

Innocent or Criminal? A Sociological study of child soldiers in the Indian context

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The idea of 'childhood' is not only a biological category, but a socially constructed and culturally conditioned notion. The social construction of 'childhood' validates certain actions and behaviours of children which are deemed to be acceptable by a particular culture. The paper attempts to understand the cultural politics of 'childhood' and to contextualize the issue of child soldiers along the cultural, ideological and political axes. By putting forth sources that acknowledge the presence of child soldiers in the conflict affected regions of India, the paper would probe into the social construction of childhood in the Indian society, and would seek to locate the question of 'agency' and 'innocence' in those narratives. The paper is an attempt to understand the issue of Indian child soldiers and to link it with the 'new' sociology of childhood.

The social construction and re-construction of 'childhood' deals with certain tropes or images of children, which are used as points of reference to understand children and their behaviour (Higonnet, 1998:23). In the Indian context, the ambivalent relationship between children's agency and the accepted form of 'childhood' offers a paradox in the study of childhoods. The paper attempts to understand how the notions of an acceptable 'childhood' is politically produced in the society and to look into the sociological aspect of child soldiers, especially in the Indian context, by taking recourse to the 'new' sociology of childhood. Furthermore, it would try to address the paradox in the social construction of 'childhood' in India by probing into the notions of godliness and innocence associated with the child alongside the question of agency.

The image of a child holding arms and being involved in armed conflicts disturbs the sensitivity of the 'modern' society. The Enlightenment logic convinces the society that there is something profoundly wrong and deviant when the accepted image of the innocent child and that of an armed soldier comes together as a child soldier. But such an approach does not help in the understanding of this phenomenon and a greater sociological inquiry is needed to re-conceptualize the child soldiers in the sociology of childhood. There is a huge research gap concerning the child soldiers in India, which this paper attempts to address.

Historically, children have been used in various capacities during all major wars and conflicts. In the modern times, they have been used in the Napoleonic wars (Cardoza, 2002), the American Civil War (Werner, 1998) and the World Wars. In India, people under the age of eighteen constituted the bulk of freedom fighters, both armed and otherwise, during the anti-British movements starting from the Sepoy Mutiny. Sixteen year old like Khudiram Bose, who threw a bomb for killing Englishmen, is a celebrated nationalist in the canon of Indian Freedom fighters. And the training of bow and arrow – the tradition form of weapons- has been given to children in certain parts of India since ancient days.

A few tribal communities have kept alive these traditional forms of warfare training even today. Karen Wells (2009) notes that, children are not always passive victims of war and hints at the culture of youthful militarism prevalent in certain societies. This complicates and contradicts the conventional perceptions about a child soldier being a mere victim of the manipulations of armed groups and that they need to be protected (Rosen, 2005:1).

The 'social construction' of childhood is being attempted both in the society as well as in the academia. With discursive changes in the relative position of the child, within the space of the family in particular and the society in general, from the sixteenth century onwards, association of a child with 'innocence', godliness and of being one with nature has been a commonplace in the works of West European poets and philosophers alike; Rousseau's *Emile* (1762) being a classic example of the same. Moreover, these attempts were linked with the understanding of childhood as being just a biological phase in the life-cycle of every individual and thus, treating 'children' as a particular biological category. Such an attitude towards childhood and children has been questioned and criticized by the scholars of 'new' Sociology of Childhood. The proponents of 'new' Sociology of Childhood have shown how heterogeneous childhood is (Frónes 1994) and that the conceptualization of it cannot be universal (Aries 1962): an attempt to revolutionize the stereotypical notions about 'socialization' which dominated sociology hitherto in its understanding of childhood. So, there cannot be a single childhood rather there are 'childhoods' (James and Prout 2002). Furthermore, the notion of chronological age cannot be the sole arbiter in determining the social development of the child, as opposed to physical development which can be charted in accordance with biological age. The policy decisions, the educational system and the social perceptions are all tied with and determined by such a fixed notion of biological age in understanding children, which in itself is problematic. In other words, children from different societies and cultures have different experience of childhood and even

within one society there are different lived experiences of it. These differences are pivotal to the cultural politics of childhood (James and James 2004). It is therefore important to acknowledge the lived experiences of these children and to put it in the right context. As Michael Freeman (1997) argues what constitutes 'childhood' and what is antithetical to it is culturally relative; one culture might regard 'starting to work' as a quintessential part of 'childhood' while another might deem it unsuitable and antithetical to it. Therefore, it is important to see how the immediate society to which these children belong constructs its own idea of 'childhood'. As Karen Wells (2009) rightly points out that interventions or rescue missions more often than not isolates the problem from the context. The Child soldiers in the Maoist affected areas in India should thus be conceptualized in terms of the Maoist ideology that is being propagated in those regions as well as what the local culture validates as being acceptable or not for children to undertake. And it is after taking these narratives into account, can any policy be formulated in this regard or else any effort would fail to reach the people.

'Agency' has had an implicit presence in the Indian society's imagination of 'childhood' as evident from most narratives of childhood memoirs and recollections. The depiction of child heroes in mythology and popular culture and the way these narratives are passed on to children, points to the acknowledgement of the actions and behaviours of these child heroes, which are evidently 'agentic'. The popular culture of contemporary India has also pinned its perception of childhood on the images of Bal Ganesh¹, Krishna² or the like. The Indian animation films and comics, that are playing an important role in shaping the leisure culture of a large number of children are exclusively those narratives of brave young children like Chota Bheem³ or Bal Hanuman⁴ or Krishna² who 'fight' against the 'evil' and despite their mischief and muscular strength retain a divine charm or 'godly innocence'. The paradox is evident in the fact that for a society that has the above depiction of childhood in popular culture, the desired image of children at home- especially in the middle-class

households- is the studious domesticated one, bereft of adventures in the outside world and an enforcement of discipline and/or a constant gaze of the adult. This codification of an 'otherised' agency is what characterizes the paradox and informs not only the attitude of the middle-class but also that of the media and the policy formulators.

Hia Sen (2013) has brought the concept of 'time-out' to explain the nature of lived experiences amongst urban middle class children in the state of West Bengal. It is a preparatory phase between childhood and adulthood in which any element of adulthood – physical, sexual, economical - are denied to the individual. For the child soldiers, this 'time-out' becomes very constricted and almost absent as their sudden and often accidental encounter with those markers of adulthood, comes along. This is not to hint at their apparent 'loss of childhood' (Portman, 1982). This is not an apocalyptic 'distortion' of 'natural' childhood (Buckingham, 2000) but one of many childhoods that exist (James and Prout 2002). It not only calls to question the very distinction that is drawn and most importantly codified between childhood and adulthood, with each phase carrying certain markers to legitimize the categorization in the first place, but also seeks to challenge the dominant ideas of childhood.

Myriam Denov (2010) notes that solidarity and camaraderie among child soldiers in a particular outfit is a key factor. The Human Rights Watch in a detailed report, interviewed many former Maoist cadres and child soldiers. In the Maoist affected areas, children between the ages six and twelve are organized into a village-level children's association called 'bal sangam'. These children are therefore from the same neighbourhood, at times belonging to the same play group and therefore there is no need to artificially or externally foster loyalty or camaraderie among them. This is a key factor both in terms of the organizational dynamics of the Maoist movement as well in respect to the subjective location of an individual child in this entire set-up.

Another important aspect of this debate is the question of criminal responsibility or culpability. To what extent can this responsibility be fixed, on the child soldiers, is a question which many sociologists and policy makers are yet to reach a consensus on. This question is further complicated by the fact that in many instances, these children are forced to take up arms or are forced labourers (Brett and Specht, 2004) and are victims themselves (James and James, 2012). Till now, there has not been any instance of criminal prosecution of child soldiers in International Tribunals but due to a lack of clarity some domestic jurisdiction has prosecuted and even executed detained child soldiers (James and James, 2012: 18).

Article 38 of the United Nations Convention on the Rights of the Child (UNCRC) (1989) requires all member States to take all feasible steps to ensure that children under the age of fifteen do not take a direct part in hostilities. As this is an optional protocol, it is not mandatory for the Member States to ratify it while adopting the UNCRC. As a result it is not legally binding for a Member State to curb the employment of child soldiers. On the contrary, the government forces of El Salvador, Ethiopia, Guatemala and Myanmar have recruited children in the regular army (UNICEF, 1996). Moreover, the USA and the UK recruits sixteen year olds in the armed forces (Wells, 2009:151). Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000) also categorically mentions in Article 1 that “States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.”

In India, the practice of child militancy has attracted very little or almost no attention from the academia, or Government. Thus, the information available is very patchy and insufficient. The

prospect of direct communication with child soldiers is very bleak owing to their small number and issues of secrecy and security associated with such research.

According to reports of Government of India 106 districts in nine states are affected by “Left Wing Extremism”⁵, including West Bengal⁶ (MHA) and 71 districts have been designated as “disturbed areas” under the AFSPA⁷ in Northeast India .

As declared by The Ministry of Home Affairs, a total of 35 Indian organizations are banned under the Unlawful Activities Prevention Act 1967 (UAPA)⁸. In Jammu & Kashmir armed opposition groups reportedly recruit under-18s and deploy them in combatant roles⁹. The UN Secretary-General’s May 2013 Annual Report on ‘Children and Armed Conflict’ notes that there has been reports of “Naxalites” resorting to “large-scale recruitment of children aged between 6 and 12 years into their so called children’s units (Bal Sanghatans) in the affected states”¹⁰. Chakrabarty and Kujur (2012) notes, that the Maoists have raised a Child Liberation Army, in the areas controlled by them. A news report entitled ‘Maoist kid soldiers draw blood’ published in *The Telegraph* reads:

“Boys with guns but hardly any facial hair shot dead a local CPM leader this morning at Salboni near Lalgarh [in the state of West Bengal, India], with horrified villagers saying some of the attackers looked “as young as 14”. Maoist sources confirmed police claims that they had introduced the child soldier ... into Bengal’s western theatre of conflict. Officers said some 200 young boys were part of the “local action squad” the rebels had raised since entering Lalgarh 10 months ago, and had been trained to use firearms and set off improvised explosive devices.”
(The Telegraph September 15 , 2009).

What stands out in the report, apart from the acknowledgement of the presence of child soldiers, is the reaction of the witnesses. The ‘horrified’ villagers are not only aghast at the crime

committed but are also shocked because children, reportedly as young as fourteen, had committed as heinous a crime as murder, that too with arms and in cold blood.

As per Office of the Registrar General of India, the birth registration rate in the country, as of 2006, is only 70%, with the birth of around 80 million children not registered within one year of their birth. Therefore, age as a criterion for policy initiatives concerning these child soldiers becomes problematic. The legal criterion of defining the biological age to draw policy as well as sociological interpretations is fraught with methodological issues that cannot be fully addressed in the limited scope of this paper. Nevertheless, it is important to note that formulating policies with reference to chronological age cannot address the problem in its entirety.

Mr. Ganapathi, the then general secretary of CPI (Maoist) in an open letter¹¹ acknowledged the use of child soldier by them and justified this policy. More than being a defiance of the UNCRC, he gave radical explanation of ‘mental and political maturity’ of children being independent of their physical age and being dependent on the “specific conditions prevailing in the war zone” and thereby attempt to glorify the deployment of child soldiers. He wrote

“In the specific conditions prevailing in the war zone [Dantewada and Bijapur districts of Chhattisgarh] children attain mental and political maturity by the time they complete 16 because they are directly or indirectly involved in the revolutionary activity from their very childhood... Making a fuss over age makes no meaning in a situation where the enemies of the people are targeting children too without any mercy. If the boys and girls do not do resist with arms they will be eliminated completely. The intellectuals of the civil society should understand this most inhumane and cruel situation created by the enemy and take the side of the people instead of pushing them more into defensive by raising all sorts of idealistic objections” (Ganapathi 2007: 67-71)

On filing an RTI (Right To Information) with the Ministry of Home Affairs, Government of India (MHOME/R/2014/60608), I received the following reply from the Naxal Management Division of the Ministry:

“The number of persons below the 18 years of age who were recruited/used by CPI(Maoist) is not available”

On filling an appeal, I received letters from the National Investigation Agency (NIA), Sashastra Seema Bal, Central Reserve Police Force (CRPF), Border Security Force (BSF) and Assam Rifles, all stating that being a ‘security organization as listed in the Second schedule of the [RTI] Act’ , they are exempted from the provisions of the Act and no answer was given on the question of child soldiers recruited by the CPI(Maoist).

In the North East, The Garo National Liberation Army (GNLA) has reportedly used child soldiers in many of their operations in Manipur and Meghalaya¹². In Manipur child soldiers have been recruited by Revolutionary People’s Front¹³.

With all this instances in view , there are no legal provision that explicitly criminalizes the recruitment or use in hostilities of persons under-18 years by state armed forces (national armed forces as well as paramilitaries, police forces or village defence militias) or non-state armed groups (UNCRC, 1989). The Juvenile Justice in India promises ‘care and protection’ to juveniles¹⁵. But more often than not the child soldiers are arrested like and with adults.

The issue of child soldiers in India, therefore, has multiple dimensions. Any sociological understanding of such an issue must take into account the cultural, ideological and political dimensions, not as independent determiners but as a set of intersecting markers that co-determine the social attitude towards these children as well as their self-perception and such an intersection should

inform policy debates concerning the child soldiers in India. In an effort to fix criminal responsibility or to locate 'innocence' or the loss of it, the studies tend to move out of the context. The paper gave evidences from NGO reports, newspaper articles and letters from the Left-Wing Extremist organizations, which acknowledge and talk about children involved in armed conflict in India. The presence, though yet un-acknowledged by the Government agencies, has been documented. The aim of the paper was not to prove or disprove these claims but to situate them in the larger matrix of the social attitude towards children. It was an attempt to contextualize the debate on child soldiers and to account for the complexity of the issue that needs greater share of attention both from the academia as well as from policy makers.

End-Notes

1. Bal Ganesh is an animation film released in 2007 and directed by Pankaj Sharma. It portrays the childhood adventure of Lord Ganesha, the Hindu God.

2. Krishna- is an animation film released in 2006 and directed by Aman Khan. It deals with the childhood of Lord Krishna, the Hindu God.
3. Chota Bheem is a TV animation series launched in 2009. It depicts the adventure of a small boy named Bheem in the backdrop of a fictional village called Dholakpur. Created by Green Gold Animation, it is broadcast on POGO TV.
4. Bal Hanuman is an animation film released in 2007. It is about the child Hanuman, the mythological monkey-god of Ramayana.
5. According to the Indian Ministry of Home Affairs website, —Several Left Wing Extremist groups have been operating in certain parts of the country for a few decades now. In a significant development in 2004, the People’s War (PW), then operating in Andhra Pradesh, and the Maoist Communist Centre of India (MCCI), then operating in Bihar and adjoining areas, merged to form the CPI (Maoist). The CPI (Maoist), is the major Left Wing Extremist outfit responsible for most incidents of violence and killing of civilians and security forces and has been included in the Schedule of Terrorist Organisations along with all its formations and front organisations under the Unlawful Activities (Prevention) Act, 1967, Naxal Management Division, Ministry of Home Affairs.
6. Lok Sabha Unstarred question No. 1374 answered on 5 March 2013, Ministry of Home Affairs, Government of India. (<http://mha1.nic.in/par2013/par2013-pdfs/ls-050313/LSQ.1374.Eng.pdf>)
7. AFSPA- Armed Forces (Special Powers) Act passed on September 11, 1958, by the Parliament of India.
8. Government of India, Ministry of Home Affairs, List of banned organizations
9. ACHR, “India’s Child Soldiers: Government defends officially designated terror groups” record on the recruitment of child soldiers before the UN Committee on the Rights of the Child, March 2013,
10. UN Secretary-General, Secretary-General’s Annual Report on Children and Armed Conflict, UN Doc. S/2013/245, 15 May 2013
11. ‘Open Reply to Independent Citizens’ Initiative in Dantewada’ by Ganapathi published in Economic and Political Weekly, January 6-12, 2007, pp.67-71.
12. ‘NCPCR concerned over child soldiers in Manipur, Meghalaya’ in Meghalaya Times, May 20, 2012.
13. Roy, E, ‘A missing girl, a known militant story in Manipur’ in Indian Express, April 29, 2013.
14. Juvenile Justice (Care and Protection of Children) Act 2000 as amended in 2006 (JJ Act), and the Penal Code 1860.

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