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The Predicament of Girl Child in India: The State of the Art Literature on Issues and Concerns

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Abstract

A discussion on problems and rights of the girl child pertains to a brand of knowledge called gender sociology leaving wide varieties of issues open. The ambitions of this paper are principally analytically descriptive. Accordingly the paper divides itself into six interrelated sections. The first section sets the tone by contextualizing the problems and the rights of girl child. The second section looks at girl child in the context of mother and other adults. The legal issues vis-à-vis the moral concerns are attempted next followed by the analysis of culture element in problems and rights of girl child in the fourth section. The problems of girl child from womb to tomb are delved in the penultimate section. The concluding section ends up with summarizing the analytical stakes and the praxiological strengths of the issue at hand. To that end, reliance is placed primarily on available literature (books, papers published in journals, documents) and research reports including the publications of various organizations.

Key Words: Girl child, Cultural traditions, Human rights, Gender, Adult roles

The Problematic

A child is a human specie below eighteen years of age who is in need of care of and protection because of tender age and inexperienced personality, irrespective whether a boy or a girl. Webster's dictionary defines a girl as any female human from birth through childhood and adolescence to attainment of adulthood when she becomes a woman. The term may also be used to mean a woman in becoming. Debates and discourses on girl child in particular are on the increase during last three and half decades. A choice of deliberate discussion on the girl child may leave an impression of bias towards female child to a neglect of a male child.

While some scholars see no difference between boys and girls as being children as such, others argue in favour of sharp differences between the two. This belief goes with the view that in most areas the similarities between girls and boys far outweigh the differences (Hyde, 2005:581-592). Interestingly, in several skills the differences between boys and girls have shrunk over the last two to three decades (Campbell et.al.2000). Even when gender differences are significant

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and consistent over time, people concerned turn inquisitive to comprehend *why* they exist. Different experiences and socialization are almost certainly involved, but biological factors may also have important effects. While it is important to understand how, when, and why gender differences exist, it is equally important to know when they do not exist so that neither girls nor boys are kept from developing their individual potential. Research has identified differences in several specific cognitive skills as well as in a range of social and personal characteristics (Cook and Cook, 2009:362-363). Some differences are apparent from infancy; others do not emerge until late childhood or adolescence. This indicates that socialization and differential experiences play roles in gender differences. Differential experiences manifest in differences in the problems faced. Differences in the discriminatory problems faced demand the conferring of rights on the vulnerable, and more so girl children. The emphasis is on conferring of rights with or without the claim of the same.

Objectives and Sources of Data

A discussion on problems and rights of the girl child pertains to a brand of knowledge called gender sociology leaving wide varieties of issues open. The objective of this paper is to address the following issues: How to contextualize a girl child in the gender debate? Are the problems and the rights of girl child independent of those of adults? Is it a legal problem or moral issue? Is there an element of culture in it? If so what are the culture specific problems of the predicament of girl child in India? How is academia to go about it?

The ambitions of this paper are principally analytically descriptive. Accordingly the paper divides itself into six interrelated sections. The first section sets the tone by contextualizing the problems and the rights of girl child. The second section looks at girl child in the context of mother and other adults. The legal issues vis-à-vis the moral concerns are attempted next followed by the analysis of culture element in problems and rights of girl child in the fourth section. The problems of girl child from womb to tomb are delved in the penultimate section. The concluding section ends up with summarizing the analytical stakes and the praxiological strengths of the issue at hand. To that end, reliance is placed primarily on available literature (books, papers published in journals, documents) and research reports including the publications of various organizations.

Contextualizing the Problems and the Rights of Girl Child

With regard to the rights of children in general and the girl child in particular, the debates and discourses fall into two broad brands. One group believes that it is obvious for children to have rights as human beings (Farson 1974; Holt 1975; Cohen 1980) and girl children being more

vulnerable must be given their due rights. They are called conformists or reformists. The second group is skeptical believing that given the nature both of rights and of children it is wrong to think of children as right-holders (Hart 1973; Sumner 1987; Steiner 1994). They may be called skeptics or critics. Some of them also tend to argue that children have some rights compared to adults (MacCormick 1982; Raz 1984; Kramer 1998). This section describes the competing claims of the critics and conformists commencing first with the worries of the critics. The child rights in relation to adults are taken up separately in the next section.

The Skeptics: To start with, the skeptics are concerned at the proliferation of rights saying that the list of right-holders has been extensively lengthened. Many more demands are expressed as rights claims. The concern is understood as one that the prodigality of rights attributions is damaging to the cause of rights. If you give away too many rights they may cease to have the value and significance they once had, and ought still to have.

Secondly, while attributing rights to children, the critics assert what reformists deny, namely that children are not qualified as adults to have rights. The question of qualification is the question of whether children have the requisite capacity for rights. The capacity to exercise choice is a necessary condition of having a right (Steiner 1994). Rights have content. Each right is a right to do, to be or to have something. Arguably only those rights can be possessed whose content can be appropriately attributed to their owners (Hart 1973). A right to free speech cannot properly be possessed by an entity incapable of speech. One conventional way to think of rights in terms of their content is to distinguish between liberty rights (rights to choose, such as to vote, practise a religion, and to associate) and welfare rights (rights that protect important interests such as health).

The third is to argue that the ascription of rights to children is inappropriate because it displays a misunderstanding of what childhood is what children are like, or what relationships children stand in to adults. The idea is that talk of children's rights does not capture the truth about their lives or about the family or that such talk encourages a destructive permissiveness that has poor consequences for adults and their society. Claiming rights to children may amount to running away from our moral responsibility towards children including girls. This is to see a right as the protection of an interest especially girls of sufficient importance to impose on others certain duties whose discharge allows the right-holder to enjoy the interest in question (MacCormick 1982; Raz 1984; Kramer 1998).

The fourth argument is that such a denial is not bad for children. The central, and empirical premise in this argument is that children do not spontaneously and naturally grow into adults. They need to

be nurtured, supported, and, more particularly, subjected to control and discipline. Without that context giving children the rights that adults have is bad for the children. It is also bad for the adults they will turn into, and for the society we share as adults and children (Sumner 1987).

The Defenders: The thought of skeptics must trouble the defenders of children's rights since talk of children having rights has post-dated the overture and general acceptance of rights talk as such. But do we take it as our duty to prevent the abuse of children? Who looks after the vulnerable girl children, unless otherwise they are their own? But can we, as individuals, each act to stop every child being abused?. Moreover what we ought to do—for instance, by reporting suspected cases of girl child abuse—will depend on the circumstances, and also on what is in place by way of particular institutions and laws to deal with child abuse. Moreover the adults who deny that children do have rights may nevertheless also believe that it is their duty to ensure that the children for whom they have care do pass from childhood into adulthood. As adults we should protect and promote the welfare of children. It need not follow that they have rights against us.

There are those who claim that children should have all the rights as human beings with special interest for those who are vulnerable like girl and disabled children. These may be called reformists or defenders and include Farson (1974), Holt (1975) and Cohen (1980). We can distinguish real from rhetorical liberationists. They see the demand for rights for children as a means both of drawing attention to the discrimination that children suffer in their treatment and for improving their condition. A rhetorical liberationist does not actually believe that children should be the equals of adults. They think that claiming as much is the best way of advancing their interests. Reformists dispute that children are disqualified by virtue of their incapacity to have rights. (Cohen 1980 ix). The denial of rights to children is, on this account, one significant element in a culture that serves artificially to maintain children in their childlike state of dependence, vulnerability, and immaturity (Farson 1974, 31, 172, and 185).

Girl children, in particular, represent an extremely vulnerable group in many societies. Research shows that they face systematic disadvantage 'over a wide range of welfare indicators', including health, nutrition and the burden of household tasks. According to a 2008 report by the Center for Global Development (CGD), girls are generally less healthy, less educated and enjoy less freedom than their male counterparts (CGD, 2008: 2). Such disparities, which highlight the disempowerment and marginalization of girls, result from a variety of factors including cultural and social norms. Ultimately, however, they are rooted in gender discrimination, (Ibid) which interferes with girls' ability to develop and, ultimately, prejudices their

ability to have lives of dignity (IDLO, 2009). Reformists would justifiably argue that these disparities, disadvantages and discrimination are nothing but the rights issues.

Girl Child, Mother and Other Adults

How could one discuss children's rights without weaving them in with women's rights? The idea of discussing children without mother's rights showed the deeply embedded nature of children's rights in relation to mothers, and their ability to affirm their rights. When the child's rights are being affirmed, it is not by the child herself, but it is through the proxy of an adult. In that sense, an autonomous, self-generated affirmation of her right by a child in ways in which adults affirm rights cannot be seen on equal terms. The rights of the child are always mediated by the adults, parents/ relations or those who are working for child rights.

Children are different from adult human beings and it seems reasonable to think that there are things children may not do that adults are permitted to do. In the majority of jurisdictions, for instance, children are not allowed to vote, to marry, to buy alcohol, to have sex, or to engage in paid employment. Central amongst these rights is that of self-determination, that is the right to make choices in respect of one's own life, which is normally denied to children (Brennan and Noggle 1997). What makes children a special case for philosophical consideration (SEP 2002) is this combination of their humanity and their youth, or, more exactly, what is thought to be associated with tender age.

Children should possess the same package of rights as adults. Since children are humans they are surely entitled to the basic human rights. But there are some rights possessed by adults which children cannot possess. This is a view defended by Brennan and Noggle (Brennan and Noggle 1997). The rights which adults possess are 'role-dependent rights'. These are rights associated with particular roles, and possession of the relevant right is dependent on an ability to play the role. Thus doctors have rights that their patients do not, and car-drivers have rights that those who have not passed their driving test do not. But it is just this right of self-determination that is normally denied to children, and it seems that Noggle and Brennan do deny, in effect, that children have this right.

To say that children do not have all the basic human rights that adults do is not to deny them their status as humans. After all it makes sense to insist that children, but not animals, have a basic right to life. Vegetarians who think it immoral to kill animals for food do not - as they could - protect animals from being killed by other animals. They do not require a predatory species not to violate the rights of its animal victims. But we do think children have a right to be protected and that we should enforce the duty on adults not to harm them. It also makes sense to say that children do not have an adult right of self-determination and role-dependent rights.

Coming to the issue of rights of girl child and by virtue of their age and social position, girls' opportunities and prospects are fundamentally shaped by those closest to them, particularly family members—mothers, fathers and other male relatives, mothers-in-law, and husbands. A key obstacle to ensuring that girls have access to the means of protection from areas of high risks and vulnerabilities is that domestic legal frameworks often fall short (CGD,2008: 2). In the developing world, girls can exist outside of the rule of law and, in some cases, domestic laws and enforcement mechanisms may themselves serve as source of oppression. A key starting point for increasing the level of girls' protection is hence ensuring that local legal frameworks eliminate gender-based discrimination and protect against the abuse of girls' rights and freedoms.

On the occasion of the Third Meeting of Women Speakers of Parliament in the context of the Commission on the Status of Women, March 2, 2007, UN New York, Dr. Musimbi Kanyoro, General Secretary, World YWCA said "I am a strong proponent of the theory that empowerment of children is intrinsically linked to empowerment of their mothers. The connection is more than umbilical. Empowered women often transfer their empowerment to their children, families and whole communities and they begin a virtuous cycle of empowerment. The women's movement has made these connections for a very long time".

It is then necessary to look at the main actors responsible for upholding and defending the legal rights of girls. As minors, girls' parents/legal guardians have a key role to play in this regard. In practice, the role of primary protection agent is frequently performed by mothers. In developing countries, however, women are among those that have the most difficulty accessing justice. Women often lack awareness of the domestic legal protection framework as it applies to girl children and/or the causal relationship between means of protection and risks to girls' health and well-being. Some women may avoid action through formal channels due to a fear of involvement with state institutions, including the police, or due to the perceived failure of state systems to respond to their needs and the needs of their daughters. This may be a particular issue in poor communities (CLEP, 2008). Finally, where women do seek to defend or claim their rights through the formal state system, they may face discrimination and/or be at increased risk of exploitation.

The alleged differences between children and adults in respect of a qualifying capacity are not sufficient to warrant the ascription of rights to the latter and their denial to the former. As a result, devising means of protecting the fundamental rights of girls presents serious challenges; strategies must involve multiple components, including refining the domestic legal framework; strengthening enforcement; eliminating societal discrimination against girls; and empowering key protection agents,

particularly mothers, to better understand and assert the rights of girl children.

Rights of Girl Child: Legal Issues or Moral Problems

One very obvious way in which the question of what children are entitled to do or to be or to have is raised is by asking, how do we ensure that they are treated in the morally right way? The United Nations Convention on the Rights of the Child (1988) and Millennium Development Goals (2000) promoted better access to education for all girls and boys and to eliminate gender disparities at both primary and secondary level. Worldwide school enrolment and literacy rates for girls have improved continuously. Most jurisdictions accord children legal rights. Most countries—though not the United States of America—have ratified the United Nations Convention on the Rights of the Child which was first adopted in 1989. The Convention accords to children a wide range of rights including, most centrally, the right to have their 'best interests' be 'a primary consideration' in all actions concerning them (Article 3), the 'inherent right to life' (Article 6), and the right of a child "who is capable of forming his or her own views … to express these views freely in all matters affecting the child" (Article 12) (United Nations 1989).

However it is normal to distinguish between 'positive' rights, those that are recognised in justciable law, and invisible 'moral' rights, those that are recognised by some moral theory. That children have 'positive' rights does not then settle the question of whether they do or should have moral rights. Indeed the idea of children as rights holders has been subject to different kinds of philosophical criticism. At the same time there has been philosophical consideration of what kinds of rights children have if they do have any rights at all. The various debates shed light on both the nature and value of rights, moral responsibility of society at large and on the moral status of children.

The rights can be moral or legal. Children do have rights in law. These need not be accepted as moral rights. However someone could believe that the best way, on balance, to protect the interests of children is by continuing to accord them the legal rights they have under something like the Convention. Conversely, if children do have moral rights, these need not be enshrined in law, although there would evidently be a strong presumption that they should. In the first instance the question is whether children should have moral rights. If they should then there would be a good case for thinking that these should be legally protected rights. Child's moral status should be adequately secured and protected and this is assured by discharging our obligations as adults to children.

For a global understanding of the current childhood and rights issues, the different international bodies, conferences, web sites and reports that have been drafted in support of the girl child offer an important basis and legal/moral backdrop to approach the current needs and problems

of the girl child. UNICEF, WHO, UNFPA, OXFAM, Save the Children UN General Assembly Special Session on Women, INSTRAW backed by the CEDAW and CRC, and the PÍA from Beijing, have all developed programs and plans that focus specifically on the needs and rights of girl children worldwide. Many international NGOs have adopted the rights of the girl child as a piece or cornerstone of their development work.

A number of international non-governmental organizations (NGOs) have created programs focusing on addressing disparities in girls' access to such necessities as food, healthcare and education. CAMFED is one organization active in providing education to girls in sub-Saharan Africa. IDLO has identified the following seven factors as key in enhancing the economic empowerment of girls and ensuring that their legal and human rights are respected: 1. Access to birth registration; 2. Access to education; 3. Access to property rights; 4. Freedom from child labor; 5. Freedom from trafficking; 6. Freedom from commercial sexual exploitation; and 7. Freedom from underage marriage (IDLO, 2009). PLAN International's "Because I am a Girl" (2011) campaign and research have shown that educating girls can have a powerful ripple effect, boosting the economies of their towns and villages.

Culture Element in Problems and Rights of Girl Child

The notion of cultural relativism within the childhood experience is a key aspect of the current debate. Burr (2004) and Ansell (2005) all support the idea that there is not a universal notion of childhood, but that it is a product of culture and as such will vary across time and space (Kehily 2004:7). Awareness of the cultural context allows for development programming that is sensitive to various forces at play in the child's life including family responsibilities, societal values, community contracts and the real options the child faces. The lack of cultural context is a limitation of the right-based approach that many NGOs have adopted in childhood development programming. Burr (2004) and Boyden (1990) have all written about the tension between the UNCRC as a universally applicable document and the local community context which might have a different interpretation of child rights.

Children's rights have often to be seen in societal and cultural contexts and hence cannot be made into a separate rubric, as can be done with the overall discourse on human rights. Ours is basically a patriarchal society with a small segment of population that adheres to matriarchal beliefs and values. Within the national culture there exists a "son syndrome" which entails giving preference for sons over daughters and placing a greater value on the male child as compared to the female child. This cultural norm subsequently breeds gender discrimination in families, schools and communities; something that is reflected in everyday life, at both individual and collective levels – the girl child is an

"issue" i.e. she is not a value to the family or in the larger sense to society, but rather a problem to be dealt with (Nayar,2011:12). There are apparent double standards—both public and private—for dealing with concerns of girls' development, in contrast with their male counterparts (Nayar, 2011:13). Male members in Indian culture are socialized to have differential attitudes and behaviors towards the girl child and boy child. This attitude supports the development of stereotypes: intellectual and practical life skills of independence for the boys, and nurturing life skills for the girls, even though the girls may perform well in academics and in intellectual arenas (Ibid). The patriarchal norms are culture driven and predominate over gender equity at large, even in cities.

There are several illustrations of girls being neglected, denied equity in food, education, health care, being subject to serious physical and sexual abuse (Govt. of India, 2007), and marginalized in opportunities for developing and expressing their independent identity. They are subjected to what can be considered the rhetoric of a society in which they are considered "paraaya dhan" (which literally translates to property of another/other). There is an over-emphasis on the female's domestic role— i.e. daughter, daughter-in-law, wife, mother, mother-in-law, grandmother and other domesticated social roles. These roles become enlarged in her psychic conditioning at home, at school and in the community, throughout the process of her growing up— both directly, as well as indirectly.

The personality, problems and the rights of children are culture driven too. Usha S Nayar (2011: 11-21) has applied Urei Bronfenbrenner's theoretical framework (1979), to analyze the values of gender equity in the next generation of India. It is popular as the Ecological Systems Theory. This theory was developed to view children's development in relationship to their socio-cultural environment. The theory makes use of a four layered sphere to represent the different layers in society that a child will interface with in everyday life. The layers are systems of the sphere starting at the center and move outward. The four systems include: Microsystems, Mesosystem, Exosystem, and Macrosystem.

The Microsystem includes family, parents, baby-sitters etc. The Mesosystem makes connections between the immediate environments of the Microsystem—for instance, a child's home, school, sports and other extra-curricular activities. The Exosystem includes external environmental settings that indirectly affect development, such as a parent's work place. The Macrosystem looks at larger cultures which may have an effect on development of the child. These include values, customs, laws, the economy, or political culture. The effects of larger principles have a cascading influence throughout the interactions of all other layers.

Girl Child: Problems from Womb to Tomb

Against the above backdrop, the perspective is now clear that the hardest challenge to take in life is being a girl child. Discrimination, differences, dominance, disadvantage, drudgery and discrepancy are six most Vitamin D deficiencies under social pathology that hamper the journey of every female from womb to tomb. Starting from her presence into her mother's womb to infancy, childhood and finally to adulthood and age, she is under the stranglehold of notorious traditions and stereotypical myths. Social disadvantage outweighs natural biological advantage of being a girl.

Despite their social and economic vulnerability, girls are key contributors to their family income and local economies. They perform unpaid and unrecognized labor including household assistance (cooking, cleaning, shopping and gardening), care-giving responsibilities (for younger children, and sick or elderly relatives), as well as other labor roles (harvesting crops, rearing livestock and producing handicrafts). However, denying girls opportunities - whether purposefully through discriminatory laws or tacitly through policies that fail to deter abuse, ensure control over reproduction, or prevent life-threatening disease—substantially undermines the creation of human capital endowments in society. The fact, that improvements in a woman's economic position do have a positive spill-over effect on the social welfare of her children (Free the Children, 2009).

It should be noted that there is somewhat of a causal connection between "means of protection" and "protection risks" in that poor access to birth, education and property rights (all regarded as means of protection) have the potential to increase exposure to risks such as child labor, trafficking, commercial sexual exploitation and underage marriage. Such risks relate directly to the exploitation of girls, and have many flow-on effects in terms of impeding the ability of girls to realize their full potential and participate effectively in society. There is also often a causal link between risk factors and means of protection, as where underage marriage or trafficking can lead to diminished possibilities for access to education. Table 1 sizes up the experiences of gender differences and sexist discrimination between a girl and a boy child or a human female and a male from womb to tomb.

Table- 1

Experiences of Gender Differences and Discrimination from Womb to Tomb

Phase of Life	Girl/Female	Boy/Male
Prenatal	Unwanted, Not welcome, Sex selective abortion, Foeticide	Wanted, Welcome, Son preference

Early years	Socialized to private in-home roles as they grow up. Girl's oppression begins with the first institution of contact: the family. Female infanticide. The girls fed last and least and malnourished.	Socialized to public roles as they grow up. More valued than their sisters and may not be allowed to express their emotions or behave in ways not considered 'manly'.
Childhood	Emotional and physical abuse, differential access to food and medical care. Genital cutting. Little time to play games and sports as they are busy with household chores and caring for siblings. Low enrolment and more drop outs. Social and cultural norms and stereotypes restrict girls' mobility, reducing the public spaces they may enter safely. Submissive, dependent and sober by nature.	Exposed to larger world: community and school, society. More time to play games and sports. They are prioritised over their sisters at school. Less dropout and lesser restrictions on movements compared to girls. Little restriction on where to go, how far to go and when to go. Controlling, dominant and aggressive by nature.
Adolescence	Early marriage. Girls are far more likely than boys to experience sexual harassment and violence on the way to school and in the classroom, sometimes from their male peers. Sexual abuse in the workplace, rape forced prostitution. Legal discrimination deprives girls of property, land and inheritance rights. Job- family Balancing. Commercial Sexual exploitation, Honor Killing, Indecent Representation and Defamatory Publicity.	With the onset of puberty, boys are increasingly expected to behave in stereotypical 'masculine' ways – to be strong, tough, and even aggressive and not show their feelings. They may engage in risky behaviour to 'prove' their manhood – dangerous driving, drugs, and unprotected sex – that can have damaging effects on their health and serious consequences for the women they have relationships with. Trafficking.
Adulthood	Reaching adulthood includes both conformity and liberation for girls who begin interacting with wider social institutions, including the workplace. Women are restricted to certain low-paid jobs and are unable to break through the glass ceiling and make it to top managerial positions. Women are considered the primary care-givers for children and the family. Abuse of women by intimate partners, marital rape, dowry abuse and murders, partner homicide, psychological abuse	Young men are expected to find work and are often still seen as the providers for their family. If they are unemployed, this can lead to feelings of worthlessness and depression and even violence. As fathers, they may be distant from their children. Masculnity, Patriarchy and dominance. Not taking women's roles unless very necessary.
Old Age	Abuse of widows, elder abuse, neglect Forced Suicide, homicide	Abuse of widowers, elder abuse, neglect, Abetting Suicide and Murder

The girl specific problems disaggregated from the above table are foeticide and infanticide, girl's health and malnourishment, girl child labour, early marriage, child trafficking, honour killing, girl literacy and drop-out and indecent representation and defamatory publicity. Shantha Sinha (2008) has detailed out the girl specific problems in her keynote address at the Symposium on "Girl Child" in Punjab University, Chandigarh during their Diamond Jubilee celebrations. The list is not exhaustive. Our analysis shows a myriad of problems faced by girl children in India. Let us analyse them.

Foeticide and Infanticide: While discrimination against the female of the species is worldwide; and while sex-selective abortion, or feticide as it is sometimes called, is prevalent not only particularly in India, but also in Korea and China, as has been pointed out by Nobel Laureate Amartya Sen (2011), the overall statistics on the condition of women with special reference to the young, has been extremely pernicious. The well recognized phenomenon of foeticide is the elimination of children of female sex from the womb (Aravamudan, 2007). The tragedies of infants being abandoned after birth by poor parents is an indication of a collapse of all the institutions that are designed to take care of children especially girls.

Given the enormous progress India has made in health care and nutrition for its women and children, one would expect a steady in- crease in the number of women in the population. It is shocking that the reverse has happened. The female to male ratio has become worse, (Sen and Kumar, 2001). Around 2.5 million Children die in India every year, accounting for one in five deaths in the world, with girls being 50% more likely to die (Thukral, 2005). The very existence of the girl child is under threat. Defying the normal male-female balance, and the higher survival capacity of girl babies and greater life expectancy of women to men prevalent in human populations, the female to male balance in India has been adverse to females for at least the past 100 years. The 1901 National Census recorded a female to male ratio of 972 to 1000, for all ages. Virtually every subsequent census showed a worsening decline (Ibid) as can be seen from Table-2. The Government of India in its report to the UN Committee on the Rights of the Child said, "Every year" 12 million girls are born – three million of whom do not survive to see their 15th birthday. About one-third of these deaths occur in the first year of life and it is estimated that every sixth female death is directly due to gender discrimination (Ibid).

Table- 2

Females per 1000 Males in India (1921-2011)

Year	1921	1931	1941	1951	1961	1971	1981	1991	2001	2011
Figure	955	950	946	945	941	933	930	927	933	940

Source: Census of India (Compiled)

Thus the problem of the girl and her being unwanted begins even before she is born with growth in sex selective abortions i.e. female foeticide due to unholy alliance between culture and technology (Mohanty, 2011;2015). She is not even allowed to be born to start enjoying all her other rights. In an effort to combat sex-selective abortions, the Government of India passed legislation in 1996 banning prenatal sex determination through ultrasound. However, this law has done little to change the disturbing trend of missing girls.

Girl's Health and Malnourishment: There is much to speak of the troubles of infants once they are born. The infant mortality rate stands at 57 of every 1000 children before they reach the age of one year. 46% of children under-three are underweight according to the recent Report of NFHS and it remains at the same level even after several years without any improvement. Almost 80% (79.2% - NFHS 3) children in the age 6-35 months are anemic. There is no guarantee that she will be born and will survive, and if she does survive, she would be given adequate nutrition and health care, environment and stimulus to grow and enjoy all her entitlements. About 300,000 girls go "missing" in India each year. One is witness to the cases of infanticide in the country. Almost all government's health policies seem to have an underlying family planning agenda. Health activists have analyzed that with its emphasis on population control; the rural health mission is no different. Over the years it has become quite clear that if people are forced to limit the size of the families, they shall do so at the cost of the girl baby, even if it means that they have to "import" brides from outsides their states or their communities (Thukral, 2005).

Deficits in nutrition and health-care also overwhelmingly target female children. Karlekar (1995) cites research, indicating a definite bias in feeding boys milk and milk products and eggs. In Rajasthan and Uttar Pradesh, it is usual for girls and women to eat less than men and boys and to have their meal after the men and boys have finished eating. Greater mobility outside the home provides boys with the opportunity to eat sweets and fruit from saved-up pocket money or from money given to buy articles for food consumption. In case of illness, it is usually boys who have preference in health care. More is spent on clothing for boys than for girls. All of which also affects morbidity. At the same time it is essential to build a social norm in favor of their rights and empower local institutions and processes to bring pressure on the government to deliver services efficiently, just so that children live a life enjoying their special privilege, which is their child hood.

There are now stories of how girls have become victims to ill health, HIV and AIDS. India has been given a high rank in the list of countries that are facing a massive spread of the HIV-AIDS

epidemic. Simultaneously, India is also ranked as one of those countries in the world where child malnutrition is widely prevalent. The National Aids Control Organisation has estimated 55,000 HIV infected children (0–14 years) in the Country in 2003, according to UN- AIDS, it is 0.16 million children (Thukral, 2005).

Girl Child Labour: The ordinariness of girls' suffering makes their work invisible. It is thus not realized that the food we eat is made from the sweat and toil of these children under scorching heat even as they inhale the fumes of Endosulpha, Methonyl and other deadly pesticides that shrinks their lungs, gives them dizziness and nausea causing mental depression. Their feet and hands that dig in wet mud for hours together, peeling their skin, causes sores until there is no more new skin that could appear. They have headaches carrying loads of bananas; vegetables and food. They come as migrant labor commuting from villages near and afar, in overcrowded trucks, tractors and trains. Many a young boy and girl burnt themselves tossing rice in the hot oven making crispy puffed rice that we so much relish. They are in quarries and mines, brick kilns, construction sites or in factories, which make matches or fire crackers. They are in our own homes as domestic labor being the first to wake up and the last to sleep, scolded, insulted, abused, suspected for theft, friendless and lonely.

Children as young as 7-8 years of age start working for long hours during the day when they should have actually been in school enjoying their right to education. Their bodies are wrapped in violence, their spirit embedded in wasted childhood. Girls work mostly in agriculture and there is no law to ban children working in agriculture. Thus the work of girl children is hidden and rendered invisible. A very hot debate is going on regarding India's recent legislation making the use of child labours a criminal offence. By making it a criminal offence, India hopes to remove this blot from her social landscape. Eliminating child labour through law and enactments have not yielded due results. It requires ensuring sustainable livelihood as they engage in such works wheather they want it or not, in order to make a living and to supplement the family income.

Early Marriage: The consequences of child marriages on the health, education and well-being of the couple, especially the girl child are disturbing. It is seen that the infant mortality rate, neo-natal mortality rate, incidence of low birth weight babies, maternal morbidity and mortality etc are all much higher due to early marriages. It is found that many girls are married at a tender age, even before they discovered themselves as young adults and experienced growing up as adolescents. They become victims of abuse, both physical and emotional as young mothers. Not every pregnancy is safe for these young girls nor is the delivery and survival of infants without risks. The World Health Report 2005 puts India among the list of "slow

progressing" nations as far as infant and child mortality and maternal mortality is concerned. It requires building of sturdy processes at all levels of the government especially through the departments of women and child welfare, Panchayatraj, police and education, to constantly review the issue of child marriages and send a serious message that early child marriage is against the law and morally unacceptable as well.

Child Trafficking: In addition to girl child labour, there is also a growth in the numbers of girls being trafficked for sexual exploitation, forced labour and slave like work. This trade is growing large and girls get caught in a vicious network of the underworld. The girls who migrate for work in agriculture, construction, factories or domestic work, are deceived or coerced into working in conditions they do not agree to. During the trafficking process, traffickers violate an extensive array of human rights in their treatment of their victims. They have no access to their families and the latter are seldom given the correct address. Girl children thus are erased from the village, go missing for years together, and are lost for good. They are increasingly affected by ill health, insults and humiliation and a life of uncertainty and risks.

The absence of a norm that respects children and tracks their well-being, lack of school facilities and sensitivity of the school system to embrace all children in the village giving them their right to education, lack of a process in the village involving the local bodies, community and police that is alerted to action each time a child is missing from the village, lack of fear among the employers and middlemen enabling them to recruit children and lack of action by law enforcing officers subject them to inhuman conditions are some of the factors that foster child trafficking.

Honour Killing: Another gruesome evil for girl children and women is honour killing. An honour killing, also called a customary killing, is the murder of a (typically female) family or clan member by one or more fellow (mostly male) family members, in which the perpetrators (and potentially the wider community) believe the victim to have brought dishonour upon the family, clan, or community. The perceived dishonor is normally the result of the following behaviors, or the suspicion of such behaviors: (a) utilizing dress codes unacceptable to the family/community, (b) wanting to terminate or prevent an arranged marriage or desiring to marry by own choice, or (c) engaging in certain sexual acts, including those with the opposite or same sex. Such killings or attempted killings result from the perception that the defense of honor justifies killing a person whose behavior dishonors their own clan or family. The United Nations Population Fund (UNFPA) estimates that the annual worldwide total of honor-killing victims may be as high as 5,000. Amnesty International (2001) commented "The regime of honor is unforgiving: women

on whom suspicion has fallen are not given an opportunity to defend themselves, and family members have no socially acceptable alternative but to remove the stain on their honor by attacking the woman". Despite the forces of modernization and the pressures of decolonization, people subscribe to medieval views concerning the "preservation" of perceived "purity" of their lineage.

Girl Literacy and Drop-out: The passing of the 'Compulsory Education Act' in 2009 in consonance with UN Convention of Child Rights was a historic moment for the children of India that clearly indicated the commitment of the state towards providing educational opportunities for all children. The act reinstalled faith in school education being in the best interest of children as well as society. Policies related to child participation, child protection, the challenge of implementing them in a tradition-bound society; making available to the girl child—in a very real sense—all that is overdue to her are some of the essential facets that are highlighted in the act.

The Census of India 2011 provided a positive indication that growth in female literacy rates (11.8%) was substantially faster than in male literacy rates (6.9%) in the 2001-2011 decadal period, which means the gender gap appears to be narrowing. One of the major indicators of development is education. Girls have emerged as an important focus group of the education programmes. Their educational backwardness has not only denied them in reaching their fullest potential, but has also slowed down the pace of national development with regard to education as well as other developmental programme. Literacy has increased but the drop out rates for girls does not decline (Mohanty, 2010). Basic issues pertaining to girls education in the country have been low participation of girls in school, child labour to supplement family income, inappropriate school schedule, lack of girl child friendly curriculum, lack of lady teachers or teachers are not gender sensitive, low performance and competence level of girls in school, communities are not aware about the importance of girl's education and girls engaged in domestic activities and sibling care.

Indecent Representation: There is an alarming rise in the cases of indecent representation of girls/women in the country due to significant increase in the advertisements in recent times. Portrayal of women in these advertisements in various media such as print, TV, outdoor is a cause for concern. The commonly made observations are that the women are portrayed as glamorous objects, they are shown as dependant on men, are shown in traditional mundane roles as housewife, teacher, nurse, mother. They are rarely shown as decision makers or in positions of power or as accomplished women. Some advertisements are felt to be obscene or vulgar and degrade the dignity of women by making women victims of

cheap advertising techniques. The representing of women in indecent ways for whatever commercial ends is the worst thing done.

The Way Forward

Thus what has been attempted in this paper is not merely to discuss the problems and rights of the girl children as such but to spell out the intricate issues underlying them. Looking back to the questions raised in the beginning, this concluding section ends up with summarizing the analytical stakes and the praxiological strengths of the issue at hand. The last quarter of twentieth century saw a vigorous debate over the nature of rights in general to child rights in particular to that of girl child around gender concerns. While reformers claim that children have all the rights that adults do, critics deny this, either believing that children have no rights or believing that children have only some of the rights which adults possess. They further argue that the ascription of rights to children manifests a misunderstanding of what children are like and of the nature of family relationships. Those who deny children all or some of the rights possessed by adults nevertheless believe that children, as humans, have a certain moral status that ought to be protected. Each side declared its conceptual analysis to be closer to an ordinary understanding of what rights there are, and to an ordinary understanding of what rights do for right holders. Neither side could win a decisive victory, nor the debate ended in a standoff (Sumner 1987).

Those who say that drawing a line between adults and children in respect of their possession of rights is arbitrary may mean different things. To deny that different capacities are progressively acquired at different ages is implausible. To insist that drawing a line as such is wrong ignores the point of doing so, and recourse to the alternative of a competency test is not appropriate or practicable. Children do not have an interest in remaining in childhood. The best-interest principle should arguably have only limited application. It is not possible unambiguously to interpret the best interests of a child in terms of a hypothetical adult self, and any objective interpretation will be the subject of contested views. A child's right to be heard in matters affecting its interests is a substitute not a complement to the right of choosing for herself. It is not merely the rights of children as such but the most vulnerable, the girl child. One possible resolve of this stranglehold is to take it as much a moral issue as a legal one requiring adequate response from community, neighbourhood, civil society, governance system, culture and the society as a whole.

Coming to praxiological concerns, it must first of all accept that the country has not done materially enough for its children, especially for the girls. The reason for such gross violation of the rights of the girls is in the absence of a social norm in favour of her survival, dignity, care and protection. The country has to feel a sense of shock and outrage that there is the practice of female foeticide and infanticide. No modern,

cultured nation can be called civilised if it continues to tolerate such a perpetration of violence on its 'un-born' and 'new-born'. The government too must ensure that children are protected and make available all the institutions function to give security to these children.

There could be pressure built to rescue girls from child labour, child trafficking and early marriages. The government too must be more committed about its policies on abolition of child labour. Girls' work which is hidden and invisible, that keeps them out of school and renders them illiterates, must be recognised as child labour. There are several young children, who have taken courageous steps to defy the authority in the family and society to get away from marriages and join schools. Such children are to be encouraged and given full support. For in their success lies the future of girls in our country.

Eleanor Roosevelt (1958) said 'a woman is like a tea bag – you never know how strong she is until she gets in hot water'. There is enough evidence that investment in the girl child results in making a better, healthier, happier, and more creative family, community and society (Nayar, 2011:20). When family, schools, neighborhood and communities take this as the agenda for action, it is likely to result in a great contribution for the present and future generations of the nation. To make girls' care and protection a reality for every girl in every place requires not only our resources and policies, but also our voices and actions. But more than that, love, respect and support for girls must be the reality of all our homes, schools and communities. The answer of security of girls is not in their protection and restriction of being under the supervision of brother, father, husband or economic security given by male members of the family. Rather it is in honoring citizenship to girls and boys alike to enjoy the freedom and confidence of being in a society living with peace and basic human rights. To save a boy is to save a person, but to save a girl is to save a generation.

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