



Protection of Girl Child: Initiatives and Challenges

Dr.V.V.S.Rama Krishna, Assistant Professor, Dept. of Economics, A.U.Campus-Kakinada

Abstract

The Constitution of India offers all citizens, including children, certain basic Fundamental Rights – the right to life and liberty, the right to equality, right to freedom of speech and expression, right against exploitation, right to freedom of religion, right to conserve culture and the right to constitutional remedies for the enforcement of Fundamental Rights. Further, the Directive Principles of State Policy directs the State to ensure that all children are provided with services and opportunities to grow and develop in a safe and secure environment. To realise the letter and spirit of the Constitution, the State has formulated a number of legislations. The Government is also implementing a large number of programmes and schemes for the benefit of children. The objective of the paper is to analyse the challenges to protect the Girl child and the policy initiatives of the Government in this regard to preserve the right to live.

Key words: Constitution, environment, exploitation, elimination

1. Introduction:

India is a signatory to a number of International Instruments such as UN Convention on the Rights of the Child, with its two Optional Protocols, and Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), thereby affirming its commitment to the growth and development of women and children. It also accepted without reservation the international commitments of the 'World fit for Children' adopted by the UN General Assembly Special Session on Children in 2002, and the Beijing Platform for Action for the advancement of women and girls adopted by the World Conference on Women in 1995. However, inadequate impact of programming investment and achievement in overall development of the child, and the adverse influence of negative social attitudes towards women and girls have left girl children in India disadvantaged. Their survival, development, security

and well-being as citizens of India, and their participation as members of society are thus officially recognized as a matter of serious national concern.

Girl child's status is dramatically profiled in female to male sex ratios of younger age groups in the population. The 1991 Census of India highlighted a serious and worsening decline in the sex ratio in the 0-6 age group, reflecting the rising prevention of female births, and the incidence of female infanticide and deliberate neglect of girl children's health, nutrition and safety. The 2011 Census revealed a further decline in the 0-6 age group and an even lower female-male ratio in the 15 to 19 age group. The Girl child is also highly susceptible to abuse, violence and exploitation both inside and outside her home. It is a known fact that crimes against girl child have been increasing over the years but very few cases get reported. Rape, trafficking, sexual exploitation, child



labour, beggary are some of the forms of violence perpetuated on the girl child.

1.1. Survival of the Girl Child and Her Right to be born:

National efforts to ensure the survival of the girl child and her right to be born, and to be an informed, secure and productive participating member of the community and society will necessarily have to be multidimensional in nature with legislative, preventive, advocacy and programmatic inputs. State-level interventions will have to be based on accurate assessment of area-specific issues and factors.

2. Effective implementation of the PC and PNDT Act:

The premier Act to prevent pre conceptual and pre natal sex determination and consequent female feticide is the Pre Conception and Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PC and PNDT Act). It seeks to prohibit the techniques of pre conception and prenatal sex determination and to preempt the misuse of such technologies. It has provisions for use, regulation and monitoring of ultrasound machines to curb their misuse for detection of the sex of the fetus and provides punishment for violation of these provisions. Unfortunately, the existing provisions and current implementation mechanisms have failed to make any significant impact on the rising trend of female feticide. In fact, the situation has worsened in past few decades with a fall in the female sex ratio of the 0-6 year age group from 976/1000 as reported in 1961 to 927/1000 in the 2001 census. The Act therefore needs to be thoroughly reviewed to evaluate its existing administrative, enforcement and

monitoring provisions and put in place such mechanisms that can tackle the problem of sex determination and feticide in a more effective manner. In order to effective implementation of the PC and PNDT Act, some of the initiatives by the Government in this regard analysed in the following sections.

2.1. National Inspection & Monitoring Committee:

The National Inspection and Monitoring Committee has been constituted as per the directives of the Supreme Court, to assess the ground realities through field visits. It also monitors the prosecutions launched against unregistered bodies and those violating provisions in the Act/Rules. In order to strengthen the inspection and monitoring process it is suggested that the counterparts of National Inspection and Monitoring Committee (NIMC) could also be set up in States with a multiple membership including committed NGOs. There should be inbuilt checks and balance mechanisms by sending members from one region to inspect and monitor other regions. The Secretary of Women and Child Development of the concerned State should head the proposed State Inspection and Monitoring Committee. It is further suggested that the inspections of the Committee should have a surprise element and should be undertaken without advance notice. The inspection of the Committee would need to be conducted in the Districts, which have the worst female sex ratio.

2.2. Stringent Penalties and Punitive Action:

- ❖ Female feticide should be treated as a crime and not just a social evil and the State must take primarily



corrective, preventive and punitive action to address the crime.

- ❖ Enhancement of punishment for all violations of PNDA Act. There should be a firm crack down on offenders with exemplary punishments
- ❖ Correctives should include suspension and/or cancellation of license, seizure and confiscation of equipment, closure of clinics, public censure of doctors and clinics, public notification of such corrective actions taken
- ❖ State Medical Council should take action to suspend/deregister errant doctors and give wide publicity to this.
- ❖ A system of telescoping of offences can be formulated with punishment becoming more stringent with the number of times offences are committed
- ❖ As foeticide is murder of the unborn child, it should be examined whether it can be treated as a crime under IPC and brought under the jurisdiction of Sessions Court
- ❖ A website could be developed to disseminate to wider audiences and flag the names of black-listed organisations/clinics/doctors.
- ❖ A system of incentives can be formulated (as in the case of drugs and narcotics seizures) for tip offs on clinics which are indulging in sex determination.

3. Nation Wide Awareness Campaign against Female Feticide:

The discriminatory treatment meted to the girl child is largely an outcome of the traditional perspectives of society towards the girl child which is reflective of the growing incidence of crime and violence against her- a phenomenon that starts even before she

takes birth through female feticide. A unique feature of the problem of female feticide is that it is not restricted to any single social or economic group or groups. In fact, it cuts across caste and income barriers as evidenced from the fact that well to do States such as Haryana, Delhi and Punjab have the most adverse female sex ratios. There are also large sections of poor and BPL families who want to get rid of their daughter as she is a burden for them. It is felt that unless immediate action is taken on a national scale to change this mind set, the girl child is on her way to utter deprivation, destitution and even extinction. In other words the girl child is heading towards becoming an endangered species.

4. Scheme to address falling female sex ratio:

There are certain sections of society (mainly BPL families) where awareness and sensitisation of the value of girl child may not be solely sufficient impetus for them to retain their daughter for various reasons unique to that family/community. In order to allow the female child in such families to be born and not aborted, a special provision should be put in place whereby those who do not want to raise their daughters can place them in specially appointed cradle centers supported by the State.

4.1. Health and Nutrition for Girl Child:

Discrimination in the provision of adequate and timely nutrition and health inputs to the girl child is a persisting problem as result of which these groups suffer from various problems like under weight, malnutrition, anaemia, micro nutrient deficiencies, stunted growth etc. Health and nutrition awareness and education



to dispel discrimination against girls is imperative.

One of the factors for high mortality and morbidity among adolescent girls is high risks involved in their pregnancy, as they are physically and biologically not prepared for childbirth. It is very essential that such pregnant adolescent girls should be provided adequate health care by Anganwadi and Asha workers and also promotes institutional deliveries. An integrated approach taking care of life skills, nutrition and health of adolescent girls may pave the way for better quality human resource. The universalisation of Nutrition Programme for Adolescent Girls and its merger with Kishori Shakti Yojana will go a long way in supplementing nutritional requirements and to empower the girls socially and economically.

4.2. Enabling Education for the Girl Child:

The need to encourage all girls to enroll in school and to retain them in the school system is imperative as education not only improves the worth and self esteem of the girl child but also enables her to become an economically productive woman and delays her marriage age. Community Vigilance Committees should be formed at village level and the members should ensure that every girl in the village is enrolled and regularly goes to school. Mid- day meals should be made compulsory for girls irrespective of the stage of their school education. This has a two-fold effect- on the one hand it encourages the child to remain in school and secondly it provides the girl with a nourishing meal.

There are a number of logistic constraints, which restrict girls from attending schools, especially after they

have crossed the primary stage. These include distance from school and lack of girl friendly facilities in school buildings. Efforts should be made to enroll and retain girls in school by reducing distance of school from home as far as possible. There is need to provide safe transport to girls who have to travel considerable distances. In this context, the proposed Conditional Transfer scheme, can examine the possibility of providing bicycles to girls for traveling to school (as a non cash transfers) to young girls (at elementary and secondary school levels) so that they need not depend on irregular public transport services. Also, if there are no elementary schools or secondary schools in the vicinity, Dept of Education may undertake alternative schooling system (like National Programme for Education of Girls for Elementary Education) which can take care of their schooling needs till such time an elementary school is made available. More residential schools (on the lines of Kasturba Gandhi Balika Vidyalaya) and hostels should be provided for girls (especially adolescents) to facilitate their continuation in education.

An important reason for girls dropping out of school is the lack of proper toilet and sanitary facilities. High priority is therefore needed to be accorded to providing separate girls' toilet with proper water and sanitation facilities. Efforts through Department of Education should be made to increase the number of female teachers at all levels so as to encourage girl child to continue in school in a safer environment. Further, Bridge schools with quality education package should be provided to girl children, especially street children, child labourers, seasonal migrants, who may have not been in



formal education system. Preschool education is a very important input not only for 0-6 years old but also for the older children as it serves as the motivating factor for the girl child to enroll in school.

4.3. Gender Sensitization of Educational System:

Engendering educational system involves not just establishing girl friendly schools but also creating gender awareness in the educational system so that the entire educational environment is sensitive to the special needs of girls. For this purpose the MWCD should work in close collaboration with Department of Education and ancillary bodies to ensure that the curricula and syllabi are gender sensitive. Positive images of girls need to be reflected in textbooks and special modules formulated which reinforce the economic and social empowerment of women. Such inputs in the curricula will help in improving the status of girls and their self esteem. It will also give them the necessary encouragement to improve their economic and social status. Apart from this, special modules on social problems facing the society and specially girls should be included in the syllabi so that these issues are openly and freely discussed and awareness and knowledge gets disseminated. Such issues may include personal hygiene, early marriage and pregnancy, prevention against abuse, exploitation and violence, modules to enlighten them on the benefits of education, health, hygiene and nutrition, economic empowerment etc. The Ministry should also empower adolescent girls through "Balika Sanghas" to discuss these issues in their peer groups. Gender Sensitisation and gender awareness programmes should be organised and conducted for teachers,

PRIs especially in rural areas on the rights of the girl child, social problems faced by them and to provide counseling or help if required.

4.4. Abolition of Child Marriage:

The Child Marriage Restraint Act 1929 (CMRA) provides for punishment to those who have allowed, contracted, performed or have been involved in a child marriage. Yet its efficacy has been limited in preventing child marriage as thrust of the Act is on 'prevention' and not declaring the marriage null and void after it has occurred. Also, on account of societal acceptance of child marriages and the tacit cooperation of the bureaucracy, police and politicians, the reported cases are very few. The amendments to CMRA is under preparation by the MWCD and the amended bill is likely to be called the 'Prohibition of Child Marriage Bill' with emphasis on 'prohibition' instead of just 'prevention'. The legislation to be successful however should include provisions for declaring child marriages null and void and also impose stringent punishments on all parties which have supported the child marriage. In order to curb the evil practice there is also a need for the States to have a special child marriage prevention cell with requisite powers to prevent solemnisation of child marriages, provide counseling services and facilitate the effective prosecution.

The best method to prevent child marriages is to take adequate steps to ensure that they do not take place. For this, major advocacy and sensitisation programme through all channels of communication and social dialogue, including motivation of local leadership multi-media campaign needs to be undertaken to reach out to all sections of



the society especially targeting both parents and youth.

4.5. Prevention of Cross border Trafficking:

India is a signatory to a large number of International Conventions including SAARC Convention on Preventing and Combating of Trafficking of Women and Children for Prostitution. There is need to strengthen regional and overseas initiatives to prevent trafficking and also enable rescue and repatriation of children to their countries of origin. Some initiatives suggested that can be taken include:

- Formulation of a Protocol for inter-country rescue (especially among SAARC countries) and repatriation of women and children in a humane manner;
- Harmonising definitions and terminology as well as legislations across SAARC nations,
- Developing an information sharing system on select and key parameters which influence trafficking and for tracking of victims,
- Capacity building and training of different agencies in the Region, etc
- MEA to put in place help lines and other support facilities in their Embassies and High Commissions for immediate response to pleas for help; also to extend support facilities like shelter, food, clothing, medical and legal help for rescued victims.
- Need for an omnibus anti trafficking legislation

5. Domestic Girl Child Labour:

The Child labour laws need to be strictly implemented to prevent girl child labour. The following recommendations may be helpful to eliminate this cause.

- Ensure that the employers of domestic child labour especially of girls are punished.
- Ensure that the domestic girl child labourers are rescued in a gender-sensitive manner and kept in a safe place until repatriation.
- Ensure that a holistic and complete package is provided to rescue girl child domestic labour.
- Preventing girl child labour through employment assurance schemes for poor parents.
- Retain the girl in educational system for which the assistance under the proposed conditional Cash transfer scheme can be utilised.

6. Welfare and Development of Adolescent Girls (11-18 YEARS):

Focused attentions needs to be given to the welfare, development and empowerment of Adolescent girls as they presently have only limited opportunity to become informed and contributing members of their community and society. Adolescents also have physical and biological needs at this stage of their development, it is important to take care of their psycho-social needs and encourage them to develop their self-esteem and self confidence. Counseling centers for adolescents should be opened in all schools and information centers at every block for adolescents. Balika Sanghas could be formed in every village of the country. The Balika Sanghas play a role of catalysts in creating an enabling environment and becoming the support group for empowerment of girls. Adolescent boys would also be co-opted, so that they are gender sensitized.

7. Conclusion:

The Policy and Plan of Action need to be aligned with the current and



projected needs of all children (a child being all individuals below the age of 18 years) in India and with International Conventions such as the UNCRC. The nation cannot afford to ignore the needs of the girl child any further, discriminate against her or just relegate her existence to the stereotyped role of a wife, mother or sister. She needs to be recognised as the 'woman of the future' and a productive citizen of the country entitled to all the fruits of social and economic progress on an equal footing with her male counterparts. Thus the thrust, approach and action in the coming years will need to be geared to usher in a new era for the girl child - one of respect, dignity, equality so that she can emerge as a fully empowered citizen of the country and contribute to its progress and prosperity.

Special measures are required for the purpose of protecting the girl child's prospects of survival and security, from conception to birth, in her early years, and throughout the period of her childhood. Both child development and primary health services must be on alert to address these challenges, and the community must be motivated to play a protective role. The focus should be on four Es- equality, education, enabling environment and empowerment so that she is provided with equal opportunity for survival and development, protected against neglect and abuse, and offered the enabling means to develop to their full potential, and lead a productive and healthy life.

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