Chapter 15
Beyond the Tangible, Towards the Invisible

Reflecting on the Rights and Realities of Infants and Toddlers Living in an Underprivileged Context in Mumbai, India

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Abstract International scholars suggest that rights-based frameworks such as the United Nations Convention on the Rights of the Child (United Nations, Convention on the Rights of the Child. United Nations, 1989) can act as tools for shifting understandings about the role and status of children in society. From this standpoint, the consideration of the rights of infants and toddlers has continued to develop, with growing discussion of the differing nature of rights. However, in highlighting the limitations of rights theories, critics argue that *rights-talk* tends to overlook the complexity of economic, political, cultural and socio-historical factors that underpin the reality of children's access to, and experience of, their rights. Indeed, research from across the world continues to report on the violations and abuses experienced by groups of children, including infants and toddlers. In the Indian context, the multi-layered oppression faced by groups, such as children living in slum communities, has been well documented, but little research has focused specifically on the rights of infants and toddlers living in slum communities, beyond their right to life, survival and development. This gap in knowledge reveals the importance of questioning the tangible (e.g. access to water and sanitation) and invisible (e.g. hidden curriculum) factors influencing the actualisation of children's rights in the Indian context. Drawing on insights from critical pedagogy, this chapter unpacks data from a research case study to story the experiences of teachers and toddlers in an early childhood program. In doing so, this chapter aims to reflect on the position and status of children's rights whilst questioning the international and

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universal gaze used to frame and analyse children's rights in the Indian context. The chapter concludes by discussing possibilities for reconceptualising and actualising the rights of infants and toddlers living in slum communities, through a focus on education for critical consciousness in the early years.

Keywords Infants and toddlers · India · Children living in slum communities · Children's rights · Critical pedagogy

Introduction

The United Nations Convention on the Rights of the Child (UNCRC) (United Nations, 1989) has enabled children to hold a "unique moral status" (Wolfson, 1992, p. 7) in the context of human rights by providing children with a distinct but parallel set of rights that "include the whole range of civil, political, social, economic and cultural rights" (Freeman, 2006, p. 89). The UNCRC recognises that the rights of children are inalienable, interdependent and inclusive (Penrose & Takaki, 2006) – with all children having rights to protection, provision and participation (Clark, 2010). Given that 181 countries have ratified the UNCRC (KidsRights, 2019), it seems that the answer to Guggenheim's (2005) question, "who would be comfortable being anti-children's rights?" (p. xiii) is: not many (Ferguson, 2013). However, as Ferguson (2013) points out, "herein lies the essential difficulty" (p. 2) since "children's rights are not under discussion and a sense of consensus on the meaning of children's rights is constructed" (Quennerstedt & Quennerstedt, 2014, p. 117). Ferguson (2013) suggests that this is problematic since there is still an:

> absence of any agreed-upon theoretical account of children's rights … [and] we lack strong child-centred evidence that it is better to regulate children through the lens of children's rights, rather than their 'best interests' or in terms of duties owed to them. (pp. 1–2)

Accordingly, scholars argue that there is a need for greater critique, contestation and theory in the literature surrounding children's rights (Cowden, 2016; Quennerstedt & Quennerstedt, 2014; Reynaert et al., 2009). Exploring critiques of rights-based discourses and practices, Clark (2010) points out that "although there is rarely any disagreement about children's welfare rights, their claims to liberty rights are frequently contested" (p. 89). Te One (2006) suggests that there is a disjuncture between the theory and practice of children's rights, indicating that the actualisation of participation rights for infants and toddlers have been questioned (e.g. by Griffin, 2002), and that infants and toddlers have been positioned as either "invisible" or imagined as "needy and vulnerable" (Te One, 2006, p. 43). Bridging these two arguments, Penrose and Takaki (2006) raise the importance of recognising all children as human beings who both require protection and are active decision-making partners. Penrose and Takaki suggest that this is particularly relevant to children in emergency, conflict and disaster situations since "ignoring their capacity means

undermining that of the community as a whole to cope with the situation" (p. 698). Parallel to this, Kombarakaran (2004) has similarly highlighted that whilst children living on the street are in need of certain protections, organisations and educators working with children also need to recognise children's capacities and knowledge of street life.

Exploring the cultural nuances in use of the UNCRC in theory and practice, Clark (2010) writes that "the UNCRC is particularly problematic in its attempt to regulate childhood across time and space, ignoring the diversity of culture" (p. 90). Wells (2009) also suggests that the UNCRC supports the "presumption that childhood can be governed at a global level" (p. 3). Whilst these critiques highlight that there is a need to navigate the complex twists and turns that emerge from engagement with the Convention, O'Kane (2003) suggests that the UNCRC "can remain a useful tool in working with diversity" (p. 179) and for developing shared understandings of concepts like equity, respect, fairness and dignity from *within* communities (that is, from the bottom up). In this chapter, we aim to work with the UNCRC to consider the experiences of a group of educators and children within one Indian context. In doing so, we explore the following questions:

1. What sociocultural, political and economic factors influence the position and status of rights for infants and toddlers – and how do these impact on children living in slum communities in India?
2. What are the tangible or real experiences of infants' and toddlers' rights and how are these understood and actualised by educators?
3. What are the invisible or hidden experiences of infants' and toddlers' rights and how are these understood and actualised by educators?

We begin the chapter by sharing two stories about the experiences of a group of teachers working with toddlers who live in a slum community in Mumbai, India. These stories enable us to analyse how notions of children's rights might be understood, and how intentions to fulfil the rights of the child might have been performed within this context. The chapter then provides an overview of the Indian context. An exploration of rights-talk and the reality of lived experiences for children in the Indian context is then considered before the theory of critical pedagogy is applied to question dominant discourses and conceptualisations of children's rights for infants and toddlers. Finally, possibilities for reconceptualising the rights of infants and toddlers are explored.

Prologue

The two stories presented below form part of a data set collected for a doctoral research study by one of the authors of this chapter (Palkhiwala, 2022). While the doctoral study unpacked the experiences of pedagogy, through an inquiry process with 11 teachers at the setting, for the purposes of this chapter, stories from three

teachers – Tanvi, Myra and Lakshmi – in playgroup (2-year-olds) will be drawn upon. Data collection entailed the use of non-participant observations, semi-structured interviews, a wall chart on which teachers were able to share any thoughts, and fortnightly group discussions in which teachers had the opportunity to discuss their pedagogy and classroom practices. While there are ethical considerations when researching with any group of people, this is heightened when researching with under-resourced communities (O'Kane, 2003). For example, in this study power imbalances were continually negotiated through the data collection process and ongoing consent was sought throughout the data collection period. The existing relationship between the researcher and teachers, based on flexibility and reciprocity, also addressed some of these power imbalances, as well as potential concerns of intrusiveness. The data was analysed in a cyclic process with the teachers, to ensure reflexivity. Pseudonyms have been used to ensure confidentiality.

Tanvi and Myra were the playgroup teachers, each responsible for a class of 25 2-year-old children. They shared a large classroom in a non-government organisation (NGO) that focused on providing educational opportunities, free meals and resources for children who lived in slum communities surrounding the setting in Mumbai, India. Next door to Tanvi and Myra, Lakshmi taught a third class of two-year-old children. In total, there were 75 toddlers who attended this playgroup alongside their three teachers.

Story 1: 50 Children and Polio Vaccines

One September morning, Tanvi was absent for a few days, resulting in Myra having responsibility for two playgroup classes (that is, 50 two-year-old children), with the help of one assistant (known as the *Tai*). Additionally, two children had returned to playgroup from their village after 2 months and seemed quite distressed. They had been crying all morning and the educators decided that the children should sit on the windowsill away from the group in order to look outside, perhaps with the intention of self-soothing. Teachers often commented in the focus groups that it was a "good thing" when the children who cried were often absent. Myra started her day with a smile on her face. The head teacher walked in to ask her if any of the children in the group still needed to receive the polio vaccine. Pausing her morning nursery rhymes, Myra started checking every child's pinkie finger for a mark (as children with a mark had been vaccinated). As she walked around the room, children became restless and were asked to sit quietly until all 50 children's fingers were checked. Noise gradually filled the space, with some toddlers crying, while other toddlers began playfully interacting with those around them, causing the Tai to raise her voice in an attempt to quieten the children.

After the morning snack, all children at the NGO who were yet to receive their polio vaccinations started entering the playgroup classroom and forming a single line. The nurses gave instructions, guiding the children to prepare for the vaccination. Parallel to this, Myra gathered a group of around 15 children and played

ring-a-rosie with them while the Tai cleaned up after snack time. While this small group of 15 toddlers seemed engaged in this game, the other children walked around the room as the Tai had packed away the toys while the children ate their morning snacks. Myra continued for the next hour in a similar vein, until the children were told to wash their hands in preparation for lunch.

Story 2: A Is for Apple

In the room beside Myra and Tanvi's was Lakshmi who had another playgroup class. One January morning, Lakshmi was taking a morning group time and noticed one child crying. She asked her to stand up and tell her why she was crying. The child said she wanted her mummy. Lakshmi said, "Your mummy will come in two hours" and then sang a song about mummy and daddy coming back to school to pick children up. She then sat the child next to the Tai until she stopped crying. After marking the roll, Lakshmi asked the children to guess how many were in the class today. Children called out a range of numbers under five. Lakshmi said, "No, no, no" and "let's count". After counting, she told the class, "We have twenty-five children". After counting the children and singing, Lakshmi said "Okay that's enough, now we need to study a little. You tell me these letters after me", reciting the alphabet with the use of a workbook. Children were then instructed to use their slates to copy "A" and a picture from the board of an apple that Lakshmi had previously drawn. Soon it was time for lunch. A prayer was recited before lunch. After the prayer Lakshmi commented in Marathi, "None of you know the prayer, you just make mischief and you can't sit still for two minutes".

The Indian Context, Children Living in Slum Communities and Their Rights

India ratified the UNCRC in 1992, and since then multiple laws have been implemented to reflect the Convention. While these legal frameworks provide a useful and necessary starting point for change, Deb and Mathews (2012) question the effectiveness of this top-down approach, suggesting that there is a further need to support the implementation and actualisation of laws in practice. While laws in India recognise that all children have a right to access education (e.g. the Right to Education Act 2009), the reality of children's access to education continues to be restricted by factors such as caste, class, gender, disability, access to water, sanitation, housing, safe spaces and social services (Wridt et al., 2015). For example, the increasing privatisation of the Indian education system has impacted on the actualisation of rights for children in the lowest socio-economic group. While the private sector has increased the accessibility of educational initiatives overall, access to

education still remains inequitable and inaccessible to the lowest income earners – highlighting that not all children's rights to education are being met (Woodhead et al., 2013).

In addition to caste, gender, disability and other factors, children living in slum communities experience specific challenges that impact on the actualisation of their rights. Therefore, in unpacking these stories, we are mindful of the need not to homogenise children as having the same experience, simply because they belong to the same community. A slum community is defined as a community with impermanent housing or squatter settlements (Auerbach, 2017). There are approximately 65 million people in India living in slums across major cities (International Monetary Fund (IMF), 2017). Many families living in these slum communities migrate from rural parts of India, in the hope of finding work (UNICEF, 2012). These unstable and impermanent living arrangements have many impacts on children and families. Some common challenges faced by slum dwellers include small cramped spaces, a lack of access to running water, sanitation, a lack of security from forced evictions, and sometimes lack of food (UNICEF, 2012). Families living in slum communities also experience a relative lack of protection from any socio-political unrest (Auerbach, 2017). However, one may also notice the sense of community and connection present in these tightly knit communities (Raghavan & Nair, 2013).

The Visible: Research on Infants' and Toddlers' Rights in India

Reflecting the contextual challenges faced by children living in the Indian context, research has found that rights-talk concentrates on poverty, malnutrition, access to education, child marriages, child abuse and child labour (Deb & Mathews, 2012; Farooqui, 2012; Hertel et al., 2017). Within this context, Deb and Mathews (2012) studied parent and teacher perceptions of children's rights, finding that while most parents and teachers advocated for children's rights to health, education and freedom, families and educators were not as concerned with children's rights to participation and expression. They also found that overall the teachers and parents had a low level understanding of the constitutional provisions and legal measures in place to protect children's rights, with only one in six parents and one in four teachers having heard of the UNCRC (Deb & Mathews, 2012). This brings into focus the need for greater public consciousness of frameworks such as the UNCRC (Wridt et al., 2015). As such, this research suggests that there is scope to build shared understandings with children, families and communities – since "children's rights cannot be understood and fulfilled without the participation of civil society, including children themselves" (Wridt et al., 2015, p. 36).

Ferguson (2013) raises questions about situations where infants' and toddlers' rights to participation may seem to be incompatible with adult interpretations of the best interests of children. While acknowledging that there is a need to ensure

protection, Leonard (2004) suggests that there is also a need to question underlying assumptions that adults might know best since this can, at times, involve silencing children's own perspectives. Leonard (2004) investigated adult decision making for children which resulted in the banning of children from working in the garment industry, and found that "well-intentioned action fundamentally increased the vulnerability of children" (p. 58) because "children ended up in more hazardous and exploitative occupations and experienced increased economic insecurity" (p. 58). Viruru (2008) further highlights that there are cultural tensions in understandings and applications of children's rights – for example, between children's rights to work and the abuse experienced by child labourers.

The multi-layered oppression faced by children in India has prompted writers such as Swadener and Polakow (2011) to note that there is a need to "go beyond legislation of rights to challenge harmful traditional beliefs that perpetuate discriminatory practices against children" (p. 712). Significantly, there is a lack of research looking at the rights of infants and toddlers, beyond the right to life, survival and development. The research shows that while researchers continue to explore children's rights, much of the focus remains on children older than 5, thus raising concerns over the invisibility of infants and toddlers. An overview of literature suggests that key children's rights issues in the Indian context include: (a) certain rights are more commonly embraced over others (Hertel et al., 2017), (b) adults' perceptions of children's abilities closely dictate the amount and type of rights that children are allowed to possess (Deb & Mathews, 2012), and (c) there is a lack of understanding of the legal nature of children's rights amongst stakeholders – such as teachers – who are responsible for upholding the best interest of the child (Morrow & Pells, 2012; Wridt et al., 2015).

In this section, we have provided an overview of the context and have explored some of the challenges to children's rights. In the subsequent section we draw upon the theory of critical pedagogy in order to analyse the stories in the prologue, before unpacking the rhetoric and reality of rights-based discourses.

Critical Pedagogy

Critical pedagogy recognises that education is a political act (Freire, 1970). The theory of critical pedagogy has many roots; however, its beginnings are often attributed to the work of Paulo Freire, who worked with adults who were illiterate and lived in slum communities (*favelas*) in Brazil (Freire Institute, 2015). Critical pedagogy addresses "the relations among schooling, education, culture, society, economy, and governance … [it] proceeds from the assumption that pedagogical practices are related to social practices, and that it is the task of the critical intellectual to identify and address injustices in these practices" (Popkewitz & Fendler, 1999, p. xiii). Critical pedagogy is concerned with the ways in which educational sites can reproduce existing inequities, injustices and cultural dominance, as well as the ways in which education can act as a mechanism to resist inequalities, injustices

and oppression (Giroux, 2018). Two cornerstone elements of critical pedagogy include understanding that education is political, and critiquing banking systems of education (Freire, 1970).

Education Is Political

The notion that education is political emerged from Freire's (1970) understanding that discourses of neutrality utilised within educational systems act as instruments of power. Freire (1970) recognised that claims to neutrality recycle power imbalances, which perpetuate the injustices that *already exist* within a given society or system. Taking Freire's lead, others have questioned the notion that truths are innocent of power – highlighting instead how seemingly unquestionable truths stem from socio-historical origins to privilege particular ways of thinking, being and doing (Giroux, 2018; MacNaughton, 2005). The political nature of education highlights the importance of analysing privilege and disadvantage to question how classroom practices and taken-for-granted assumptions about how to *do* education, or how to *be* educated reinforce the status quo. For example, in exploring the hidden curriculum – that is, "unstated norms, values, and beliefs embedded in and transmitted to students through the underlying rules that structure the routines and social relationships in school and classroom life" (Giroux, 2001, p. 47), Giroux highlights how difference is often portrayed as a deficit that requires fixing. Theorists have argued that forwarding the idea that education is neutral removes any transformative potential which education might have since it enables learners to internalise inequities and injustices in society as normal (Giroux, 2018).

The Banking Model of Education

Freire's (1970) analysis of education systems led him to coin the term the *banking model* of education. Freire (1970) suggests that the banking model views learners as blank slates awaiting deposits of learning and knowledge from the authoritarian teacher who is the holder of all knowledge. In the banking approach to education, learners are required to uncritically rote learn and then regurgitate facts and information in order to move up from one level to the next. McLaren (2015) has critiqued banking approaches to education, suggesting that these approaches focus on the gaining of technical skills, and positioning children and learners as instruments of the economy rather than autonomous beings. Freire (1970) notes that banking approaches perpetuate the domestication, massification and dehumanisation of learners. A banking approach focuses on content rather than learners, hence there is a need to assimilate learners into the ways of thinking, being and doing that exist within the system, regardless of whether the system itself is oppressive.

Rights Talk and the Reality of Rights in India

Drawing on the banking approach as explained above, we attempt to delve into an analysis of rights-talk that is contextually relevant and related to the lives of the children and teachers in the stories shared in the prologue. In addition, we consider how the teachers in these stories might have understood and conceptualised children's rights, and how competing images of children (from within and outside the local communities) might have impacted on perceptions of what constitutes children's rights through the lens of critical pedagogy.

From the stories, it is apparent that the reality in this setting (as in most educational settings for the underprivileged in India) is one of large group sizes, lower levels of supervision and shared spaces. Through a Western normative lens in relation to children's rights, the low levels of supervision may suggest a lack of care and protection. While Salifu and Agbenyega (2013) argue that "teaching in large classrooms without adequate teaching and learning resources predisposes teachers to hardship and stress" (p. 3), Gupta (2013) provides a contrasting perspective on the issue of group sizes, arguing that the Eurocentric view of small group sizes are a reflection of power and privilege, and when implemented in the Indian context are only available to the elite few attending private schools, due to their resource-intensive nature. While large group sizes could potentially reflect banking systems of education, when unpacking the lived experiences of the children in the first story, the skill of navigating around many people, sharing spaces and developing the ability to focus on one thing with numerous environmental distractions, are perhaps more relevant qualities that the children are learning, considering their home lives reflect many of the same factors (Gupta, 2013).

From the stories, we might consider that the expectation put on toddlers to conform to the group norms (no crying and sitting quietly) overrode the right to express feelings and emotions (nurturing and welcoming a crying toddler). Thus, it could be argued that rather than an *individual* focus on rights, the practices evident within both stories represent a *collective* focus on the responsibilities that children and educators have towards each other within the context of their societies – which could be considered a reflection of a sense of belonging (Inter-Agency Working Group on Children's Participation, 2008). In the first story, the teachers had mentioned to the researcher in the focus groups that it was a "good thing" when the child who cried was often absent – perhaps since this crying challenged the teachers' expectations that young children must conform to group norms. From a counter-perspective, the stories may demonstrate a banking model of education, in which educators are intending to pass on knowledge to the unknowing child (Freire, 1970). While this is by no means an attack on the teachers – who by all evidence appear to be aiming to put into practice the best interests of the child, these stories bring to light the complex nature of this context where teachers focus on transmitting syllabus content, even to children as young as two. From this logic, the need to teach children technical skills reflects what educators might perceive as children's rights to education (e.g. being able to recite the alphabet). Moreover, as analysts from

critical pedagogy highlight, the teaching of *technical skills*, while intended to support learners to escape situations of poverty, can be seen to further reproduce the status quo through the *othering* of learners who do not conform (Giroux, 2001).

Nonetheless, the exclusion of children (or the willingness to exclude), for example, through the placing of the children on the windowsill in the first story, is problematic, particularly since there is an evident focus on supporting children to internalise the ways of thinking, being and doing within the system – rather than changing systems to support learners to have genuine opportunities for social transformation. The lack of differentiation to support learners to engage with content can also be seen as a way of excluding learners who do not conform or understand the content in the way it is taught – thus further perpetuating inequities that exist within the system and in meeting the rights of *all* children (Giroux, 2018).

As Horton and Freire (1990) highlights, this systematic inequality is reproduced in education systems; however, alternatives are difficult to enact, particularly if one way of doing education has become an unquestionable truth. In this context, Wankhede (2010) explains that "education holds the key to socio-economic development, however, the system of education [in India] itself is coloured by several biases of caste, language, economic gradations and gender. These perpetuate the inequality that exists in society" (p. 592). Perhaps the importance of the toddler meeting the teacher's expectations successfully in the second story was closely tied to their ability to meet syllabus requirements, progress to the next grade and subsequently through the education system. In an environment where the right to an education is regarded as a fundamental component of escaping poverty and attaining a greater degree of social capital, teachers' intentions to support children to actualise this right appears to take the form of valuing the memorisation of facts and skills deemed important – taking precedence over a child's self-esteem, such as when the teacher told them "None of you know the prayer, you just make mischief and you can't sit still for two minutes". From the perspective of critical pedagogy, while well-intentioned, these perspectives could still be seen as problematic given that education systems appear to reinforce the status quo through the hidden curriculum (Giroux, 2018).

Reconceptualising Rights: Beyond the Rhetoric

In moving forward, we contend that the teachers in these stories were intending to facilitate the best interests of the children. However, there is equally a need to support teachers to recognise where intentions foster and reproduce the status quo, and where this is not in children's best interests. This involves practices supporting teachers to become critically conscious of the invisible oppression that children, families and communities living in slums face. Critical consciousness is a concept that encompasses two key elements: that is, an awareness of social oppression and a motivation for social justice in order to transform oppression (Giroux, 2001). Freire (1970) highlights that critical consciousness is informed by principles of

equity, inclusion, liberation and justice. Critical consciousness involves recognising the ways in which taken-for-granted truths or dominant ways of thinking, being and doing, work to oppress individuals or to perpetuate systematic and structural injustices.

Challenging the notion that teachers need to provide children with only technical skills, we argue that for children's rights to be actualised, there is a need for systemic change to banking approaches to education. This is not to say that we advocate a Westernising of the Indian system, but rather that understanding what rights might mean and look like in this culture and context provides opportunities for enabling rights to live and breathe. Concurrently, there is a need for broader critical consciousness of the ethical and political nature of rights and childhood. For example, as Freire and Macedo (1995) explain, engaging learners, such as children living in slum communities, in education for critical consciousness could involve problematising the oppression that children experience on a daily basis as not being normal or natural but a violation of rights – supporting children, families and communities to recognise that it is systems that need to be changed, rather than children themselves.

Conclusion

Much has been said throughout this chapter about the reality and rhetoric of children's rights (Mehendale, 2004) in India. As this chapter suggests, discourses of children's rights are socio-political concepts (Reynaert et al., 2009), and there are several cultural tensions to be navigated in the actualisation of children's rights. By storying the experiences of a group of children living in one slum community in an Indian context, the chapter has examined normative and alternative discourses of children's rights. In recognising the need to move forward, the authors argue for the importance of listening to children, families and communities in order to develop a shared culture of rights which recognises the pragmatic and culturally specific nature of values. Engaging with the theory of critical pedagogy, the authors suggest that developing the critical consciousness of teachers and learners might support the understanding as well as the realisation of rights – thus enabling children's rights in this context to be co-constructed from the bottom up.

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