively unveiled in the *Child and the State in India*.

Jawaharlal Nehru's ideas on nation-building and modernity, what would in time be known as the Nehruvian model of socio-economic development, have been the framework of the overlapping consensus. There is a rich irony to this, for Nehru himself was not known for his knowledge of or faith in the constructive programme that Gandhi set. He, the designated successor of Gandhi's political programme, would only meet Vinobha Bhave, the designated successor of the constructive programme, for the first time about six weeks after Gandhi's death. In the previous 25 years, when Gandhi was the undisputed leader of both programmes, there had never been either an opportunity or even a felt need for the two individuals to meet. In his autobiography, Nehru articulates his frustrations at Gandhi's insistence on prioritizing the constructive programme, focusing on deepening the movement's base within the lives of people. In Nehru's view, the struggle had to be singularly focused on political independence, after which all of the ideas that Gandhi was promoting would become the joint agenda of the State and of the people.

During the years of the national struggle, there had been broad agreement that independent India would be a welfare state. Nehru had visualized a structured planning process to select from among the range of development priorities. There had not been significant public debate on the nature of state responsibility towards children, or even of the rights of children. That in the proposed welfare State children would have greater claim on national resources than during the colonial period was the only assertion. The visible overlapping consensus would be reflected in a relationship between the visionary, children, and the State. It would be a relationship that would be recalled and sustained, which would resonate and take on a timeless dimension. The circumstances and context that necessitated

the forging of a special relationship between Nehru, as *chacha* for all children, and the State he represented would be forgotten.

## ANOTHER PRESENT

In the reality of the public conversation, there is no recognition of the experiences of some forgotten children. Their lifeworld<sup>4</sup> has become part of another history, on the other side of the border, blocked by the political decision to Partition British India. Partition perhaps divided more than the countries; it also divided memories. So their lifeworld finds no voice or even echo in the stories of childhood experienced in post-Independence India. That emotional connection that had existed had to be forgotten.

For Partition, besides being a political reality, was also an intensely personal experience. The geographical space was redefined, and alongwith the memories of people were also reshaped. In the first few years after Independence, as the Constitution was being written, in everyday interactions, a relationship between the new State and the people was formed. The expectations were obviously much higher, as the relationship with the new State was also seen as different. One of the early agreements that the people and the State came to, appears to have been the decision to forget and to move on. This was not State-imposed, nor was it entirely a collective will. Partition had been felt intensely, as it impacted the understanding of the self and the community identity, with the violence destroying the idea of family in ways, unimagined.

In the selective memories a dual link with the past was created. But it was not entirely possible to forget; there would be triggers to memory. At the time of Partition, a librarian in Delhi had been asked to divide up the library's only copy of the *Encyclopedia Britannica* between the two countries. Painstakingly, he divided them; every alternate volume went to India and the other to Pakistan. In the future, no reader would be able to consult, and not notice the gap left by the transfer of the missing volumes. It is not just that something has been forgotten; the very gaps in the encyclopedia suggest that the loss is remembered, and is also a part of collective memory and of the identity of the self, the family, and the nation. But, just as with the encyclopedia, access to some parts of the past, spaces, places, and experiences is denied. A new memory has to be created with what is

available. So there is the specific work of forgetting, but it is also about remembering selectively.<sup>5</sup>

The missing volumes and the Partition,<sup>6</sup> which demanded that there be a division of all that was of value (property, knowledge, people, and relationships), would be remembered in different ways.

Partitioned, the people and society needed to restructure the past almost as much as they needed to set out their future agenda. India's leaders chose to envelope within the residents the refugees, the millions who crossed the borders. A shared ancestry was stressed through the collective memory of living through colonialism and participating in the nationalist struggle for Independence. Nehruvian modernists anticipated that collective memory would bring about social stability in the turbulence of the partitioned dominion; sharing the vision of a future would dispel feelings of uncertainty and insecurity, and also legitimize their authority.

## SECOND CONVERSATION

Independence and the Constitution had always been the reference points when tracing the pathways of developments in the lifeworld of children. The task was never dramatic; it was of working backwards from the present, or of moving forwards from the past. Progress was measured through the changes glimpsed in the lives of children. The nationalist elite discourse nuanced with the subaltern, the discourse of the urban, meshing with the rural, engaging with both the immediate past of colonialism, and the older past of social exclusion.

Progress is being measured against the colonial period, as also the expectations of the nationalist struggle, as expressed in the Constitution. In doing so, the nationalists contrast the route of post-Independence India from the colonial legislative past of the Morley-Minto reforms, the Montague-Chelmsford report, and the Simon Commission. In between were other milestones: the Government of India Act of 1935, the Muslim League's Pakistan Resolution of 1940, and the delayed start of the Constituent Assembly.

These varied trajectories of time surface different understandings of history of events and processes. What they appear unable to do is surface remembrances, deliberately forgotten, possibly the history Gandhi was referring to in *Hind Swaraj*: 'History is really a record of every interruption of the working of the force of love or of the soul.'

Partition and the early years of Independence fundamentally framed the child–State relationship. The colonial State was gone and the new Constitution was being drafted. Through debates, the rights of different groups were being negotiated. Partition was a Grotian moment for the child–State relationship in India. Hugo Grotius’ body of work on sovereignty has influenced the framing of the peace treaty of Westphalia, which ushered in a new era in State–citizen relationships. Grotius is particularly important for the child–State relationship, as he was among the first to suggest that all individuals have rights, whether against the State or against non-State influential actors. In parallel, he also emphasized that citizenship not only gave rights, but was accompanied by duties. In Grotius’ vision, unlike the rights, the duties were not individual, but were shared by the collective of citizens. In most interpretations, that collective of citizens is then extrapolated to mean that the State can make laws only on the basis of the consent of the people and in their best interest. This Grotian view of the State–citizen relationship is at considerable distance, from the modern view of the State. Thomas Hobbes would place great emphasis on the duties of the individual citizen, and much less on the collective responsibility. Responding to the fundamental question ‘who should rule?’, the *Leviathan* supports the view of a minimalist State, with limited involvement in the lives of the citizens. Thus, it becomes an institutional relationship governed by rules and schemata, where the question could just as easily be reframed as ‘who or what should rule?’ Later variants of the Hobbessian view of the State–citizen relationship, have come closer to the Grotian view, but have remained framed in the Hobbesian understanding of the relationship of the State–citizen as a contract. So Rousseau and Locke, in later renditions of modern sovereignty, would opt for a middle ground: the acceptance of a contractual relationship between the State and citizens, only giving it the nature and tenor of a social contract.

Grotius’ view of the State–citizen relationship, where there is a strong element of paternalism in the State’s duties towards citizens, was discarded in the course of the European Enlightenment. Viewing Partition as a Grotian moment allows the child–State relationship to be freed of the more modern understandings of sovereignty and citizenship.

Belonging and othering, the two facets of citizenship, were difficult to pinpoint in the months after the Radcliffe Award was announced. Partition, which preceded Independence, created situations where

the distinction between domestic and foreign affairs ceased to exist,<sup>7</sup> and new unfamiliar norms of social interaction were evolved, leading to new forms of State control being evolved, to retain involvement in people's lives.

In those early months, post-Partition, the child-State relationship would be crafted anew, the understandings of duties towards children and claims of children being understood and articulated in the language of family.

In the immediate aftermath of Partition, the Indian State developed a special relationship with children. They were viewed as new subjects, entities in their own right and also as the anchor of the nation-building project that the State was created to lead. In the chapters which follow, a case will be made that these can be read as two separate subject positions for the child in its nascent relationship with the State.

The first figure is of the child acknowledged by family. It was expected that the other permanences of religion and nation-State identities would flow from that identity. This first figure of the child within the home is the established position of children within development discourses of modernity and the narratives of its subaltern other.

The second figure is of the unwanted child. This unwanted child is immediately dependent on the new State for the permanences of home, family, religion, and nationality, all the markers of identity and belonging. This unwanted child had multiple relationships with the State and those who spoke on behalf of it. There was the Western view, reflected in law of the unwanted child as dependent. There was the view of the child as an individual, whole and complete, most closely associated with Gandhi and the workers of the constructive programme as well as some constitutionalists. There was the view of the child as an adult in the making, a view that Nehru would emerge as the champion of, and there was the limited view of the child as mini-adult, which would surface intermittently and then be subsumed in one of the other positions.

## SURFACING THE MISSING

Much has been written in recent years about children and their rights to survival, development, protection, and participation. Exploring alternative facets are two other studies that equally have the potential

to influence the understanding of Indian childhoods. In his *Inner World*, Sudhir Kakar's thoughtful exploration of the emotional bonds that define and also contrast Indian and Western understanding of the childhood experience opened up areas for developing a sociological inquiry of the concept of the child. In a brief, seminal essay, 'Reconstructing Childhood: A Critique of the Ideology of Adulthood',<sup>8</sup> Professor Ashis Nandy opens up the possibility of exploring Indian childhoods, through the domain of politics.

Until recently in most societies, high birth and high mortality rates ensured a plurality or near-plurality of children in the population. When the ideology of adulthood is superimposed on such social profiles, it beautifully sanctifies a subtle abridgement of democratic rights. ... Children are getting homogenized as a target as well as a metaphor of oppression and violence. Their story is becoming, ... another underside of history.

The openings the two writers provide to develop a strong narrative on Indian childhoods in the indigenous idiom have yet to be followed up even by them. These texts stand alone in their large and influential body of work.

Another opening to explore the indigenous experience of childhood comes through the still. While Independence is celebrated and remembered, recovering from the violence that left 2.2 million people missing or presumed dead would have required significant contributions from the people. The aftermath of the Partition of British India remains to date the largest single humanitarian crisis in history.

In her autobiography *Azaadi ki Chhaon Mein*, Begum Anis Kidwai, one of Gandhi's constructive workers, writes of visiting Delhi's Irwin Hospital in November 1947 and recounts a conversation with a five-year-old girl. The child quickly retold the experiences of all the children she was playing with, 'He's Rasheed, none from his family survived. She's Zainab, her people have also been killed. And Nabu's mother had her throat slashed.' Begum Kidwai, in her recounting, is almost numbed by what the recounting meant in the child's world, 'To her death was a game ... something amusing. "All died, or were killed, her mother's throat was slashed." How ordinary these things were! A wonderful spectacle, a story she had not heard earlier.'

It is of course possible, that Begum Kidwai, and others were witnessing a phenomenon, regularly witnessed in any post-Independence humanitarian emergency. Ordinary people display a willingness to contribute, participate, and help that is not in evidence in normal

times. Activities that the State is supportive, even appreciative of, but does not necessarily participate in.

Seminal contributions to remember, perhaps selectively, are the mass of documents on the relief and rehabilitation efforts, the role of the newly independent State in the welfare of the people, the making of the *maa-baap sarkar*.

Challenging that view has been the large and growing feminist literature on the fractured experience of Partition as experienced by women. Only further in her autobiography does Begum Kidwai recount the relief felt when Dr Zakir Hussain, a member of the Constituent Assembly, later arrived at a refugee camp, introduced himself and said, 'Please collect all children who have lost their family and send them to Jamia Millia. We will make separate arrangements for them.' She also recalls taking a child to Gandhi, asking his advice on how to arrange for her future.

And Jawaharlal Nehru, as Prime Minister, mentions her bringing to his notice the case of Roshan Ara, a fifteen-year-old orphan, who had received no assistance from the State, though eligible for it. Even the property that she should have automatically inherited as the sole survivor of her family had been taken away.

How has it been that none of these recollections have informed the public conversation on the child, her rights, her childhood or her relationship with the State? Some of the memories which have surfaced that have the potential to influence the public conversation emerge from an investigation that began from the experience of women, the survivors of Partition. This conversation could be perceived as exclusively the domain of girls, a younger version of the woman's question, and her relationship with the State.

For those attempting to reveal the relationship of the State with women, the search within the official archive was made easier by references in literature. Initially, only in poetry (and much later in fiction) was it possible to articulate the experience of having lived through Partition. Stories of rape, abduction, recovery—all first appeared in *bhasha* literature.

To recall the experience of children, even these recollections have proved inadequate. Fiction uncovers the experience of girls who were raped but whose identity as daughters is remembered. Also revealed are the losses suffered.

These children are in a very unfortunate position; in the home in which they happen to be born, the only person who is anxious about their welfare is the

mother with the departure of whom they would not be very welcome in that home. When this person is recovered and sent to Pakistan, if she takes the child with her, in 90 cases out of 100, it will not be welcome in the original home of the Muslim woman. They are really children who in many cases are unwanted, but they have been brought into the world and humanity requires that they should be properly looked after.

In the official history of childhood in India, the stories of the unwanted children that Dr Ayyangar<sup>9</sup> was referring to in 1948 have been collectively forgotten. These were children of abducted women, children whose existence challenged the fixity of the norms of family, community, institutions, and even ideas.

Of this collection of materials, Urvashi Butalia's *Other Side of Silence*, is the only one that devotes one chapter to children and their remembrances of Partition and its aftermath. 'No history of Partition that I have seen so far has had anything to say about children. ... Not only did the children occupy an ambivalent space wherein they belonged to both communities, which therefore complicated the matter of their citizenship but it would seem that the lesser space occupied by their mothers as citizens also devolved in them.' Butalia's work uncovers some facets of the still under-explored area of the State-society relationship as re-defined by Partition. Within this larger rubric, the relationship of both State and society with children has been opened up through the individual stories of survivors, those who have locked away the memories of that time.

Butalia recounts the memories and experiences of children who lived through Partition, always aware that they are an adult's memory of a child's world of events and feelings, recalled decades later. Murad was in his fifties, pulling a horse-drawn *tonga*, ferrying people and goods, when Butalia interviewed him. He would have at best been a teenager at the time of Partition. His story is matter-of-fact, the events remembered with an unexpected clarity. Murad's view is not very different from that of Trilok Singh, a man in his forties. Kulwant Singh was older, and he had lived all of his life with not only the psychological scars of the violence, but also with the visible mark of a differently abled individual. In the violence that accompanied Partition, Kulwant Singh had been conscious when his hand was cut off. When the retelling of the child's experience by the adult does not conform to expectations, there is a tendency to set it aside, dismissing it as the adult's view of what had happened rather than the experience of a child.

That Murad, Trilok Singh, Kulwant Singh, and the thousands of others like them, chose silence can be understood as a personal choice, a way of coping with what had been. It does not explain why the State has chosen not to remember the past. Even if it is accepted that Murad, Trilok, and Kulwant had no direct contact with the State, that was not the case with other children.

To uncover the missing, Partition has to be remembered through letters, diaries, testimonies, and memories, told and retold. In trying to forget what Murad, Kulwant Singh, and Roshan Ara lived through, also forgotten were ways of surfacing and also crossing the boundaries that a Partition creates. It was the world that was recreated by Kamleshwar in a starkly titled short story *Aur Kitne Pakistan*. During riots in Bhiwandi many, many years after Partition, rioters attacked and torched Dr Sarang's nursing home. Two mothers and five babies were killed, and at least one was identified as a Muslim child. These were the boundaries that were always remembered, the boundaries that these children would only become intensely aware of as an adult remembering childhood.

The concern, of course, is not that one history of childhood remains hidden. In the deliberate though perhaps unintentional silencing of the experience of children who lived through, and continuously relive Partition, it is the metaphor of Partition itself that has been largely erased from the public conversation of the child-State relationship.

The stories of living through conflict and the memories from the experience of Partition are interesting in themselves, but are principally a footnote to discussions on twenty-first century policy-making and the contemporary child-State relationship; valuable to layer the dialogue, the narratives of continuity, and change.

## THE PROPOSITION

The phenomenon of childhood in India has been altered, formed, and transformed based on political decisions about children.

The concept of generation with relation to childhood has the same status methodologically, as caste, patriarchy, or class have to the understanding of social structural exploitation. Generation allows childhood to be compared with adulthood.

Three distinct ideas about children are to be found in the history of the Independent Indian State's relationship with family and society.

These ideas have competed with each other at certain moments in the history of the State's relationship with the child, family, and society. In the wider trajectory of time, these ideas have tended to co-exist uneasily, exerting contradictory influences on policy-making. Initially, the child was seen as dependent, the object of State welfare. Philosophically, the child was seen primarily as an adjunct of the family, especially the mother. As Nehru's vision of modern development began to take root, it was accompanied by another idea of the child, as an adult-in-the-making. In the initial years, this view of the child as an adult-in-the-making was used as an advocacy strategy to expand the State's investments in children. However, it had significant negative connotations. Children continued to be viewed as objects of State action. Further, the State's policy attention focused increasingly on those children who were, to put it plainly, the better investment. On such children, the State invested willingly. There was, during this time, a significant expansion of the State's presence in communities and an investment in a universal childhood. As a corollary, there was a decline in policy attention to those children whose present and future needs far outweighed their potential to contribute in the future. While this did not cause a shrinking of investments in these children, there was neither growth nor significant policy interest in engaging with diverse childhoods. A revived interest in civil liberties after the lifting of the Emergency led to a redefining of the child-State relationship.

The conception of the child as mini-adult suggested that the child's relationship with the State differed in no way from that of adults with the State. This view of the child positioned children as an interest group that would engage with the State, claiming rights similar in many ways to better known socially and historically marginalized groups such as Adivasis, Dalits, and women. This view suggests that some children who are less reliant on adults are negotiating independently with the world. As such should be treated by the State as competent as adults. This view of children as an interest group challenged the way existing child-State relationships had been understood and articulated. Clearly, law, religion, State policy, culture, and family all influenced how children experience childhood; what also became clear was that children too influenced their childhood.

The idea of children as rights-holders is not new in India. During the pre-Independence debates on the future of the welfare state, the Congress' National Planning Committee had clearly accepted that

children as a group had special claim on future resources and these were articulated as rights, not only to be protected ethically and morally, but clearly justiciable. Those documents suggest that children were seen at once as vulnerable, and as rights holders, a view that over the years has been lost.

This book traces the evolution of the child rights discourse in India, arguing from the premise that the discourse is filtered through the memory of Partition, and suggesting that there are different and political ways of thinking about childhoods. More than any other event or process, the violence and fears aroused by Partition have influenced the course of modern development as well as the relationship between the political and cultural identities of all the actors who influence the experience of childhood. Partition is defined not just as the physical separation of the dominion of British India into two territories, India and Pakistan (including the present-day Bangladesh), but also as divisions based on new locations of power, and consequently the reshaping of relationships that followed, and were perhaps unexpected.

Through the narratives of the unwanted child, this book will make three inter-related points: First, the relationship of the child with the State was shaped as much by the political assessments of events by the decisions taken to cope with the aftermath of Partition in the first few years after Independence. Second, there was a pact between the people and the State. Instead of interrogating the past, the effort was to collectively forget. The same methods used to collectively forget the near past of Partition, the violence and disruptions to the idea of home, would also be utilized to push into shadow experiences that challenge the development discourse of progress. Finally, the relationship among those who speak on behalf of children in their best interests is more deeply contested and fractured than previously noted. Divisions and differences that arose during the first decade after Independence continue to influence the tone of the relationship.

The ongoing public conversation on the child and their rights was shaped by the lived reality of Partition. The experience of coping with the aftermath of Partition shaped the relationship of the child with the State. Significantly, it also reshaped the relationship among those who speak on behalf of children. Inclusion of all the players into the category of the elite, signifying elite accommodation as responsible for the situation of children in India today, is an inadequate explanation for the veneer of uniformity. There are deep differences in ideology,

perception, and expectations that need to be described, surfaced, and acknowledged before they can be addressed.

This book is divided into three parts. The first part consists of three chapters which together reveal the impact of Partition on the child-State relationships. Together the chapters also explain how a singular view of the rights of children as tomorrow's citizens would become the dominant narrative of the post-Independence development discourse. The chapters that follow explain how one view of child rights, marginal during the years of the nationalist struggle, came to occupy centre-stage in the public conversation on children and their rights. Finally, the book traces the narratives of continuity and change, and maps the departures of memory, history, and identity.

Exploring the experience of childhood from both subject positions of the child opens up space for an expansion in the understanding of the role of institutions and norms. It also allows for a re-examination of the role of key individuals who have been norm setters. Mostly, it opens up another conversation on children, their rights and their experience of childhoods. The search for justice for children will begin there.

## NOTES

1. In writings of political thinkers, the implications of specific conclusions for understanding the adult-child interface in childhood has to be mined, interpreted. One of the first politically conscious engagements with childhood was by the historian Philip Aries. In his book *Centuries of Childhood*, Aries has controversially held that childhood as an experience is a creation of post-Reformation European enlightenment. His thesis that there was a phase of crisis during the middle ages, when the State-religion relationship was being worked and reworked, until then childhood, as understood today, was unknown, when from infancy, the next stage becomes adulthood, with children taking up similar if not the same responsibilities as adults. Thus, his thesis that with the growth of the State, the understanding and acceptance of childhood as distinct and different from adulthood has also grown, has led to development of ideas on how to move forward in understanding the relationship of children with the family, religion, State, and market.

2. The term was coined by John Rawls to explain situations where individuals and organizations disagree on certain fundamental principles and yet make a conscious choice to collaborate, ally, and work together on select areas of common interest.

3. More nuanced analytical portrayals of this difference within specific sectors can be found in Professor Krishna Kumar's early writings on education policy making: *The Political Agenda of Education*. Neera Burra amplifies his argument through documentation of field experiences in *Born to Work: Child Labour in India*.

4. 'Lifeworld' means 'life as lived'. There are many interpretations of this term, which was first used by Edmund Husserl. Here we use the term, as Habermas interprets it to mean, the shared common understandings, including values that develop through face to face contacts over time in various social groups, from families to communities. The lifeworld carries all sorts of assumptions about who we are as people and what we value about ourselves: what we believe, what shocks and offends us, what we aspire to, what we desire, what we are willing to sacrifice and for what ends.

5. Quite recently, with the publication of the French philosopher Paul Ricoeur's book, *Memory, History, Forgetting*, the questions of what individuals and societies forget and/or choose to remember, and who decides it, has become the subject of significant scholarly attention. In a dialogue with the historian Sorin Antohi, Ricoeur unravels the linkages, available at <http://www.janushead.org/8-1/Ricoeur.pdf> (last accessed 13 December 2010).

6. While literature on Partition has influenced individual thought processes for many decades now, Partition as a theoretical concept and its relationship with understandings of sovereignty are still at an early stage of scholarly evolution. Ranabir Samaddar's overview in the edited volume titled *Partitions, Reshaping States and Minds* is among the more insightful writings on Partition as a theoretical concept.

7. This description of the social and political situation, at the time of Partition, is similar to what many contemporary theorists suggest are the elements of a post-modern State.

8. This essay has been reproduced in multiple collections. In *Bonfire of Creeds*, a collection of Professor Nandy's writings, the importance of childhood, to both legitimize as also challenge the project of modernity, comes through most effectively.

9. Dr Gopaldaswami Ayyangar was responding to queries during the debate on the Abducted Persons Recovery and Restoration Bill in Parliament in December 1948. Debate proceedings, Parliament Library.