



Right of the Girl Child in India: The Institutional Mechanism and its Challenges

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Abstract: 21st century is often said to be the century for gender equality. Even in the second decade of the 21st century multiple instances of discrimination against women is still prevalent. Women are confined within the framework determined by the society. The process of socialization is such that women have internalized the fact that they are born to live for other. At this juncture, initiatives have already been taken by the government as well as other organizations for equalizing the status of women. Curriculum has been framed in such a way so that the issue of gender equality could find proper place. Issues such as rights, equality, empowerment, dignity, are incorporated in the syllabus to make people understand the social as well as humane essence of those issues. Through this paper an attempt has been made to understand the present scenario of the rights of the girl child in India.

Keywords: Women, Rights, Discrimination, Girl Child.

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INTRODUCTION

Rights are predisposition as well as indispensable component to human fulfillment. Rights are very significant for making human life more meaningful, more practicable and more sensible. Fulfillment of human desires or potentialities makes human life more realistic. Any kind of action which would affect, harm, distort those desires would be considered as violation of human rights. Keeping this aspect in mind the proposed study tries to relate the human rights aspect of the girl child for the realization of her personality as an individual as well as member of the society. The demographic equation as well as work performance by women cannot be undermined. Despite her contribution to society, they are often marginalized. This marginalization affects her unique identity as a female member of the society.

Though we live in the era of globalization and modernization, in many societies the girl child is

being denied the basic human rights even today. Girl child are facing a life with abuse and discrimination. Their life is at increased risk of sexual harassment, mental agony, exploitation. As a result, United Nations came forward with the Convention on the Rights of the Child adopted by General Assembly in 1989, that sets forth the basic human rights of the children usually those under 18 years of age. The 'Beijing Platform for Action' 1995, too looks into the matter of the rights of girl child. This Platform came up with recommendations regarding elimination of all forms of discrimination and abuse of girls and protection of their basic rights and needs and their participation in every aspect of society.

All these issues raise some very pertinent questions; Why rights should be arranged so specifically for girls? Why such conventions have to emerge? Have these conventions been successful in meeting the defined objectives?

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THE CONTEXT OF RIGHTS

Conventions, actions arranged by government as well as non-government sector cannot change the scenario of the rights of the girl child unless and until we understand the cultural context of each and every society, because the discriminations, abuses, exploitations are dominated by cultural influences. The illegal practice of Female Infanticide/ Feticide is still practiced in our country. This is culturally embedded in our mind that a girl child is 'Paraya Dhan' (Property of others). Because of that a girl child have to face discrimination from a very early stage of life in sectors like food, nutrition, education, protection, care, development etc. In 'Child Rights: A gender Perspective' the author Karibeeran Sathymurthi has outlined a 'preferential treatment' for girl child is essential for diminishing the system of patriarchy and developing a mechanism for equal treatment in regard of food, education, care, participation in decision making mechanism and so on and so forth (Sathyamurthi, 2012). He has made it clear that it is the patriarchy which put a hindrance on the way of enjoying basic human rights by girl child. So, it is the high time to destroy such patriarchal practices which put interruptions in the life, protection, participation and development of the girl child. The denial of the rights of the girl child starts at her mother's womb. (Sathyamurthi, 2012)

Human Rights are the key through which a new culture can be constructed in which tolerance, pluralism, and humanistic values predominate (Elizabeth,1994). This is the crux of the entire domain of patriarchy in which gender sensitization of rights is the need of the hour. Ahuja stated "Human rights being essential for the all-round development of the personality of the individuals in the society be necessarily protected and be made available to all the individuals" (Ahuja,2010). Human Rights are very important to maintain the human dignity. Without rights there is no value of human life. It is not the time of consolation but the time to consolidate against the cultural binary of gender specificity.

THE WORLD AROUND:

The Executive Director Henrietta H. Fore. of UNICEF has highlighted the issue of girl child in a very vivid way by saying that only through education we cannot revolutionize the scenario of girl child, we have to change people's attitude towards the issue first.

She said, "*Twenty-five years ago, the world's government made a commitment to women and girls, but they have only made partial good on that promise. While the world has mustered the political will to send many girls to school, it has come up embarrassingly short on equipping them with the skills and support*

they need not only to shape their own destinies, but to live in safety and dignity" (UNICEF Website).

The report named "A new era for Girls: Taking stock on 25 years of Progress" (2020) published by UNICEF in March 2020 has released that the number of out-of-school girls has dropped by 79 million in the last two decades. Women and girls accounted for 70 percent of detected trafficking victims globally, most for sexual exploitation. One in every 20 girls aged 15-19 around 13 million has experienced rape in their life-time. (UN Website).

If we throw light on child marriage the report itself reveals that about 12 million girls are the victim of child marriage each year. 970,000 adolescent girls between the ages of 10 and 19 are living with HIV.

That is the duality of the picture where gender-based violence becomes more pervasive in nature irrespective of caste, class, race, religion etc. On the one hand we are trying a world free from deep-rooted gender biased norms on other hand many of us believe that *women should stay at home*. In this regard we may refer to the remark of Yasmira, a youth advocate from Colombia," It's very sad that in the twenty-first-century, men in many parts of society still believe that women should stay at home..." (Plan International and UN Women Report 2020).

The parental sex determination technologies have played crucial role in many countries of the globe. This is the result of 'son preferences' with high intuition and 'missing girls' with low recognition. It is well established that Azerbaijan and China both has the highest sex-ratios at birth having 112 males against every 100 females (UNICEF Report 2020). The annual missing girl across all regions in the world is 2.04 million (Nistha, Sinha 2018).

Another important report named 'COVID -19 and Ending Violence Against Women and Girls' outlined that 243 million women and girls aged 15-49 have been subjected to sexual /or physical violence perpetrated by an intimate partner in the previous 12 months (UN Website). Since the outbreak of COVID-19, violence against women and girls and particularly domestic violence has intensified. In France reports of domestic violence have increased by 30% since the Lock-down on March 17, 2020. Estimated global cost of violence against women and Girls is \$1.5 Trillion. In Argentina the percentage is 25%. In Cyprus, Singapore the percentage is 30% and 33% respectively. The Report has clearly mentioned that the number of violence against women during the Lock-down period has increased in Canada, Germany, Spain, the United Kingdom and the United States. Most interestingly

the violence against women has reported less than 40% from the actual case of happening.

All of the above-mentioned demographic data clearly shows the gross violation of human rights of women including girl child.

THE MALAISE IN INDIA:

As a citizen of world's largest democracy, people of India enjoy equal rights irrespective of his/her caste, class, creed, religion, status, gender. 'Empowerment of Women' finds a prestigious position within the framework of patriarchy. Numbers of policies, schemes, legislations are framed to uplift the vulnerability that have been experienced by Women. An analysis that has been made by Nidhi Dwivedi and Sandeep Sachdeva to estimate the forecast cognizable crime against women in New Delhi, India from 2016 to 2020 can be taken into consideration. The Report reveals, "The actual number of registered cases of crime against women ranged from 4251 (2009) to 17104 (2015). The number of projected cases ranged between 18991 in 2016 and 28633 in 2020" (Dwivedi and Sachdeva 2019). Years have gone, the *Damini* gang rape, 2012 in Delhi had drawn the international media but the cases of violence against women and girls gigantic in the down years in the projected place. This is not only the melancholy of Delhi but also the entire picture of the loam. Thomas Reuters Foundation has declared Indian "The World's most dangerous countries for women 2018". This world agency has outlined three worst areas where women are worst sufferers ... sexual violence and harassment, traditional cultural practices and human trafficking. (Goldsmith and Beresford, 2018)

The plight of the girl child during the global pandemic was very disheartening. *"Three-quarters of young children (ages 2-4) experience either psychological aggression or physical punishment, or both, by their caregivers at home"* stated one report published by United Nations Children's Fund (UNICEF). During the Covid-19 pandemic families across the globe experienced stresses like, *"job loss, isolation, excessive confinement, and anxieties over health and finances"* which had a strained impact on the physical as well as mental health small children. Educational institutions were also closed to stop the spread of Covid-19, as a result most of the cases of physical abuse of children went unreported. Loss of caregivers was another issue that this pandemic has produced making the life of children wretched. The number of school drop outs also exacerbated during this period. (COVID-19 and Children's Rights, 2022). *"Before the pandemic, 40% of the over 30 million out-of-school children in India were adolescent girls"*. Aheli Chowdhury stated, *"The income of people has consistently gone down (during the pandemic), and*

when the family income goes down, girls are the first ones to be pulled out of school". Aheli also pointed out that lack of digital access was another problem faced by the girl child during the global pandemic which affected their education. Most of the families do not have smart phones to have access to digital education. Those families which have a smart phone typically belongs to the male member of the family i.e. either the father or the brother. The shift from offline to online education was a major hindrance the students who belong to such families. Their inability to cope up with the online mode of education prevented them from returning to school even after the nationwide lockdown was lifted. Apart from financial and educational problems another serious issue faced by the girl child was the issue of early marriages. ("Malala Fund" 2022)

The increasing vulnerability of girl child in the form of various abuses is the product of complexities brought by socio-economic transitions. The government of India as well as some of the state governments have taken some significant measures to remove this malaise from Indian society. Beti Bachao Beti Padhao is one such initiative by the central government with an objective to save girl child from gender-based discriminations. Another such initiative is Sukanya Samridhi Yojana (SSY), a savings scheme backed by the government. The central government also provides scholarship under the Balika Samridhi Yojana to provide financial support to girl child. The Ministry of Human Resource Development, Government of India initiates the CBSE Udaan scheme to increase the number of girls in technical and engineering colleges across the country. The state government of Haryana introduced a scheme called Ladli Scheme on August 2015 to improve the status of girl child in society. The Madhya Pradesh state government also initiated a scheme, Ladli Laxmi Yojana, with the objective of enhancing the status of girl child in the state. The state of Karnataka introduced Bhagyashree Scheme to promote the birth of girl child among families below the poverty line. Mazi Kanya Bhagyashree Scheme by the government of Maharashtra and Kanyashree Prakalpa by West Bengal government to name a few in this regard.

THE WAY FORWARD:

There has been a plethora of initiatives on the part of the government (central as well as the state) for protecting the rights of the girl child and providing them with equal opportunities as of boys. But somewhere down the line it still raises a question; Are these initiatives enough? There is no doubt that in Indian society the status of the rights enjoyed by the girl child is very disheartening, but at the same time the initiatives taken by our government is not solely enough. The institutional

mechanism of rights will be able to improve the status of girl child only to a specific extent. What is the need of the hour is a change in the mind set of the people. Because if people in general and women of our society in particular accept the domination and exploitation as a natural phenomenon then the institutional mechanism will not be enough to mitigate this issue. Education is the most crucial means to fulfil this objective of attaining gender equality. The age-old social construct of differential treatment on the basis of gender can only be mitigated through education. The children should be taught about the gender equality from a very early age. The gender-based discriminations need to be reformed at the individual level rather than at institutional level. The government initiatives will go in vain if people keep on internalizing the age-old practices of gender-based discrimination.

CONCLUSION:

The status of the rights of girl child in India is not very satisfactory. The gender-based discriminations of Indian societies has its roots from a very long time. Manu, who is known as the ancient Indian law giver presented a very discriminatory approach towards the rights of women. The traces of such customs can be found even today. These discriminatory practices towards girls and women are prevalent from such a long time that even the women of our societies have internalized it. Women themselves consider them to be inferior than the men. A plethora of institutional mechanisms have been adopted in the form of laws and policies at the government level to bridge this gap and eliminate the discrimination based on gender. Apart from such institutional mechanism, measures have also been taken to create awareness among people through education. Now a days, the syllabus of schools and colleges include multiple gender sensitization topics. But these initiatives will not be enough if people don't question the existing social setup at the individual level. Because even after adoption of various laws and policies for gender equality; gender-based

discrimination is still there in our society. The age-old mindset based on gender inequality needs to be changed. It is the high time to break the glass ceiling if gender equality needs to be established in the real sense.

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