

WISDOM CRUX

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Girl's survival and education- Challenges and opportunities in Indian Context

Author – Shilpi Yadav, Asst. Professors, UPES Dehradun.

“Just as a bird could not fly with one wing only, a nation would not march forward if the women are left behind.”

Swami Vivekanand.

BACKGROUND

It is a well established and recognized norm that a country cannot achieve its full potential if half of its population, i.e women are denied to participate fully in the society. Indian tradition and ethics are formed on the strong foundations of family values. These are undoubtedly the strength and identity of our culture and society. It was believed, especially in country like India, that child is a gift of god and when the child happens to be a girl, the society worshipped her as the incarnation of Goddess of learning ‘Saraswati’, of wealth ‘Laxmi’, of power & energy ‘Shakti’ and ‘Durga’.

Thus she was honored with a very dignified position in the society. But this situation perhaps existed during the time of mythological culture and ideologies.

With the advent of time, the social system got polluted due to the superstitions and corrupt discriminatory ideas which established the dominance of males in our society. Since antiquity, in almost all realms of life whether it is political, economic, family related, etc, the decision making power is single handedly bestowed on the physically stronger sex.((Chawla Monica, Gender Justice, Deep and Deep Publication New Delhi, Edition : 1st 2006))

In Ancient India, the condition of women was more vulnerable. Indian women were being considered to be downtrodden section of the society and she suffered at the hands of her worldly god, “Men”. Her so called masters have always treated her like dirt under one’s feet.

For long, the exploitation of fairer sex ranged from corporal to intangible abuse like mortal and psychological torture. Women have been treated as child bearing machines, push-over, to nothing but puppets at the hands of men. Men, in their power play, not only controlled the lives of women but also hurt women with impunity. Her role was limited to accept her ‘destiny’ and the discrimination employed against her meekly.

According to the myth, the family is a sanctuary of tranquility and harmony, whereas in contradictory terms, discrimination is a veritable incongruity. This discrimination not only shatters the peaceful image of the home, but also puts safety and security of kinship at stake.

Discrimination occurs in all parts of society especially within the private sphere and generally between individuals who are related to each other through blood, law or intimacy. Moreover when the exploitation takes place within the four sacred walls of the home, abuse is effectively condoned by tacit silence and very passively displayed by the law enforcing machinery and the state. Therefore this social problem spells and urges for the establishment of a just and equitable social order, where nobody can exploit another and treat as unequal or inferior.((S.Kaur, Female Foeticide – A freightful Reality, Central Law Publications 1st Edition, 2009))

THEMATIC INTRODUCTION

As compared to other developing countries of the world, India is growing dynamically in every field. The boom in economy, innovative technologies and improved infrastructure has brought fame and progress for the country. The proud nation has witnessed advancements in all fields but it is a sorry state that bias against a girl child is still prevailing in the country. In view of the alarming increase in such cases, public debates are being held very frequently and seminars, symposiums and talks on the topic have become an order of the day.

Around the globe, women and girls suffer the harmful and life-threatening effects of corrupt traditional and cultural practices that continue under the guise of cultural and social conformism and religious beliefs. This evil is deep rooted in Indian social foundations and the most shocking fact is that the wonderful scientific technologies which were designed for the benefit of the human race are brutally killing the girl child. Innovative techniques, like biopsy, ultrasound, scan tests, were devised to detect genetic abnormalities, but unfortunately these are highly misused by number of families to detect gender of the unborn child. These clinical tests are mainly contributing to the rise in genocide of the unborn girl child.((Basu D.D, Constitutional Law of India, Prentice Hall of India, New Delhi, Edition : IIIrd 2008))

In addition to it, the myth still remains that, education is useless for girls. Her fate is to concentrate on house work, child bearing and child bringing up all through her life and it is believed that these activities needs no education.

OBJECTIVES OF THE STUDY

1. To analyze the prevalence, patterns and trends of gender discrimination cases and to assess the need of legal provisions in the light of constantly changing attitude in the society.
2. To promote public awareness and provide information about the misuse of scientific technology related to gender detection and to prevent female feticide.
3. To make suggestions to create a law-enforcement machinery capable of providing genuine resources to gender bias victims with a provision for very stringent punishment for perpetrators to act as deterrent.

RESEARCH METHODOLOGY

This study basically follows doctrinal research method in the compilation, organization, interpretation and systematization of the primary and secondary source material. The study is non-empirical and is not based on extensive field surveys. Where things are introductory and observatory in nature, the method applied is descriptive. Analytical methodology has been used to understand the situation, practices, prevalent laws and the actual working of administrative agencies of the country.

It is a socio-legal research which deals with a very sensitive issue of gender discrimination against girls. Suitable amendments have been recommended in the work. Review and analysis of the legal literature available in libraries and on the internet have been made and referred extensively.

CRITICAL ANALYSIS OF STATUS OF GIRL CHILD IN INDIA

Diversity being the most prominent feature of India is a common thread running through the social structure of the country and this factor is prevalent in the form of various differences in the beliefs of people, social traditions and customs separated by mere political boundaries of states.

Discrimination occurs in almost all the societies globally and is not a function of any particular religion or nationality, specific class or caste. In India, women experience discrimination through their life cycle, across communities and classes, religions and regions. It varies from sex-selection, female feticide and infanticide, forced pregnancy, domestic violence and dowry-related violence to violence in armed conflicts sexual harassment and assault, forced prostitution and honor killing. Every case visualizes that abuse is perpetrated because of a weak gender.

With the inclusion of social malpractices, the girl was considered as an unwanted child, and was killed just after being born alive. But with the advancement of Science and Technology this homicide has acquired an ugly face – for now the girl child is killed even before her birth. Thus a boon to the mankind has emerged as an assassin's weapon for the unborn girl child who is mercilessly killed in her mother's womb.

The present trends have shown that sex-selective abortion or female feticide has led to a sharp drop in the ratio of girls born in contrast to boy infants in some states in India. The trend was first noticed when results of the 1991 national census were released, and the situation was even worse after the publication of results of the 2001 national census. The reduction in the female population of certain Indian states continues to worsen, as results of the 2011 national census have shown. As against our all predictions, it has been observed that the trend is most pronounced in relatively prosperous and advanced regions of India. The statistics present a horrible picture. As regard to the infant mortality rate, one in three girls die in the first year of life and one in four do not live to celebrate their fifteenth birthday. Two out of five girls are malnourished and every second adolescent girl is anemic. Seven out of ten girls drop out of schools before they reach grade 10. Six out of ten girls are child brides and four out of ten have their first child before they are 18 years old. India ranks 113 out of 135 countries as per World Economic Forum's Global Gender Gap Report 2011.

It is a disheartening fact that despite global progress, girls and women continue to be discriminated against accessing education and within education systems. 57 million children worldwide, including 31 million girls, are out of school and two thirds of illiterate adults are women. In developing countries, adolescent girls are more likely to drop-out of secondary school than boys, particularly in rural areas.

The major chunk of Indian population inhabiting rural areas and country side see absolutely no change in the general attitude towards girls. In the villages, girls are not sent to schools and, if at all they are, they drop out after a year or two of schooling.

The illiterate and backward rural people live under the belief that household is the destiny of a female and she should expertise in that only. The village people are hard to convince that education of women is equally important for the management of house and bringing up of children. The social condition of girls is more pathetic in these areas as instead of being treated equal to her counterparts- boys, she is treated as a chattel of her family. She is a burden which has to be shed off as early as possible by giving her in gift to another man as his wife. She is supposed to be an economic burden on her family.

Even for the urban areas, the prospects of the girl child are not too bright. The technological advancements have changed the lifestyle of people and more women are participating in the economic and social development, yet no change is observed in the attitude of men towards women.

The girls are striving hard to achieve their own status and position in the society but their efforts go in vain as they are destined to be born as girls. She has to face this ugly discrimination at every front of her life, may it be the workplace where though being more qualified, she do not get equal respect as to her counterparts. Besides no matter what status a woman may achieve outside home, inside the home she, by and large remains a chattel. This bitter ground reality about the position of girl at home and outside has unveiled the cruel and ugly face of society and it appears that, even education and financial independence have not really helped woman to enhance her status as compared to that of man.

SPECIAL LEGISLATIVE ENACTMENTS AND ADMINISTRATIVE MEASURES FOR GIRL CHILD

India has witnessed many discriminatory practices against the female child. There was a hue and cry from every section of the society to eradicate this deep rooted evil. The women organizations struggled hard to bring special legislative provisions for the equality and safety of women. It is a matter of great shame and slurs that evolution process of female feticide laws took so long, but the government finally intervened to uproot this evil. The major milestones in this area are-

- In the year **1976**, the government of India put a ban on sex- determination test conducted as government facility in hospitals.
- In **1998**, The Maharashtra Pre- Natal diagnostic Techniques Act was enacted prohibiting this evil practice and it was followed by similar acts of Punjab, Gujarat and Haryana.
- **1994** witnessed three remarkable efforts in the form of The Punjab Pre-Natal Diagnostic Techniques (Control & Regulation) Act and The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill (introduced in Parliament in 1991, passed in 1994). Primarily, the Act prohibits determination and disclosure of the sex of fetus. This Act came into force in 1996. Apart from this legal protection, the Government of India passed a universal female education bill that offers parents incentives for access and punishment for keeping a girl out of school. In another important initiative, the government also announced free and reduced cost education for girls. The program has been designed with the aim to offer free education at high school level to all girls of single child families.
- The Pre-Natal Diagnostic Techniques Act was amended in 2003 to empower the above further in light of the new fertility technologies, which facilitate the selection of the sex of the fetus before conception.
- Later **2009** marked the glory of national advancement in the form of noble spirited Right to Education Act which guarantees the right of free and compulsory education to every Indian child irrespective of his class, caste or religion.

It is a well established fact that no individual effort or non- governmental organization can bring the change unless the government vows to implement the provisions through strict administrative agencies .While girls' education has received some attention as a result of global advocacy, the

Government of India launched the campaign to **“Save the Daughter, Teach the Daughter”**.

((Agarwal H.O., Human Rights, Central Law Publications 12th Edition 2010))

Save the girl child is a public spirited campaign in India to end the gender-selective abortion of female fetuses, which has skewed the population towards a significant under-representation of girls in some Indian states. The **“Beti Bachao”** campaign is supported by the masses of India, human rights groups, non-governmental organizations, and state and local government in India.

The campaign has reported some success in parts of India. In 2009, it was reported that in Gujarat, rates of female births increased from 802 to 882 for every 1000 male births. Beti Bachao activities were credited with this improvement.

A 2011 study published in the British medical journal “The Lancet” revealed that as many as 12 million Indian girls may have been selectively aborted between 1980 and 2010. The experts opined that, in a deeply patriarchal society where daughters are considered as financial liability, this trend has led to an increase in sexual and moral crimes including rape, trafficking and the emergence of bride- buying and wife-sharing in villages where the sex ratio is remarkably low.

The problem is equally bad in urban areas, numbers show. In 2011, New Delhi, the capital region, had one of the lowest child sex ratios of any state, with 871 girls born for every 1,000 boys. This proves the ineffectiveness of all the government policies and schemes formulated for the removal of gender bias.

But this time, the people of India are hopeful about the steps taken by present Indian government for the safety and education of girl child. Our Honorable Prime Minister launched a program titled “Beti Bachao Beti Padhao” from the city of Panipat in Haryana, where the sex ratio is minimum in the country. “For every 1,000 male child births, there should be 1,000 girl child births,” Prime Minister Mr. Narendra Modi said, adding that placing importance on sons above daughters is “a psychological illness of the entire country”.

“Beti Bachao Beti Padhao” will focus on 100 gender critical districts where the child sex ratio is particularly low by enforcing existing laws that criminalize pre-birth gender selection, and by improving girls’ school attendance, among other measures.

INTERNATIONAL PERSPECTIVE AND EFFORTS

Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women is the most comprehensive provision on girls and women’s right to education. According to this article, States have the obligation to take all appropriate measures to eliminate

discrimination against women in order to ensure to them equal rights with men in the field of education and to ensure:

- the same conditions for access to studies at all educational levels, both in urban and rural areas;
- the same quality of education; the elimination of any stereotyped concept of the roles of men and women;
- the same opportunities to benefit from scholarships and other study grants, to access programmes of continuing education, including literacy programmes, and to participate in sport and physical education;
- the reduction of female students drop-out rates and
- access to educational information on health, including advice on family planning.

The International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, UNESCO Convention against Discrimination in Education and the International Covenant on Civil and Political Rights also guarantee girls and women's right to education combining general provisions on non-discrimination with specific provisions on the right to education.

Governments across the world agreed to enact and implement national legislation to eradicate discrimination against women and to work effectively to ratify all international agreements that relate to end discrimination against girls.

CONCLUSION AND SUGGESTIONS

Gender equality is concerned with each and every member of the society and forms the foundation bed of a just and impartial society. This noble idea is required to be nurtured, cherished and believed with a deep conviction and enthusiasm. But unfortunately, throughout the world, gender inequities are among the most pervasive forms of inequality and the ruthless exploitation of women has buried this noble theme.(((Dr.) Kapoor S.K., Human Rights, Central Law Agency, 2008))

In last few centuries, the issue of 'gender justice' has been gaining ground globally. The Indian legislature more or less has always tried to cope with the contemporary need-based development and amendment of laws for the specified purposes. It runs across every field may it be of Politics, Constitutional Rights, Social Transfer, Human Rights or Civil Rights.

Gender bias is a complex problem and there is no one strategy that will work in all situations. Considering the interconnections between various factors responsible for discrimination, strategies and interventions should be designed within a comprehensive and integrated framework. A multi-layered strategy that addresses the structural causes of discrimination against a girl child, provides

immediate services to victim-survivors, ensures sustainability and has the potential to eliminate this scourge must be formulated.

Discrimination against a girl child is a health, economic, legal, developmental and educational and human rights problem. Thus effective strategies should be designed to operate across a broad range of areas depending upon the context in which they are required. An effective strategy is one which is not only culture- and region-specific, providing victims of abuse easy access to wide-ranging services, but also involves the community and individual stakeholders in the design of interventions.

Although efforts and resources have been invested by different agencies and little awareness has been generated about the social evil, a lot is still to be done. First of all, the nationalized awareness campaign that can bring the desired behavioral change needs mobilization of action right from personal to governmental levels. Women should participate to their fullest and need to make an effort to reach out to each other through groups, share experiences and give support. Parents should also have an open mindset towards enrolling their children in co-education schools to ensure healthy exposure. Sex education should be imparted at an appropriate age by the parents or guardians themselves. Some sort of moral education should be included in the course curriculum which teaches to maintain the respect and dignity of female gender.((Joshi C Sarat, Fundamentals of Sociology, Published by Akansha Publishing House, Gurgaon India, Edition : I 2006))

Apart from this, Women's organizations, media houses and magazines should offer forums for networking. Extensive support should be available to NGOs and such organizations. In fact, the government of India needs to follow in the footsteps of places like Nigeria. Through legislation, Nigeria prohibits the withdrawal of girls from school in order to ensure that they can continue and complete their education.

Community elders and religious leaders should be entrusted the responsibility to demonstrate leadership in this area. Local council bodies (e.g., the panchayat system in India) should play a strong role in creating a culture of non-discrimination. Local sanctions should be set up to prevent gender bias, and implementations of, the same should be monitored properly.

Dowry system, a major cause of female feticide and inequality of men and women should be dealt strictly. Besides laws, we need more social awareness and effective social measures. We should create a social movement and strong public opinion against the system. The movement should be taken to the heart of our country, the villages and to every nook and corner of the country. More leaders, social groups, men and women should be involved in the movement against the evil. People supporting or practicing dowry should be socially boycotted.

NGOs should work in partnership with government agencies and international organizations to provide a variety of services, and education and awareness programs.

The media plays a pivotal role in both influencing and changing social norms and behavior. In the area of discrimination against a girl child, media campaigns can help to convince social attitudes against bias towards women.

Alternative media channels such as theatre groups, puppeteers, community radio stations, musicians and other performers also have a role to play in raising public awareness of the issue and creating roles models for men and young people in the community.((Malik K.Pal, Law and Social Transformation, Allahabad Law Agency, Faridabad, Edition : 1st 2007))

The literacy rate among girls and women is very low demanding an increase with efforts of all social groups. More schools, colleges and training institutes for girls should be opened. There should be free education for girls up to the university level. Spread of literacy and education among women can act as big weapon against discrimination menace. They should be made aware of their rights, privileges and strengths.

More and more women should be encouraged to take employment and become economically self-dependent. They should be made self sufficient and strong enough to fight for their rights and equip them to earn an independent livelihood. They should be taught to fight against all kinds of discriminations and unjust male-domination.

Government should ensure that legislation, once adopted, does not go unenforced. A strong crusade against discrimination could be launched only when we sincerely try to implement the existing measures. Making more laws is not the only solution. We can only expect a change to happen when we are sincere in our effort at the grassroots level. Individual region reports should be created about incidents of gender bias so that a reliable study could be made at national levels.((Tripathi S.C., Law Relating to Women & Children, Central Law Publications 4th Edition, 2010))

Last but not the least, greater collaboration is required between academic institutes, women organizations, NGOs, and service providers while conducting qualitative research. A deep understanding of the magnitude and causes of discrimination, and its physical and psychological impact on women should be made. Such research needs to be fed back to the community to bring awareness and transformation.

An approach designed to gender discrimination must be twofold, one addressing the root causes of the problem and secondly treating its manifestations. It is only socialism that can truly emancipate women by reversing the injustices of the past thousands of years.

PURPOSE AND LIMITATIONS OF THE STUDY((“Domestic Violence against Women and Girls” Innocenti Digest No.6, June 2000, published by UNICEF Innocent Research Centre, uniceficde.org))

This research makes an attempt to examine the legal frame-work for the protection and education of girl child who suffers from discrimination or gender based abuse. The work carries immense significance in the Indian context where on the one hand many women are glorifying the country with achievements in all the fields, on the other continuing trend of gender discrimination is hindering their development and creating obstacles in their way to success.

The study attempts to analyze the prevailing legislations and strategies formulated by the government to overcome the evil of gender specific violence. In the light of the concluding remarks certain preventive measures and actions have been suggested to improve various aspects involved with this prevailing issue.

However every study has its limitations. This topic being so extensive relating to almost every individual of the country, it would be too unmanageable to study each and every factor related to it. Similarly all the laws have not been described in detail. For this purpose only prominent legislative provisions have been analyzed to sort out the areas in which amendment and improvement is required to eradicate this scourge.

WOMEN RIGHTS