

WINGS 2014

The World of India's Girls

A STATUS REPORT

A world which respects and values each child.
A world which listens to children and learns.
A world where all children have hope and opportunity.

Save the Children works in 120 countries globally and across 16 states in India for children's rights – To inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives. It is determined to build a world in which every child attains the right to survival, protection, development and participation. We deliver immediate and lasting improvements to children's lives worldwide.

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PREFACE

Dear Reader

The world that a girl grows up in is made of many things; her dreams that often clash with expectations of others, her joys and desires often mingled with a fear of backlash, her curiosity to learn, which often goes unanswered..

For the 225 million girls of India, it is a world rooted in tradition, yet changing fast in many ways, and hence, deserves to be understood properly. For long, our country has lacked a document that would take a in-depth and all-round look into this complex world. It was to fill in this gap that in May 2013, Save the Children conceptualized the World of India's Girls Report – or the WINGS 2014 Report, as we call it — and brought on board the Advanced Centre for Women's Studies (Tata Institute of Social Sciences) to lead the process of writing it.

India's girls are growing up in an atmosphere marked by rapid growth and greater opportunities brought about by economic liberalization ushered in two decades ago. In these past decades, the increased access to education and media has meant that girls are now aspiring for a better life. Their aspirations — as reflected in our report — are not just about careers but also about the freedom to decide their own destiny. Girls today want to be recognised as individuals in their own right.

Ironically, while aspirations of girls have soared, the society's response has not been as encouraging. Thus, in the last two decades the girl child has experienced increased abuse in the form of rapes,

marital violence etc and have also seen a rise in the number of sex-selective abortions – increasingly among the upper socio-economic echelons.

We see that economic growth does not automatically mean that gender-based violence will decrease. In spite of rapid economic growth, 32.7% of our population still lives in poverty. Poverty exacerbates gender-based discrimination as the resource allocations within poor households, in the context of a deeply entrenched patriarchal culture, tend to disfavour girls. Girls from poorer families continue to get married early, as families do not see a reason to retain this 'economic burden'. Addressing the patriarchal belief system and its manifestations such as sex selection and child marriage will ensure that girls become equal citizens of resurgent India.

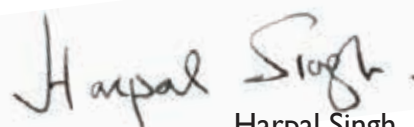
At Save the Children, we believe that the policy commitment of viewing the girls as "human beings", beyond the role they play as future mothers and wives, should actually get translated into action. The report makes specific recommendations built upon this stand.

In a dynamic world, the only way a report like this one can stay relevant is by continuing to capture, analyze and pre-empt the change. We would like this report to be a live document that continues to learn from the ongoing discourse about the girl child as well as contribute to it. Do read it and let us know what direction you would like the WINGS Report to take in the years to come.

Thank you.



Thomas Chandy
Chief Executive Officer, Save the Children



Harpal Singh
Chairman, Save the Children





सत्यमेव जयते

MESSAGE

I congratulate the “**Save the Children**” organization for bringing out *World of India's Girls* report 2014 to commemorate the 25th anniversary of world commitment to UN Convention on the Rights of Children (UNCRC). In 1989, Governments worldwide promised all children equal rights by adopting the UNCRC, recognising a child's right to survive, grow, participate and fulfil their true potential. These rights must become a reality for every child irrespective of their socio-economic setting, class, caste or creed.


India has enacted several important legislations such as The Juvenile Justice (Care and Protection of Children) Act, 2000, The Right of Children to Free and Compulsory Education (RTE) Act, 2009 and The Protection of Children from Sexual Offences Act, 2012 that are aimed at creating an enabling environment for the children of the country.

While all children need protection, girls are more vulnerable than others and need special attention. We want a country where all women and girls must receive equal opportunity. Only then, can girls and women actively contribute to building a progressive nation and society.

As a Report of Committee on Girls' Education (2012) points out, Muslim women are lagging behind Muslim men in terms of literacy by 17.5 percentage points, whereas they are behind general women by 3.6 percentage points.

Our Ministry has taken some concrete steps to improve the scenario of girls' education. Thirty per cent of the pre-matric and post-matric scholarships given by the Ministry of Minority Affairs are earmarked for girls.

The *World of India's Girls* report 2014 comes at a crucial juncture wherein upliftment of the girl child is at the forefront of political agenda. The report offers an analysis of the policies and the current status of girl children in India. It comprehensively traces the journey of girls once they have moved past the hurdle of birth, captures their struggle and shows how systematically the society dictates life choices that determines their future. While appreciating the organisation for bringing out such an important report, I also compliment all the people who have contributed to this significant piece of work.


(NAJMA HEPTULLA)
Minister of Minority Affairs

Place: New Delhi

Date : 13th November, 2014





ललिता कुमारमंगलम
LALITHA KUMARAMANGALAM



अध्यक्ष
राष्ट्रीय महिला आयोग
भारत सरकार

CHAIRPERSON
NATIONAL COMMISSION FOR WOMEN
GOVERNMENT OF INDIA



MESSAGE

The rights of women and children and their aspirations are of paramount importance for our march towards an inclusive and equitable society. Successive governments in the last two decades have formulated policies and legislations to ensure protection and wellbeing of women and girls in the country.

India is currently home to 225million girls under the age of 18 years many of whom live under very challenging circumstances. The challenges that a girl encounters begin from the time she has been conceived and the sex ratio, according to Census 2011, is a testimony to that (919:1000). The last two decades saw increased presence of young women and girls succeeding in various fields that were otherwise dominated by men. However, through this period, gender-based discrimination remains rife, beginning with the girl child, and sadly, even before birth, despite several positive legislations.

This WINGS Report 2014(World of India's Girls) presents an analysis of the policies and the current status of girl children in India. It traces what happens to girls once they have moved past the hurdle of birth, captures the struggle of a girl and how systematically we dictate life choices of girls.

To quote from WINGS: "Government and civil society must renew their commitment to child rights by securing the right of girls - particularly her right to be born and to live in a secure world as an equal citizen. It is this spirit that the girl child of India – refusing to get bogged down by the spectre of mortality, malnutrition, patriarchy, abuse, trafficking and rape – identifies with. Like the lead character of Udaan, a Doordarshan serial aired at the start of Nineties – the decade from where our story begins – she just wants to fly."

I congratulate Save the Children for bringing out this report on girl child as we celebrate the 25th anniversary of our commitment to UN Charter of Rights of Children, and appreciate the efforts of all individuals and institutions who have contributed to this report. I call upon all Indians to value and nurture our daughters, so that together we can create a society which believes in giving every girl and woman an equal opportunity to realise their full potential. For a nation to lead, our women and girls have to come first.



(Lalitha Kumaramangalam)

ACKNOWLEDGMENTS

This report would not have been possible without the enthusiastic participation of young girls and boys who gave us their precious time and patiently answered our questions. Their “voices” brought to life a story hitherto known to us only through numbers. The determination we saw among girls even in adverse circumstances, whether in rural Gaya or in the slums of Delhi, reiterated to us the need to be their voice through this report. We thank the following organizations for helping us meet these wonderful children: Navshristi, New Delhi; Pragati Gramin Vikas Sansthan, Gaya; Dhagagia Social Welfare Society, Sundeshkhali; Bodh Siksha Samiti, Alwar; Sandhan, Ajmer and Jana Kalyan Sanstha, Kalahandi.

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EXECUTIVE SUMMARY

India today stands at a unique place in history: we are a young country (over 65 % of the population is below the age of 35 years; and 39 % is 18 years or below)¹; a country that has seen the emergence of a middle class of over 60 million² making it a hub of consumerism and private enterprise; a country whose economy has quadrupled between 1991 – when the first wave of economic reforms was unleashed — and 2011³.

The demographic change has been accompanied by a fundamental change of attitude on issues of governance. Through participation in a number of mass agitations and vigorous voting in the recent elections, the confident and assertive youth have expressed their aspiration to see India emerging as a developed nation free from corruption. The middle class seems to have discarded its political indifference and voted more actively than ever before. The economic liberalization over the last two decades has changed the landscape of major Indian cities, which are now dotted with glitzy high-rises, large shopping malls, and hospitals and airports with state-of-the-art facilities.

Amidst this climate of hope, aspiration and dramatic growth, the girl child is beginning to dream and aspire. However, her family and the society at large have not kept pace with her aspirations. More than twenty years after the country opened its economy to the world putting itself on fast track of growth, the girl child remains an object of neglect, malnutrition, exploitation, rape, brutality, and murder, despite the many positive steps taken to secure her rights. Given the sheer number of girls in the country who are 18 years or below – close to 225 million – it becomes crucial to pay urgent attention to the status of the girl child.

The discrimination against the girl child starts even before she is born. Even after she is

(allowed to be) born, widespread neglect makes her survival precarious during early childhood. Together, these two factors ensure that we bear the tragic burden of being a nation of disappearing daughters – as many as 36 million of them. The Census-2011 revealed a deficit of 7.1 million girls as against boys in the 0–6 age group, a sizable increase over Census-2001 (6 million) and Census-1991 (4.2 million). This gap continues to widen in spite of the fact that the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act was passed two decades ago, which points to a weak implementation of the law.

The reasons for this ‘missing girls’ phenomenon are not far to seek. Deep gender inequities still remain, as do the preoccupation with ‘son preference’ manifested in the horrific practice of female foeticide. This cuts across classes and astonishingly, according to a study published in Lancet, is most prevalent among the most educated and the richest 20 % households. NFHS data corroborates this, showing that both Child Sex Ratio (CSR) and Sex Ratio at Birth (SRB) vary in inverse proportion to wealth; the highest SRB is reported by the lowest wealth quintile (954 females per 1000 males). Also, Muslims – a community with lower social and economic indices – have an increasing CSR. These facts defy the old notions such as ‘poor/uneducated families are more likely to commit female foeticide’. Clearly, neither wealth nor education has much to do with the fate of the unborn girl in present-day India.

After she is born, the girl child still needs to battle a series of hurdles through each stage of life where she often loses out to her male sibling. The first step, right after birth — and a crucial determinant of survival — is immunization, which is where we find, she is less likely to get full

immunization, as opposed to her male siblings. The proportion of male children who are fully immunized is 4% higher than female children. For almost all vaccines, the proportion of girls dropping out of the immunization cycle exceeds that of boys to the extent of 1-3 percentage points. The same trend continues in the case of nutrition. As time passes, nutritional outcomes for both boys and girls in 1-4 years age group seem to decline. However, they decline much faster for girls. By the time girls are 4 years old, they are much more likely than their brothers to be stunted, underweight, and have low Mid Upper Arm Circumference (widely considered the best measure of under-nutrition).

Thus, the girl child, known to have a biological advantage as compared to the male child in the initial years, not only loses it rapidly but is prone to early death too. According to a 2013 report, mortality of girls in 1-59 months age group exceeded male mortality by 25% in 303 districts in nearly all states of India.

Notwithstanding India's emergence as a fast-growing economy, public infrastructure remains in a poor shape which directly affects the well-being of girls. Piped water supply has barely crossed 50% mark in urban India and remains as low as 14% in rural India, which only means more hardship for girls, as traditionally it is their job to fetch water.

In the sphere of education, there has been an across-the-board rise in enrolment of girls, largely due to the Right to Education Act getting enforced in 2010, as well as concerted government drives towards boosting enrolment. Irrespective of class, many more girls than before are now in school. According to the DISE data, as against 40 million girls in 1990-91, approx. 65 million were enrolled in school in 2010-11.

However, regardless of the guarantees held out by the Act, access to education is marked by gender inequity. Data shows that the benefits of stronger participation of the private sector in education are not really meant for girls. In 2012, 58% of all private school children in the age group of 6-14 years were boys. Data also indicates that girls with special needs have lesser

access to education than their male counterparts – roughly in the proportion of 45% v/s 55%.

Although school enrolments have shown an upward trend over the past decades, retention and consequently transitions to successive cycles of education are a matter of concern. The number of girls who discontinue education before completing Class 5 is 24.4% which increases to 41.3% at the level of Class 8. Domestic duties, especially in the lower-income group households mean that the girls have to stay back and cook, run errands or take care of their younger siblings in order to support parents, who are typically out at work.

Girls also drop out as a result of classroom environment which they may find unsafe or discriminatory. The perceived lack of safety may be due to several factors: absence of female teachers (in upper primary schools, the percentage of female teachers has fallen consistently from 38.1% in 2001 to 31.6% in 2012), poor infrastructure (esp. a lack of girls' toilets; less than two-thirds of the primary schools had girls' toilets in 2011-12), distance from home and, above all, sexual harassment in and en route to school (though only some small-scale studies have been done to capture this phenomenon).

Child protection finds place in the UNCRC framework in the form of a set of rights that protect children from abuse, exploitation and violence. In case of the girl child, there is an intersection of disadvantage — of being a child and being a girl — and the protection needs therefore, become multidimensional. Violence against the girl child is perpetrated in families, households and in larger common spaces and occurs through all stages of growing up. In all these settings, the girl child is subject to abuse, exploitation and violence in their varied manifestations.

Abuse and violence are particularly evident at the stage of adolescence, which is when the girl child, in addition to parental bias manifested in many forms including malnutrition, also has to deal with the issues of harassment, stalking, early marriage, and associated forms of exploitation and abuse.

The report adopts the ‘systems approach’ to discuss these protection issues, picking up early marriage as a subject of detailed discussion. Early marriage is a common phenomenon in the Indian subcontinent. The NFHS-3 estimated that as many as 47% of the women were reported to have been married by 18 years of age. Moreover, this phenomenon is certainly not losing ground. In fact, estimates project that 130 million girls in South Asia will be married as children between 2010 and 2030. The moment a girl hits teenage, the parents want to get her married off. Concern for safety of girls is one of the chief reasons why girls are married off early. This looms large as chastity and virginity of girls is greatly valued in Indian society. Parents and community members feel that, “early marriage protects the girl’s marriageability which can be destroyed by pre-marital sexual violence or choice”. This can be corroborated by the fact that in times of conflict or disasters when the social order is shaken, girls are married off even earlier, as seen subsequent to the communal clashes in Muzaffarnagar (Uttar Pradesh). Traditionally, girls from lower castes and poorer backgrounds constantly face molestation and violence from the upper castes and child marriage is seen as a strategy to protect girls from sexual abuse.

With early marriage comes early motherhood and both have harmful implications on the physical as well as on the mental health of the girl. Whilst the factor of marriage itself means dealing with power equations within family and often dowry-related abuse, the latter means a malnourished, anemic girl giving birth to a malnourished child. And, if the child happens to be a girl, it is a tragic case of history repeating itself.

There are other manifestations of the abuse that await a girl child, most primarily in the form of sexual abuse. One of the biggest hurdles in studying abuse is the lack of credible and substantial statistical evidence of violence. A study by Ministry of Women & Child Development (2007) reveals that 45.3% of the children experiencing abuse were girls⁴. NFHS 3 indicated that of all reported cases of sexual abuse in India, 14.2% girls experienced the first incidence of sexual violence between the ages 15 to 19 years, 4.8% were abused first between the

age of 10 to 15 years and 0.4% between the age of 0 to 10 years. This seems to indicate that girls in the 15-19 age group are most vulnerable to the risk of sexual abuse.

Sexual abuse of girls (mostly unreported, which means that we have misleading statistics about crimes against girls) is prevalent in every space, including, ironically, the spaces designed to protect her: her home/family, institutional care centres and all public spaces. And yet, there was no separate provision in the Indian Penal Code for sexual offences against children till the Code was amended in 2013 and the Protection of Children from Sexual Offences Act was passed as recently as in 2012.

Institutionalized sexual abuse plays out through trafficking where young girls are sold within and across countries, although there are non-sexual reasons for trafficking young girls as well. The exact numbers of trafficked children are hard to find, and hence the actual magnitude of the problem remains unknown. Thus, there is an urgent need to strengthen the crime records system.

This brings us to the third type of exploitation faced by the girl child — one that happens at the workplace. While feminization of the Indian workforce and the invisible contribution of women to the economy have been covered vastly by feminist economists worldwide, this invisibility also holds true for the girl child’s participation in the workforce. Outside her own home, the girl child is a common sight in many urban homes, working as a domestic worker in inhuman conditions, and often subjected to abuse. The same girl would, if asked, like to play and attend school, much like the daughters of her employers — the same middle-class and affluent employers, who enjoy the fruits of India’s growth story. It is this contradiction our report addresses.

The report weighs these formidable issues against the resources invested by the State in social sector in general and in protecting, nourishing and educating the girls in particular. We see a trend of decline in public investment in the social sector and a marginal share of the girl

child in the budget of the ministry that is primarily responsible for protecting her interests. Overall, in the last two decades, the share of Health and Education in total social sector expenditure by all states fell from 16% and 52.2% (1990-91) to 11.7% and 45.8% (2006-07) respectively. As a result, the per capita health expenditure in India (Rs.96) is much lower than that in China and USA (Rs.261 and Rs. 5274 respectively)⁵. As far as the girl child is concerned, over the last three financial years, out of a total annual outlay of Rs15,000-17,000 crore allocated to the Ministry of Women & Child Development, the total share of the major girl-centric schemes ranged between Rs.477 crore to Rs.681 crore (a mere 3.1-4.4% of the total).

In the face of these crippling realities, there have also been some encouraging developments in the last two decades that bode well for the girl child. The last 2 decades has also seen the issue of the girl child come to the forefront of law and policymakers. In this regard, India's signing of the UNCRC in 1989 was possibly the most significant landmark of the Nineties.

The Government of India has certainly prioritized child protection after 2005. The recent and widely-discussed legislation has been the one on sexual assault, pushed forth after the Nirbhaya tragedy (2012), which has expanded the definition of sexual assault to include molestation, stalking, acid attacks and so on; in a parallel development, legal processes too have also been made more child friendly and gender sensitive such as the Supreme Court ruling against the ghastly use of the "two finger test" to establish rape.

In the areas of health and education too, policymakers have extended efforts to counter the socio-cultural hardships to the girl child. Apart from the RTE Act, Sarva Shiksha Abhiyan (the national flagship programme on education that focuses on the universalisation of primary education), KGBV Scheme which provides residential school facilities to girls in remote and backward areas and National Programme for Education of Girls at the Elementary Level (NPEGEL) that works towards ensuring that girls don't drop out, are some of the important milestones in the education sector. Gender

sensitization of teachers has been adopted as an element of the country's education policy. One of the first important announcements made by the new government that took charge at the Centre in May 2014 was regarding the Beti Padhao-Beti Bachao scheme, launched with the twin objectives of protecting and educating the girl child.

In the health sector, programme such as Rashtriya Kishor Swasthya Karyakram (RKSK) which focus on the adolescent population not only provide supplementary nutrition but also addresses other issues that adolescents face, are a step in the right direction. The government has also realized the need to provide crèches for children of working women under the ICDS structure, so as to unburden the adolescent girls of their household duties.

Additionally, to battle trafficking, anti-trafficking units have been set up, along with efforts at training police personnel on tracking the victims of trafficking in pockets where trafficking is prevalent. Policy now also recognizes the fact that trafficking is an organized crime so that "agencies" can be brought to book. Besides, the position of Child Marriage Prohibition Officer has been created by law.

Aside from these significant changes, perhaps the most vital shift taking place is the shift away from the traditional approach of looking at the girl child as 'someone's-wife, sister or simply a mother-in-waiting'. Policymakers have now shifted their paradigm from the 'lifecycle approach' to the 'capabilities approach' which recognizes the girl child as an individual in her own right. The 11th Five Year Plan asserts that adolescent girls need to be recognized as "individuals with human rights" rather than just as "prospective" mothers.

It is this spirit that the girl child of India – refusing to get bogged down by the spectre of mortality, malnutrition, patriarchy, abuse, trafficking and rape – identifies with. Like the lead character of *Udaan*, a Doordarshan serial aired at the start of Nineties – the decade from where our story begins – she just wants to fly.

The focus on the girl child as a category with

specific needs started taking shape from the Eighth Five Year Plan. There has been a steady shift from an instrumental understanding of girl children to recognizing them as individuals with rights. However, there is much that remains to be addressed. This report strongly recommends the following steps:

RECOMMENDATIONS

- We recommend that a National Policy for the Girl Child be formulated to guide and inform all laws, policies, plans and programmes directed at the girl child. At present, there are several policies and programmes at national and state level, but in order to have a comprehensive and coordinated action, it is critical to have a targeted National Policy; else, all efforts would remain stand alone.
 - Recognition of girls as individuals with human rights and potential in all government policies and programmes is important. The capability approach first articulated in the 11th Five Year Plan needs to be urgently operationalized in all subsequent policies, esp. the National Policy for Children (NPC), 2013 and plans meant for girls.
 - Policymakers and administrators must clearly recognize caste-based and communal violence as a distinct category of violation of girls' rights, something which the National Policy for Children, 2013 has not done.
 - CCT (Conditional Cash Transfer) schemes as a strategy to address discrimination against girls, suffer from certain design issues, discussed later in this report. We need to evaluate the return on public investment in CCT schemes. We also recommend equal access of all girls to CCTs by removing the provision of capping the benefit to a maximum of 2 girls per household.
 - The elimination of child marriage should be a time-bound and measurable goal. The legislation against child marriage has not been able to make a significant dent into the custom of marrying girls. There is a need to prioritize and make concerted effort to
- campaign against the social acceptance of child marriage. A step in this direction could be extensive promotion of use of Child Line as a tool to alert and prevent child marriages.
 - Girls in child care institutions are subject to sexual abuse which needs to be investigated and, the punishment for crimes perpetrated by staff in child care institutions established under the Juvenile Justice Act 2000 must be made more stringent
 - Stronger implementation of PC&PNDT Act with better conviction rates will act as a deterrent to sex selective abortions.
 - Safety of girls in schools is a neglected area of study despite its impacts on girls' dropout rate. The involvement of school management committees in ensuring safety of girls in schools is advised.
 - In order to understand the extent of involvement of girls in work, time use surveys must be conducted through which it will be possible to understand how far girls are involved in child care, household chores, and homestead activities.
 - In order to combat trafficking for sex work, domestic service etc. ground-level child protection committees formulated under Integrated Child Protection Scheme need to be trained to track vulnerable girls, ensure their safety and network with the concerned Special Juvenile Police Units and Child Welfare Committees to find missing girls.
 - System for tracking and reporting of child abuse needs to be made fully operational, which was the idea at the heart of ICPS when it was initiated.
 - In the past two decades, the girl child has been a subject of both rhetoric and action. Many positive steps have been taken to secure her rights. While increased participation and enrolment of girls in schools is a positive step, we do see an increased backlash which runs parallel to her progress/aspirations

in the public sphere such as education or employment and is expressed in the form of rise in cases of rapes, harassment for dowry, female foeticide, etc. The Government and civil society must renew their commitment to child rights by securing the right of girls - particularly her right to be born and to live in a secure world as an equal citizen.

Endnotes

1. Census of India, 2011 (censusindia.gov.in).
2. India with a middle class of 5% of current population could be the world's largest middle class consumer market by 2030, surpassing both China and the US (Source: The Emerging Middle Class in Developing Countries, by Homi Kharas, Brookings Institution, June 2011).
3. In terms of change in Gross Domestic Product, Indian economy has grown from Rs.10.8 lakh crore (1990-91) to Rs.48.8 lakh crore (2010-11).
4. The bias in the selection of respondents (viz. respondents from vulnerable backgrounds are over-represented) is one of the key criticism of this study.
5. Reserve Bank's Report of State Finances: A Study of Budgets of 2007-08 (Social sector expenditure includes expenditure on social services, rural development and food storage and warehousing under revenue expenditure, capital outlay and loans and advances by the State Governments).

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I INTRODUCTION

*"I do not wish [women] to have power over men; but over themselves."
~Mary Wollstonecraft¹*

Talks at home about getting 15 year old Meeta married were already doing rounds, when her father passed away. Even though his presence was never much of a support to her family, and she bore the brunt of being a daughter, Meeta's life still changed. She was at that tender age already supporting her education and expenses — the neighbor's and community members advised her mother to get her married. Meeta's mother thought that a fatherless girl will have no protection in a teeming urban slum and under pressure fixed a match.

Meeta did not give up after her marriage with Rajesh. She told him and her family that she needed no one's support. She told them that she was completely capable of renting her own space and footing her own expenses with money she was making from tutoring other kids in the slums. Rajesh and Meeta's family finally gave in.

Today Meeta, has finished Grade 12 and set her sight on attending college. The exemplary determination that Meeta showed today has won over her family, husband and neighbors who now do not stand in the way of her ambitions. Infact, Meeta states with great pride, that her husband supports her in the household chores and often wakes up earlier than her to share kitchen duties.

Even though Meeta survived the crises and managed to win support from her family, it still leaves us with the wider question: why does a girl have to fight this hard every day to realize her basic rights?

Gender-based discrimination is perhaps one of the ugliest realities of modern civilization. Article 2 of UNCRC promises to children across the world protection of their rights to survive, thrive, learn, grow, make their voices heard and to help them reach their full potential. The girl child is an equal shareholder in this promise, and yet in reality, is stripped of her rights almost every passing moment.

Article 2 of UNCRC (Discrimination):

The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis.

While discrimination against the girl child manifests itself, all over the world, in every stratum of society and in several forms, in India, this discrimination appears in the most horrific of forms: even before she is born.

As of 2011, there are only 943 women per 1000 men in India. The corresponding number for female children to male children (in the under-six age group) is an even more depressing figure of 919/1000. This figure of 919 is a drop from the 927 of the previous decade (2001 Census), and an even greater drop from 1991, when it was 945 girls for 1000 boys under six. Within states there are disparities, with the northern states exhibiting more bias than the southern states. While the issue of survival and falling sex ratio has been detailed in the Survival chapter, this is a critical entry point into the discussion about the status of the girl child as seen in the last two decades.

Women have a biological advantage over men for longevity and survival and yet, these numbers do not reveal any such advantage. Instead, these facts tell a sad story of sex selection, and a continuum of neglect, abuse, exploitation and violence faced by the girl child in India. They also reveal alarming trends about what has played out in the social landscape, while economically the country has been making impressive strides.

The sub-text of this story is made of the phenomenon of son preference and the underlying parental motivation and social norms. In our society, parents expect sons — but not daughters — to provide financial and emotional care, especially in their old age; sons add to family wealth and property while daughters it is perceived drain it through dowries; sons continue the family lineage while daughters are married away to another household; sons perform important religious roles; and sons defend or exercise the family's power while daughters have to be defended and protected, creating a perceived burden on the household².

The discrimination continues beyond birth, and well into childhood, adolescence and adulthood. A social development report presented in 2010 to the World Bank and UNDP found that a female child spends nearly 45 minutes more on domestic work than a male child and, therefore, lesser hours of play/rest than boys. Against this backdrop, it is only natural that this report traces the discrimination and challenges that the girl child faces till she attains the age of 18 and examines the major government policies and programmes meant for reducing or eliminating the discrimination.

However, in spite of the grim realities, there have been significant changes in this period in the way the girl child has been viewed and the way we need to treat her to allow her to develop as a citizen in her own right. The increasing participation of girls in education, the increasing awareness, concern and discussion in media and in political discourse about her safety are positive steps along the way. The past few years have also been crucial in the way the government has focused on her need for protection. This is reflected in the amendments in key legislations for child marriage for instance or in bringing about legislation specifically to address child sexual abuse. Recognition of these positive efforts is also a part of the discussion. And what forms the heart of this discussion, is the girl child's own aspirations, and like Meeta's desire to fight.

MAPPING THE TRENDS: CHANGING ECONOMIC CONTEXT (1991–2013)

As far as child rights are concerned, India's signing of the UNCRC in 1989 was possibly the most significant landmark of the 20th century, soon followed by the World Summit for Children and a Plan of Action incorporating 27 specific goals relating to children's survival, health, nutrition, education, and protection³. Ten years later, the Millennium Declaration was signed by the world leaders and the MDGs – including some crucial goals dealing with children and gender equality — were listed. The United Nations Fourth World Conference on Women held in Beijing in 1995 was the first to include a specific segment on the girl child, with a specific chapter in its subsequent Platform for Action. Thus, the girl child emerged in the 1990s as an important category in international conventions.

The 1990s also saw the introduction of sweeping economic reforms in India. During this period, the emphasis of the state on growth and efficiency has also led to less attention to employment generation, simultaneous increase in informal and self-employment, a shrinking resource base for the already deprived and, therefore, growing burden on families to rely on their own limited resources for survival, care and development. All this has had telling effects on the lives of women and girls⁴, as we see in the case of how the child labor dynamics have panned out. Thus, the crises in agriculture and rural economy have triggered the increase in involvement of adolescent girls in hazardous occupations such as domestic work or have made them more vulnerable to migration.

Talking of the detrimental effects of the economic reform process, it is important to examine the issue of how it has impacted the inequalities in Indian society. While India has registered impressive economic growth with exposure to Western economies, the economic reforms have not really proved to be the agents of change in the promotion of gender equality in India as the country got a lowly 132nd rank out of the 187 evaluated countries on the Gender Inequality Index in 2013.

While it is true that with economic liberalization, the opportunities for girls to pursue higher education and choose better-paying jobs improved, increasing consumerist aspirations within families have led to women being seen as potential earning members. However, ironically, in keeping with the economic demands of globalization, where the working wife is a common male expectation, she also raises male anxieties. The anxiety of being unable to fulfil the role of family provider and protector could be seen as a male response to the loss of place and power to women in a society undergoing rapid change, leading to an attempt to reinforce existing structures of gendered power and maintain traditional ideals⁵. Another study exemplifies how male identity in India could be thwarted when women in poor parts of the country learn English faster (than men) and find jobs in global call centres. It is demonstrated that in Bengaluru, the odds of experiencing gender-based violence among women who began paid employment is 80% higher compared to women who remained unemployed⁶.

This backlash against increasing aspirations impacts girls in violent ways. Violence is used by men as an agent to regain their power and exercise control within the household in the face of these increasing aspirations. They are at the receiving end of violence not only within the domestic sphere but also in the name of caste and community and are abandoned by support structures of the state and community. Various forms of physical and sexual violence are becoming more visible with reported cases of child rape on a rise and forced child marriages and marital rape being reported by girl children less than 15 years of age. On the other hand, poor conviction rates for gender - based crimes are a grim reality.

The main challenge in India today is that there is little space for reflection on the impact that the international development agenda has on the girls whose vulnerabilities are complicated by their caste, class, religion, region, poverty and other identities. It is an awareness of this challenge that has compelled us to set this report against the trends seen since 1991.

HOW GENDER-BASED DISCRIMINATION HAS MANIFESTED ITSELF IN THE LAST TWO DECADES:

Poverty and inequality faced by girls have been measured through gender indices globally which track a few indicators related to health, nutrition, education and labour force participation. Some of the key indices used are the Gender Inequality Index (GII) devised by UNDP and the Gender Gap Index (GGI) developed by the World Social Forum.

HARD FACTS

India ranks 132nd on the GII, which tracks gender based discrimination, out of 187 countries ranked that year, way behind Pakistan (123), Bangladesh (111), Nepal (102) and Sri Lanka (75).

The GII, as described by the Human Development Report Office, tracks gender based discrimination through indicators like: ratio of the number of maternal deaths per 100,000 live births; number of births to women in 15-19 group per 1,000 women in 15-19 group; percentage of the persons in >25 years group that have reached secondary education; proportion of seats held by women in parliament out of total seats and proportion of a country's working-age population that works in the labour market or is actively looking for work. In the year 2013, India ranked 132nd out of 187 countries ranked that year, way behind Pakistan (123), Bangladesh (111), Nepal (102) and Sri Lanka (75)⁷. India's ranking has been low primarily due to its performance on key indicators of gender equality such as sex ratio and poor participation of girls in secondary education.

The GGI on the other hand tracks the gap between males and females in terms of labour force participation rate, wage rate for similar work, literacy rate, net primary/ secondary/ tertiary enrolment rates, sex ratio at birth (converted to female-over-male ratio), healthy life expectancy, seats in parliament, no. of ministerial positions occupied, and no. of years of having a female as head of state, etc. India was ranked 101 amongst

**“I raise my voice not so that I can shout, but so that those without a voice can be heard” —
Malala Yousafzai**

What do girls aspire for? This is a question we posed to girls across five states in FGDs across the age group of 11-18 years. While we anticipated answers about career choices, the responses reflected the need to have the freedom to be in control over their own life and destiny.

Career Choices: In terms of career choices girls across locations related it to the conditions in and around their locality. A common career choice that girls came up with was the job of a police officer. This related directly to the fact that girls see a lot of violence at home and in their communities. They also face molestation on the streets and in the community when they step out of their homes. However, they feel that the police do not do enough to maintain law and order: “I want to be in the police so that I can resolve people’s problems. In my community I see that the police do not do their job of resolving fights and side with the local goons. As a police officer I want to work for all people equally and not close my eyes to problems like drug addiction, bribery, and fights. The way police behave makes us girls very angry” - (11-15 yr old girls, Urban Slum Delhi).

Similarly girls aspire to be doctors as they feel that doctors in their locality lack the sensitivity to the needs of the poor: “I aspire to be a doctor as the nearest functional health facility is 10-12 km away and it was only last year that the district administration introduced an ambulance. In the absence of doctors, we depend on chemists”- (15-18 yr old girls, Rural Odisha).

Objections raised by family: However, girls also understand that even though they may want to make a certain career choice, their families and relatives will play a huge role allowing them to pursue their dreams. Families often justify their action in shooting down girl’s career choices by citing safety issues or by saying that they do not want to invest so much in the girls vis-à-vis the boys. Thus we see: “Jaise ki Bihar Police tha, papa bol rahe the ki isse Bihar Police mein bharwa lete hein. Par chacha bole ki yeh acchi naukri nahi, wahan ladkiyon ke saath accha behave nahi kiya

jata. Mama bole ki hum police mein hein aur hum dekhte hein ki ladki logon ko ladka log taunt karta hai. Aur koi job chahe toh karwa lo par yeh ladki ke liye sahi nahi hai (15-18 yr old girls, Gaya) “Talented girls are not supported to study on the other hand, even if a boy is not good at studies parents will still invest in his education and will even get into debt for that” (15-18 yr old girls, Urban Slum Delhi).

Aspirations beyond career: Across locations, the aspiration of girls is not limited just to choosing what jobs they would like to take up. Some of their simple wishes, such as those related to choice of clothes, are not fulfilled because of how their parents, brothers’ and elders think. Restrictions are placed on girls under the garb of ‘concerns for their safety’ or on the basis of what is seen as “good conduct” though girls do not necessarily agree. “Manpasand kapde pehenne nahi diya jata... jaise jeans pant, shirt... bolte hein ki badi ho gayi ho, aaspaas ke log bolenge” (11-14 yr old girls, Urban Slum Delhi).

Girls say that their parents feel they cannot control the use of mobile phones and keep a track of who their girls talk to. Under such a scenario, not allowing girls to use mobile phones is an easier way out. Girls feel they should have the freedom to make their own choices: “Girls are not allowed to use mobile phones. Parents think girls will fall in love with strangers if they talk on mobile phones” (15-18 yr girls, Urban Slum Odisha).

Boys justify the restrictions placed on girls in the following manner: “Girls should not be allowed to use mobile phone. Most of the girls use mobile to browse internet and chat on Facebook. Girls use mobiles to talk to boys and it is hard for their parents to know who they are talking to” (15-18 yr boys, urban slum Odisha). However when it comes to their own self they justify why their families should give them a phone: “Boys create trouble and get involved in police cases – using mobile, they can inform family and friends immediately if they get involved in any such case” (15-18 yr boys, Urban Slum Odisha).

136 countries in 2013⁸. India's poor ranking was a result of poor treatment accorded to children and within them the category of girls and got reflected in its poor performance on a number of health and educational indicators such as:

- Literacy Rate (rank: 123)
- Enrollment in Secondary Education (rank: 111)
- Enrollment in Tertiary Education (rank: 123)
- Sex Ratio at Birth (rank: 133)
- Labour Participation Rate (rank: 124)

Thus, investing in the girl child will reduce gender based discrimination significantly in India.

India's overall ranking has fallen from 101 to 114 in GGI released in 2014. In the health and survival indicators for women and girls India's rank was 141 out of the 142 countries ranked.

SHACKLED BY TRADITION: EXAMINING GENDER DISCRIMINATION

What makes gender-based discriminations so pervasive in the Indian context? In this section we argue that cultural dynamics that define gender roles and affect household's allocation of resources largely determine the fate of the girl child.

Patriarchy and Gender Roles

Gender relations are to be understood within the rubrics of patriarchy. The respective roles of men and women are defined clearly in the society; women's role is tied to the birth of children and by extension she is seen as the nurturer and hence, confined to the tasks around the house. The man's role is that of a provider of household resources and hence, he has the power to decide how resources will be spent. (See Box) "Patriarchy is based on a system of power relations which are hierarchical and unequal where men control women's production, reproduction and sexuality. It imposes character stereotypes of masculinity and femininity in society which strengthen the iniquitous power relations between men and women".⁹

Even though the nature of subjugation of women might differ, from one society to another, it still leads to women playing an "inferior" role in the society. In the Indian context scholars like Mary E John have coined different forms of subjugation as "multiple patriarchies". Hence, "Brahminical patriarchy, tribal patriarchy and dalit patriarchy are different from each other".

Gender relations are formed firstly in the family and from there on flow into community and state that also reinforce it in return as families are in charge of raising children. Families in India have traditionally been perpetuated by men, and marital relations dictate that girls join the families of their husband. It is in the families that, "the boys learn to be dominating and aggressive and girls learn to be caring, loving and submissive.... While the pressure to earn and look after the family is more on the man, the women are supposed to do the menial jobs and take care of their children and even other members of the family".¹⁰

Since men perpetuate the family and "earn" to sustain the household, a greater value has been placed on their role. The value of a boy in the family is greater as he is seen as the future provider of the household resources. The values of the girl in her natal home is lower as she goes on to join her marital home and hence is seen as a drain on the household resources. This value placed on girls plays a large role in socialization and allocation of resources for raising a girl child.

The patriarchal logic thus makes families decide where to invest the household resources in terms of access to education, proper nutrition, health facilities etc. In most cases, the household resources are allocated more towards boys at the cost of neglecting girls.

Intra-Household Poverty

Amartya Sen and Jean Drèze discuss this as intra-household poverty. Intra-household poverty has according to them two dimensions: (i) the cultural norms observed by the household and (ii) decisions regarding the investment of scarce resources. While cultural norms dictate the roles of men vs women or girls vs boys, they also govern how the household will invest in girls

Chores undertaken by boys and girls/ men and women

Our discussion across several locations showed that girls and boys perform different chores around the house and as they grow up there is a strict division of roles between men and women. We see that woman and girls are tied to the home and homestead, while men and boys perform chores outside.

Certain beliefs are at the root of deciding the role of women and girls in the family. In agricultural work, across locations it was found that women and girls are not allowed to till the land or sow the seeds. Traditionally it is believed that if women and girls conduct these activities then there will be no rain and the yield will be less. Following are the opinion of children regarding the roles and responsibilities of different sexes.

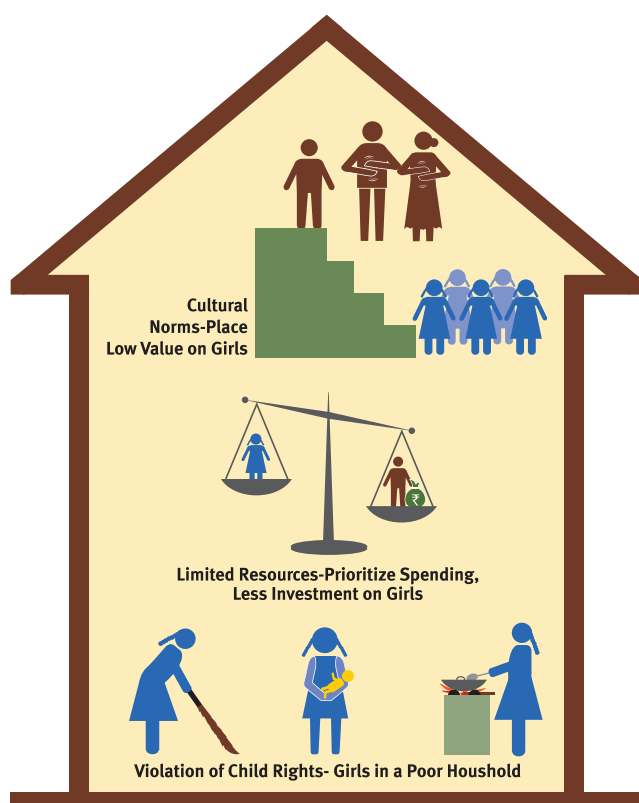
“It is the duty of the wife to ensure that she takes care of the household, gets her husband dressed and ready (for work), where to keep what, medicines etc, all that is her duty. It is the duty of the son to keep the house running, paying for expenses, taking care of his wife, and his parents.” – Madan, 14, Jahangirpuri

It was found that the chores that girls perform keep them in and around the house. Household chores occupy their time from early morning till evening. Girls wake up earlier than boys across locations to finish household chores before going to school. Even on holidays, their daily routine is filled with chores.

During holidays also girls wake up by 6 am; they wake up early because they have to make tea and wash clothes. On schooldays, boys wake up and eat their breakfast and rush off for school and on the way to school, they do *awaragardi* (indulge in rowdy behavior) and tease the girls by the wayside. – Ramesh, 13, Jahangirpuri

Chores undertaken by girls/women	Chores undertaken by boys/men
Sweeping and swabbing of the house twice a day.	Minor repairs around the house
Cooking for the entire family especially if the mother goes to work.	Taking children for outings
Taking care of young children- feeding, bathing and teaching them, etc.	Taking family members to doctor when they are ill
Filling water	Making all major purchases for the household
Washing clothes	Financial support for the household.
Informing men aware of household needs and items to be bought	Getting children admitted to schools.
Working on the agricultural fields- weeding, watering, harvesting	
Looking after her parents, in laws	

Figure 1: Gender-based Discrimination and Poverty



as against boys. “Intra-household inequalities and son preference in many parts of Asia were linked to the perception that boys and men contribute more to the household economy and that boys can be counted on for old age security of parents; in contrast, women are perceived to either contribute less in terms of their labor and income-generating capacity, or to be a drain on the household budget because of the costs of marriage. These economic calculations, coupled with gender concepts regarding the importance of marriage for women, have led to under-investment in girls relative to boys, especially in India, Bangladesh, Pakistan, and Afghanistan”.¹¹

This “under-investment” in girls manifests itself at different stages in their childhood, especially in situations where the resources available to the family are limited. When resources are scarce, families often prioritize spending on the boys. This is, however, not to say that gender-based discrimination against girls manifests itself only in poor households, as we see enough occurrence of sex selective abortions in upper income quintile (discussed further in the Chapter on Survival of Girl Child). However, poverty makes the situation far more difficult for girls than it does for boys.

LENS OF THIS REPORT

The girl child should be treated as a person in her own right with her own developmental needs for education, protection or healthcare. Her agency and aspiration needs to be taken into account in every single discussion, discourse, and interventions for her. This forms the leitmotif of the report.

Girl Child in Policy Discourse:

In India and internationally, there is a substantial amount of research that points towards the discrimination that the girl child faces in all spheres of life. This research, coupled with the increasing international focus on the girl child in the 1990s, has led to the conceptualization of the ‘girl child’ as a distinct analytical category. However, while this conceptualization helps us understand the roots and patterns of gender discrimination and asymmetry, it also tends to fix the girl child as someone who is vulnerable, discriminated against, and in some ways, incapacitated, as opposed to an individual with agency. This tendency is an example of an attempted ‘homogenization of experiences’ of girls, even though each girl has a unique trajectory of life.

This report places the girl child within the broad category of ‘child’, while distinguishing the gender-specific needs and interests of girls. At the same time, it also places the girl child within the category of ‘woman,’ recognizing how age determines and affects the socialization process, social hierarchies, exploitation and discrimination within the family and at the workplace. Thus, the report recognizes that it is useful to maintain the distinction and continuities between these categories, as we move from one context to another.

For instance, the reader would find that in the discussion on health and nutrition, the report points out that these distinctions are not clearly maintained and direct linkages are often drawn between the mother and child (with the girl being seen as the mother-in-waiting) while discussing infant mortality, maternal mortality and its connections to the health and nutritional status of the child. By drawing such simple links between

"We have to devise means of making known the facts in such a way as to touch the imagination of the world. The world is not ungenerous, but unimaginative and very busy" - Eglantyne Jebb

Law Speak

The primary international convention on children's rights, namely, the UNCRC, has no specific provisions with regard to the girl child. All that is spoken of is the need to 'not discriminate'. Since discrimination is not defined here, the CEDAW is used as a reference point. Here therefore, there is erasure of the girl-boy gender difference.

In Indian law, the 'woman and child' category is spoken of in the *context of proportional or substantial equality*. Proportional equality refers to the principle of right to equal treatment in similar circumstances, and underlines that persons who are unequally circumstanced cannot be treated on par. On this premise, special legislation is permitted for the benefit of a group having special needs. The Constitution itself identifies *women and children* as a category deserving special attention. In the context of positive discrimination, Article 15 (3) of the Constitution states: 'Nothing in this article shall prevent the State from making any special provision for women and children'.

This is a case of erasure of the girl-woman distinction and a reinforcement of gender stereotypes, fully sanctioned by the state.

the mother and child, while speaking specifically about the health and nutrition of the child, we not only overlook structural and environmental factors impacting the health of the child, but also the exclusions that the adolescent girl child faces in terms of access to health care. This is what we can term as a 'questionable continuity'.

There are several other examples of such questionable continuities in the development discourse. In the field of nutrition, the teenage mothers are seen as having the same issues as those faced by adult mothers. In the labor sector, the work done by young girls at home, esp. in sibling care and in assisting the parents, often at

the cost of their schooling, remains invisible as all domestic work by female members is seen as the same. While popularizing girls' education, the government campaigns emphasize how it is important to invest in the education of girls as they are 'mothers of future generations' and thus, are 'vehicles' of literacy for not one but two families.

At the same time, we need to also understand the phenomenon of 'questionable erasure of distinctions'. The whole pursuit of 'girl-boy equality', though well-intentioned, fails to recognize that girls have certain special vulnerabilities which boys don't have to suffer from. This lack of recognition of distinctions results in policies that often don't provide for separate implementation strategies or structures for girls. Lack of gender-disaggregated data on important issues such as sexual violence, trafficking, involvement in domestic work etc. is also a result of this outlook.

This report argues that while the issues of safety and security may be similar in the case of women and girls, the girl child is far more than a woman-in-waiting. She is also a child, and in that sense, contiguous with a category that she shares with boys – that of children. The way the policies and programmes choose how to treat the interests of the girl child is often politically decided and needs to be interrogated.

State Recognition of Girl Child as an Individual

As we speak of the grim inevitability of marriage and motherhood, it is heartening that the Indian State has formally realized the need to make a clean break from the conventional paradigm of life cycle approach that confines the girl child within the roles of wife and mother. The 11th Five Year Plan document emphatically states that a holistic approach should be adopted for the advancement of child rights, and that there should be a shift to a capability approach from the life cycle approach.¹² The plan document states, "Until recently, they were being addressed as prospective mothers, rather than individuals with human rights. Such restricted understanding of our schemes and

programmes has further affected the growth, development and protection of 11-18 year olds”. It further states, “(it) will address child rights through the lens of gender justice. It will set out the pro-active, affirmative approaches and actions necessary for girl children in India to realize their rights and equality of opportunity”.

Adopting the lens of looking at a girl as a person in her own right essentially means that this report makes an effort to present the voices and aspirations of girls heard from locations all over India. The essence of the discussions we held with the girls is presented in the Box. The girls spoke of not just their dreams but also the barriers that might well stop them from succeeding.

Child Rights Charter: The Basis for Thematic Scoping

The report draws its thematic scope from the UNCRC categorization of the rights of children.

Thus it consists of three primary chapters – on Survival (where the focus is on Child Sex Ratio, Nutrition, Son Preference etc.); Development (with a focus on Education) and Protection (covering a range of issues including violence against girl child, trafficking, child labour and child marriage).

These chapters are followed by two chapters that look into India’s budgetary allocations and the policies and laws governing the issues of survival, development and protection of girl child. Both of these reveal the extent to which the State grants protection and agency to the girl child, and how she continues to get subsumed in larger conceptual categories of ‘child’ or ‘woman’. We conclude the report with a set of recommendations drawn from our findings which talk about concrete actions that can be taken to meet the needs and aspirations of the girl child.



II SURVIVAL

In a dusty corner of a slum in Jhangirpuri, 17-year-old Nandita struggles to meet her most basic animal need: the right to relieve herself. The public toilet in the colony is manned by a guard who is often drunk and frequently attempts to fondle the girls. Every visit to the toilet is ridden by the overwhelming fear of attack, ironically, by its protector — its rickety doors without latches not offering much comfort.

Soon, however, Nandita decides to take the matter into her hands and reports it to a community group formed with the help of Save the Children in the area. Nandita's narration of her problems has a snowballing effect and lets loose a string of complaints against the caretaker from other girls and women in the colony. Stories of verbal abuse, molestation, fears, complaints of the rickety door giving way, come pouring out. Most women are too afraid to go to the toilet alone, often preferring to be accompanied another girl or women. Worse, the toilet which offers little privacy or security, is priced as high as Rs.3. In cases of stomach ailments, repeated visits to the toilet mean escalated costs.

After the discussion, the sanitation group member writes a letter to the managing company with the help of the community facilitator from Save the Children with encouraging results: the guard is replaced, the user fee is brought down to Re 1, and the lighting of

Stories of verbal abuse, molestation, fears, complaints of the rickety door giving way, come pouring out. Most women are too afraid to go the toilet alone, often preferring to be accompanied another girl or women. Worse, the toilet which offers little privacy or security, is priced as high as Rs.3. In cases of stomach ailments, repeated visits to the toilet mean escalated costs.

the area rectified so that women can fearlessly visit the toilet at night. The doors and latches are repaired its walls were painted with the support of Save the Children.

Article 24 of the UNCRC emphasizes a child's Right to Survival stating that children have the right to quality healthcare, safe drinking water, nutritious food, a clean and safe environment, and information that helps them stay healthy. Across the globe, however, in countries that are signatories to the Convention — including India — a child's Right to Survival is violated every single day.

Until 2012, India had the highest number of under-five deaths in the world, with 1.4 million children dying before they could reach their fifth birthday¹³; the only consolation here perhaps is the fact that the Under-5 Mortality Rate has declined sharply at an annual rate of 3.6 percentage points during the last three-four years to come down to 56¹⁴. The Infant Mortality Rate, currently at 42, is likely to

fall only to 40 deaths per 1000 live births by 2015, missing the MDG target of 27 by a considerable margin. India is also likely to fall short of universal immunization of one-year olds against measles by about 11 percentage points in 2015. With the existing rate of increase in deliveries by skilled personnel, the likely achievement for 2015 is only to 77.3%, which again is far short of the targeted universal coverage¹⁵.

While these statistics point to the vulnerable position of all children vis-à-vis health/survival, this report in particular focuses on health/survival of the girl child. Studying the trends in India over the last two decades, this is an attempt to gauge if the girl child faces a distinct disadvantage as compared to boys. This then requires superimposing the

Article 24, UNCRC

1. Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for treatment and rehabilitation. Parties shall strive to ensure that no child is deprived of his or her right of access to health care.
2. Parties shall pursue full implementation of this right and shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary health care, esp. primary health care to all children;
 - (c) To combat disease and malnutrition, through *inter alia*, the application of readily available technology and through the provision of nutritious food and clean drinking water, taking into consideration the risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene, sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. Parties shall encourage international co-operation with a view to achieving progressively the full realization of the right (to survival), particularly with regard to the needs of developing countries.

parameters of age, and gender on the macro-indicators used to measure health and survival, globally.

This discussion maps the hurdles to the girl child's survival in two parts: Surviving (premature) Death— which includes issues of mortality and the horrific cultural phenomenon peculiar to the girl child in India, that of son preference and disappearing girl children.

Once she manages to survive death, there comes an even formidable step: Surviving Life. This includes issues of neglect/discrimination the girl child has to battle at every stage of life from poor healthcare, (mal)nutrition, poor access to sanitation and hygiene, as well as adolescence and early marriage/motherhood.

INTERPRETING 'SURVIVAL'

In line with the UN Charter, this report defines the term 'survival' holistically subsuming the key components and indicators of child health such as: neonatal/infant/ child mortality, under-five mortality, immunization coverage, malnutrition and anaemia, availability of safe drinking water, hygiene and environmental sanitation, ante-natal and post-natal care for mothers, access to exclusive breastfeeding, access to family planning services and elimination of traditional practices prejudicial to the health of children.

One traditional practice that has come to be recognized as the single-biggest killer of the girl child in India (and the declining child sex ratio) is that of son preference. The second cultural practice that poses a threat to the girl child's health/survival, is that of open defecation, which causes diseases and also makes her vulnerable to rape and molestation.

India is woefully short of meeting targets in almost all components of child health/survival, be it Infant Mortality or Under-5 Mortality Rates, maternal/ adolescent anaemia, and (full) immunization. Diarrhea continues to be a major factor in all child deaths. In addition to mortality, there are factors that pose a threat to the girl child's health in every life stage, be it a newborn, adolescent or as a young mother. They are:

1. Poor/no access to household resources for quality health care
2. Poor/no access to age-appropriate information and counseling about the body, bodily changes during puberty, right to quality contraception and contraceptive choices, Sexually Transmitted Infections, including HIV
3. Forced and underage marriage, and
4. Poor/no access to menstrual hygiene

All through this chapter, the indicators listed above are analyzed and discussed, with a focus on girls.

A. SURVIVING DEATH

THE DISAPPEARING GENERATION OF GIRLS:

The Scenario Worldwide and India

Article 6 of the UNCRC states that every child has the Right to Life - not merely survival – and expects the signatory governments to ensure that every child survives and gets a chance to grow up healthy. In a country such as ours, however, the girl child's struggle to survive starts even before birth and continues long after she is born. The use of technology for sex pre-selection in favour of male children is being undertaken increasingly and its impact is clearly reflected in the declining child sex ratio. A review of the declining sex ratios (919 for 2011) combined with relatively higher mortality rates under-5 years for girls reflects the struggle of the girl child to survive beyond 5 years. The under-five mortality rate captures more than

90% of global mortality among children under the age of 18.

This section of the report presents a picture of this struggle for survival.

India now has the largest share of 'missing women in the world'¹⁶. As compared to 624 million males, there were only 586 million females in India, as per the 2011 Census, that is, many as 38 million women were 'missing'.¹⁷ The number of missing girls has been increasing continuously for more than three decades. The Indian census of 2011 revealed about 7.1 million fewer girls than boys aged 0–6 years, a sizable increase over Census 2001 (6 million fewer girls) and Census 1991 (4.2 million fewer girls).¹⁸

India is not alone in this. There appears to be a global trend towards declining sex ratio, especially in Asia and other developing countries. According to the Registrar General of India¹⁹, several countries across the globe also have seen a sharp decline in the number of women. China saw a fall from 944 to 926 between 2001 and 2011, Nigeria from 1016 to 987; and Indonesia from 1004 to 988. Even Bhutan, which is a traditionally matrilineal society influenced by Buddhist traditions and values, has seen an alarming decline from 919 (2001) to 897 (2011). On the other hand, during the same period, some countries have recorded an increase in sex ratio - Bangladesh (from 958 to 978), Pakistan (938 to 943), Myanmar and so on. These countries buck the trend of the rather ominous trend now being referred to as the 'masculinization of Asia' and should be studied more closely.²⁰

The 2011 Census of India reveals that the overall sex ratio has improved (933 to 943), the Child

Census Year/ NFHS Round	Overall Sex Ratio	Child Sex Ratio	SRB
Census 1991	927	945	
NFHS-I (1992-93)			951
NFHS-II (1998-99)			935
Census 2001	933	927	
NFHS-III (2005-06)			920
Census 2011	940	919	

Source: Declining Child Sex Ratio in India: Trends, Issues and Concerns, by G Janaki Ramaiah, T Chandrasekarayya, and P Vinayaga Murthy, in Asia-Pacific Journal of Social Sciences, ISSN: 0975-5942, Vol. III(1), January-June 2011, pp. 183-198.

Sex Ratio (0-6 years) (CSR) for India has fallen to 919²¹ (from 927 in 2001), which is the lowest since Independence. There has been a consistent decline in CSR by 18 points in 2001 (from 945 in 1991) and further by 13 points in 2011²². The fact that CSR has fallen well below the overall sex ratio implies that while life expectancy of adult women has been increasing, there is a decreasing likelihood that girls who are born will live till their 6th birthday. NFHS data also indicates that there are fewer than expected females being born and that the share of females in the total newborn deaths is also increasing. These two indicators, namely, sex ratio at birth (SRB) and child sex ratio (CSR) seen together, provide the evidence of a strong son preference. There has been a steady decline in both the indicators across all three NFHS periods, with accelerated decline between 1993-97 and 2000-04. The Census data for 1991, 2001 and 2011 too echoes this trend. This points to the ongoing 'masculinization' in composition of India's child population.

Among the Indian states too, the general trend over the past 20 years has been dismal. The first significant drop in CSR was noted in the north-west in 2001 in states like Punjab where it fell below the 800 mark²³. Since then, concerted community-level interventions (especially in Punjab, where rights activists involved religious and community level leaders in a campaign to turn around declining child sex ratios²⁴) have meant that there has been significant improvement in CSR in states like Punjab, Chandigarh, Himachal Pradesh and Haryana, and marginal improvement in states like Tamil Nadu and Gujarat over the past ten years (see Table 2.1). However, none of these improvements signify a considerable shift in son preference. CSR has crossed the 900 mark in only two states in the north-west - Himachal Pradesh and Delhi. In states like Delhi and Gujarat, it seems that roughly the same proportion of families is resorting to sex selection today as a decade ago.²⁵

Numbers that Challenge Stereotypes

The preference for male children has long been studied in correlation with socio-economic indicators such as wealth and education. A Lancet study²⁶ on trends in sex selective

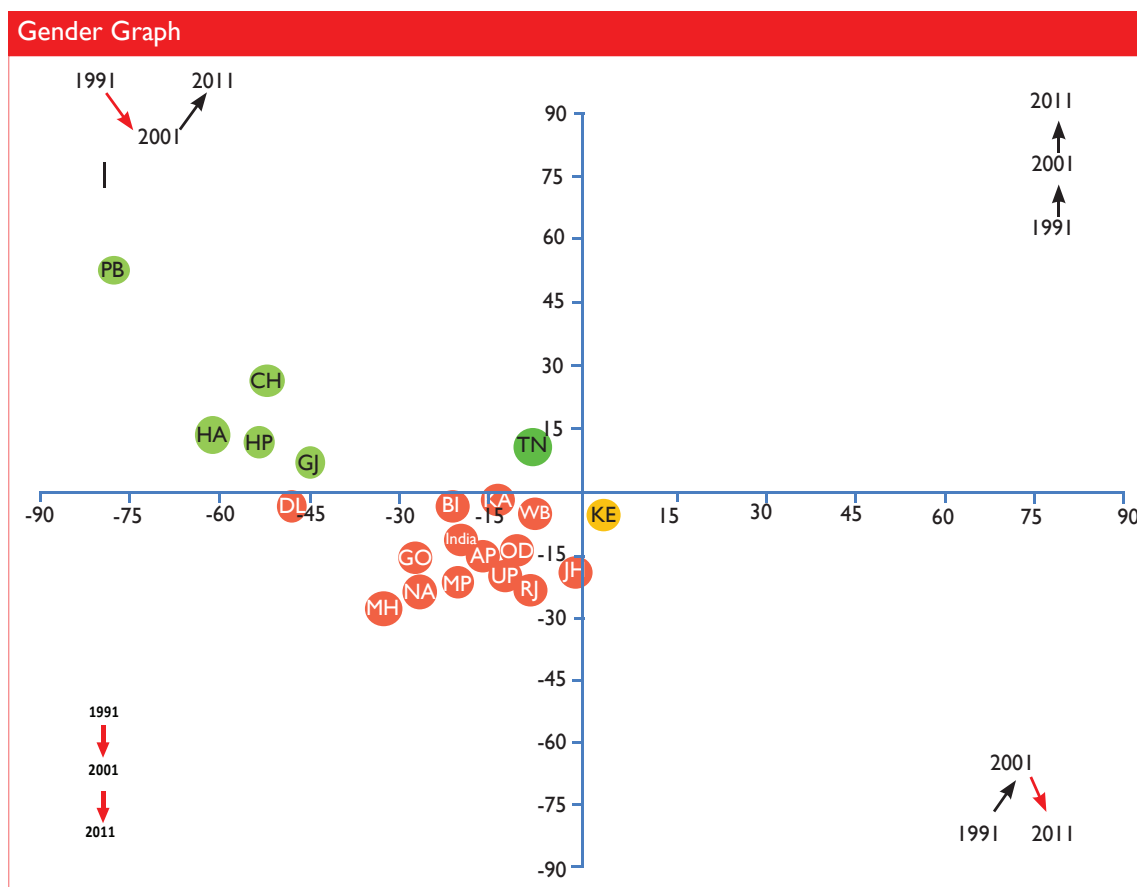
abortions in India found, ironically that it is most prevalent among the most educated and the richest 20% households. NFHS data corroborates this showing that CSR and SRB have an inverse proportion to wealth with the highest sex ratio at birth being reported by the lowest quintile, at 954 females per 1000 males. In fact, the above is true for children in all age groups.

Further, the Lancet study found that 'when the first child was male, there was no fall in the sex ratio of the second child, but when the reverse happened, the sex ratio of the second born child declined.' That is, the desperation to have a boy – and in turn, the likelihood of pre-natal sex selection and abortion of unwanted foetus - increases, as the first child turns out to be a girl.

NFHS data shows a similar trend if we look at sex ratio for last reported births. Sex ratio for last births in NFHS 3 was 26% lower than for all births in the family. This was 19% in NFHS 2 and 14% in NFHS 1. This implies that if we look only at the set of children who are 'last born' in their respective families, as compared to all children the survey covered, there are 26% fewer girls as against boys in the former group, presumably because as the number of children born in a family increases, the parents are less inclined to have a daughter as their next child and hence, resort to sex selection. Another interesting finding of NFHS-3 was related to the time interval which a couple waited for before 'taking the next chance'. The survey found that the median birth interval is shorter if the previous child was a girl than if it was a boy. Again, this pattern is indicative of son preference²⁷.

Importantly, as per NFHS 3, in 18 out of 28 states, sex ratio at birth is below normal (defined as 943-971). All southern states have an SRB below normal, including Kerala. Jharkhand, in spite of its poor social development indicators has an SRB of 1102²⁸, but a low CSR (which has dipped by 17 points in the last decade from 965 to 948), indicating that many more girls than boys are dying before their sixth birthday. This strongly suggests the need for further enquiry into the nature of neglect that the girl child faces in early childhood, especially in a state like Jharkhand

Figure: Child Sex Ratio: Trends Across States



where the tribal majority is known for welcoming girls in the family.

The above graph segregates 21 Indian states on the basis of how the child sex ratio has changed there over the last two decades during which three Censuses have taken place (1991, 2001 and 2011). The horizontal axis (+/-) represents increase/ decrease during 1991 to 2001 and vertical axis (+/-) represents increase/ decrease during 2001 to 2011. Clearly, no state has seen a continuous increase since 1991 and a large number of states (14) (shown in red) have only seen a decrease in the CSR.

Interestingly, among all the social groups/ communities in India, it is only the Muslims who are seen to have an increasing CSR. They also have the highest CSR among any social group in the country. The reasons for this phenomenon have been investigated by Rupa Subramanya in her blog in Wall Street Journal²⁹. According to a study quoted by her, in high fertility societies where large families are preferred and contraception isn't practiced, there is less attention to whether

a child is girl or boy, and hence more tolerance towards birth of a girl. This data confirms that the child sex ratio need not be low in a community marked by a generally low mean level of education or lack of upward mobility.³⁰

State Initiatives Against Sex Selection: A Tough Battle to Win?

The practice of female foeticide has been widely prevalent in India with certain castes and communities being more prone to it. What is worse, technology has given the economically well-off parents the means to snuff the life of the girl child even before she is born. With the introduction of pre-natal diagnosis, the practice of female foeticide has caught the imagination of every class of Indians, especially those having the means to pay for such diagnostic tests, though it was initially introduced as a method for detecting foetal abnormalities. The 1981 census already pointed at skewing of the child sex ratio and there were concerns about the sex imbalance in the population. Concerns were further raised

PC&PNDT Act, 1994

Education and a middle class background is no guarantee from misogyny as Dr Mitu Khurana was to tragically discover. While she was pregnant, Dr Khurana's clinic revealed to her husband that she was carrying female fetuses. From that moment, she was tortured to abort at least one of the girls. She was locked up in a room, thrown down the stairs and subjected to all forms of torture. When she escaped, she decided that she must take action against her husband and the hospital staff who revealed the sex of her unborn children. Dr Khurana was the first individual to register a complaint under the PC&PNDT Act. Her tale of exemplary courage was covered by the popular TV show Satyamev Jayate which focused on social issues such as dowry and female foeticide. (<http://www.petalsinthedust.com/mitu-khurana/>).

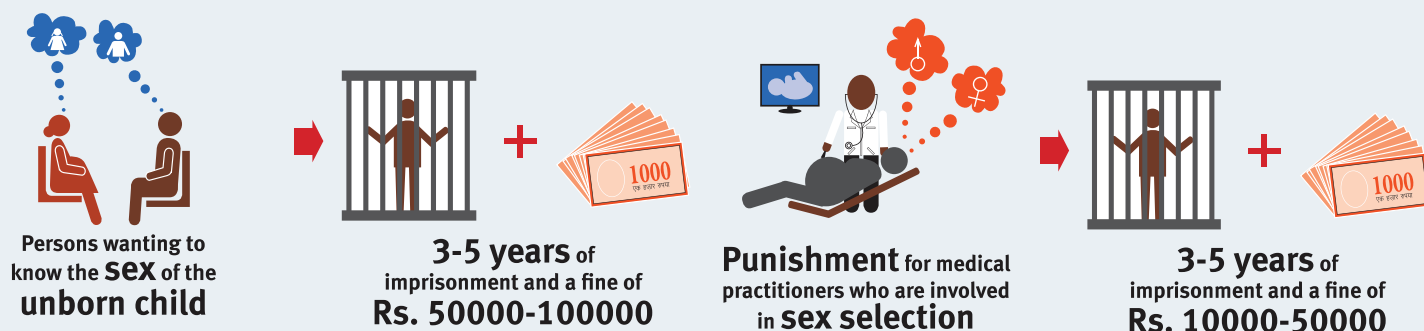
What does the PC&PNDT Act say?

The Act states that a person using PNDTs including ultrasonography to reveal the sex of an unborn child through words, signs or any manner can be punished. The regulatory structures set up under this act include:

1. Central Supervisory Board
2. Appropriate Authority (AA) in States and Union Territories to implement the act and penalize defaulters.
3. Advisory Committee to advise the AA.

The Amendment to the Act in 2003 also makes advertisement of prenatal sex determination punishable with 3 months of imprisonment and a fine of Rs. 1000. It mandates displaying information about the Act in all clinics, stating clearly that prenatal sex determination is a punishable offence. It mandates that all ultra sound machines should be registered and manufacturers need to keep a record of all machines sold. It has empowered AAs to search and seize equipment and records of violations of the law. The law provides for 3-5 years of imprisonment for medical practitioners along with a fine between Rs. 10000 to Rs. 50000. Additionally, the AA can recommend removal of medical practitioner's name from State Medical Records for 5 years. For persons seeking to know the sex of the unborn child there is a punishment of 3-5 years and a fine of Rs. 50000 to Rs. 100000.

Punishment for Practising in sex selection



following the Census of 1991, and a law banning the use of pre-natal technologies for sex selection, the Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PC&PNDT Act) was passed in 1994³¹. The Act was further amended in 2004 to outlaw the gender selection even at the pre-conception stage as well.

The state apparatus to curb sex-selective abortions and monitor the use of technologies for sex pre-selection in favour of male children continues to perform poorly.

The Central Supervisory Board constituted to monitor the implementation of PC&PNDT Act which is supposed to meet every six months, has met only 21 times since its formation, the last time being in July 2013, which is inadequate considering that the Act has been in force for almost 18 years. A study conducted by the Public Health Foundation of India³² in 52 districts in 18 states reflected the poor implementation of the law. The study found that there were as in June 2009, that is, 15 years after the Act came into force, only 606 cases were pending under the Act, of which only 21% were related to communication of fetal sex while the others were for violations of other technical compliances. Surprisingly, despite it being so rampant, no case of illegal sex determination had been filed in Gujarat, West Bengal, Goa, Assam, Odisha and Andhra Pradesh. In fact, data till 2006 reveals that as many as 22 of the 35 states in India had not reported a single case of violation of the Act since it came into force³³.

Law-speak

Fundamental Right to Life (Article 21) as defined by the Constitution of India: “No person shall be deprived of their life or personal liberty, except according to procedure established by law”.

EXPANSION OF THE SCOPE OF THIS RIGHT BY THE JUDICIARY

As per a Supreme Court ruling³⁴: “...But the question which arises is whether the right to life

is limited only to protection of limb or faculty or does it go further and embrace something more. We think that the right to life includes the right to live with human dignity and all that goes along with it, mainly, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and co-mingling with fellow human beings.”

The study, which looked at 15 case records, stated that securing convictions against doctors for conducting sex determination tests is exceedingly difficult because producing evidence for a crime that can be committed by uttering a word or making a gesture is difficult. Over 60% of the public prosecutors interviewed stated that acquittals were due to lack of witnesses and substantial evidence, lack of preparation, complex nature of cases, withdrawal of cases, low rate of filing of cases and less serious nature of crime, e.g. non-registration of clinics. The study also blamed deep-seated socio-cultural factors and lack of harsh penalties for the improper implementation of the law.

A study in Rajasthan³⁵, a state which saw a drop of 26 points in CSR during 2001-11 (See Table 2.1), finds rampant use of ultrasound technology for the purpose of sex determination. In 2006, over 100 doctors in 22 districts were found violating the law and suspended; but inexplicably, in the following year, their suspensions were revoked by the Medical Council of India. In Rajasthan alone, over 1651 private ultrasound centres, 122 in government hospitals, and around 1000 other private centres are found to be providing this ‘service’.

While on the one hand, legal mechanisms such as the PC&PNDT Act have not been strengthened,

- **Total of cases filed:** 2508
- No. of cases filed for communication of sex of foetus: 169
- Number of cases filed for non-maintenance of records: 1123
- No. of cases disposed of: 524

Source: Information from the Ministry of Health and Family Welfare in response to an RTI application (data given up to September 2013)

Twenty Years of the Cradle Baby Scheme in Tamil Nadu

The Cradle Baby Scheme (CBS) was started in Tamil Nadu in 1992 as a response to female infanticide. It is a scheme that allows for parents to give up 'unwanted' girl children at cradles located at noon meal centres, PHCs, selected orphanages, and NGOs.

Results:

- The State Planning Commission's report based on PHC records implied an 88% decline in 'female infant deaths due to social causes' between 1995 and 2002.
- From 1992-96, 140 girl babies were placed in such cradles.
- In 2001, the scheme was renewed and extended to the entire state.
- From May 2001 to November 2007, 2410 baby girls were surrendered - an average of 370 babies per year.
- By March 2009 3418 babies (486 males, 2932 females) had been surrendered.
- Data available till 2003 points to a decline in post-birth 'daughter deficit' from 4485 (every year between 1996 and 1999) to 1800 in 2003, with dominant decline in districts of Dharmapuri and Salem³⁷ (Srinivasan and Bedi, 2010).

Challenges:

Existing capacities, infrastructural and regulatory mechanisms to ensure security of surrendered babies need to be strengthened. Mortality of babies surrendered was found to be four times higher than the state's IMR. Associated fears of scheme feeding into child trafficking networks also exist. The scheme is not associated with community level interventions to enhance social security of families or spread awareness about culturally rooted prejudices against the girl child.



Prasanth Vishwanathan/Save the Children

on the other, there has been negligible progress in delivering the Conditional Cash Transfers (CCTs) meant to incentivize the birth of the girl child. In any case, the actual impact of multiple national and state level incentive schemes for the girl child in terms of ending discrimination, societal prejudices, changing parental attitudes towards the girl child has not been established³⁶. Alternative schemes aimed at arresting the incidence of female foeticide such as the Cradle Baby Scheme (see Box 2.1) continue to lag behind in terms of financial allocations, weak implementation and possible abuse of scheme provisions.

MORTALITY AND THE GIRL CHILD

Key Mortality Rates: India in the Global Context

As per the WHO classification of regions, India falls under the SEAR-D (South East Asia Region – D)³⁸ characterized by ‘high mortality’ and lags behind almost all other countries in this region. As we saw in the introduction to this chapter, India’s performance on the child survival front makes a rather disappointing story when we look only at our own national data and compare it against the MDG targets. Let us now see where India stands vis-à-vis the other countries in terms of the three important rates, namely IMR, NMR and U5MR.

The SRS data³⁹ (September 2013) shows that the Infant Mortality Rate (IMR) in India is 42 per 1,000 live births. Even with an annual reduction of 3% since 1990s, India is still far behind in achieving the MDG target of 27 per 1,000 live births by 2015. According to “Committing to Child Survival; A Promise Renewed” (UNICEF, India, 2012), India ranks 45 out of 195 countries in the world in descending order of IMR⁴⁰. As per the UNICEF calculations of 2012, for the period 2003-2008, the Average Annual Rate of Decline (AARD) for IMR was at a low of 2.41.

Neonatal Mortality Rate of India has fallen from 51 to 31 but remains higher than the average for the developing regions (23 in 2012) and now bears the unflattering distinction of being almost equal to the level in sub-Saharan Africa (32).

In the case of Under-5 Mortality, India has progressed from 126 (1990) to 92 (2000) and further to 56 (2012) but is still an under-performer when compared to developing regions of the world as a whole, which, it is estimated, stand at 53. India is under-performing in comparison to every other region of Asia as well, whether it is Eastern (14), South-Eastern (30) or Western (25)⁴¹.

Neo-Natal Mortality, Infant Mortality and Under-5 Mortality Among Girls

The statistics quoted above clearly place India as a difficult territory as far as child survival is concerned. For the girl child, it is all the more magnified. As a number of experts have highlighted since the release of NFHS-2 report, the girl child in India is 40% more likely than a boy, to die between her first and fifth birthday.⁴²

The biological advantage that female foetuses and female neonates have gets offset due to neglect and discrimination during early childhood. This is evident in the following figure drawn from NFHS-3 data, where we see that except in the neonatal period where the mortality rate for girls is lower than that for boys, it is consistently higher in all subsequent periods⁴³. During the period 1995-2005, the Post-Neonatal Mortality Rate (PNMR) for girl children was 21% higher than for boys, and child mortality was 53% higher for girls than for boys.⁴⁴

As for IMRs, although it was equal for boys and girls during the period 2000-05, it is now skewed against the girl child. The SRS data for 2013⁴⁵ estimated an all India figure of 44 (per 1000 live births) for females as opposed to 41 for males, a trend which was visible in both rural and urban areas. For rural areas, female IMR was at 48, against 45 for males. In urban areas, these figures were 29 and 26 respectively.

Trends for IMR for the period 1990 to 2011, disaggregated by sex, shows a similar situation (See Figure 2.2). Not only as a proportion of IMR, but within NNMR itself, an analysis of trends finds that during this period, the rate of decline of NNMR for girls was slower at 24% versus 31% for boys⁴⁶ which means that the non-biological factors affecting NNMR deserve a closer look.

Table 2.2.2 : Neo-Natal Mortality, Infant Mortality and Under-5 Mortality Among Girls

Demographic Characteristic	Neonatal Mortality (NN)	Post neonatal Mortality' (PNN)	Infant Mortality (q_0)	Child Mortality (q_1)	Under-five Mortality (q_0)
TOTAL					
Child's sex					
Male	40.9	15.4	56.3	14.2	69.7
Female	36.8	20.9	57.7	22.9	79.2

Under 5 mortality rates are higher for boys than for girls in countries without significant parental gender preferences. But in countries where parents use technology to exercise their son preference, we see a reversal of this. Thus, under-five mortality better captures the effect of gender discrimination than infant mortality, as nutrition and medical interventions are more important in this age group, while biological differences have a higher impact during the first year of life.⁴⁷

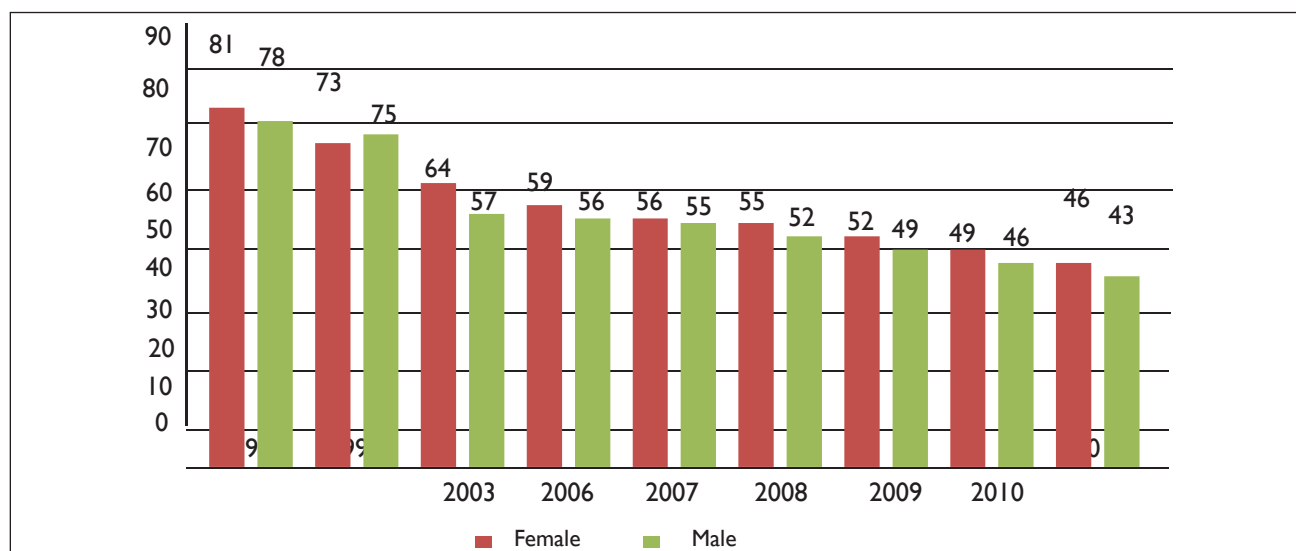
NFHS-3 recorded that 79 girls per 1,000 births die before their fifth birthday, compared with 70 boys per 1,000 births. However, India has seen an improvement since; the figures for boys and girls are now 54 and 59 respectively⁴⁸, though the gender differential remains. Importantly, the gender differential in mortality is a countrywide phenomenon. According to a study published in 2013⁴⁹, female mortality at ages 1–59 months exceeded male mortality by 25% in 303 districts in nearly all states of India, totaling 74,000 excess deaths in girls.

Mortality Rates and Socio-Cultural Factors: Muslims and North-East Lower IMR

In each NFHS round, the U5MR for females has remained consistently worse than that for males, whereas it has improved in comparison to that for males in urban areas. Greater access to health in the urban areas is probably a reason for this (See Table 2.2).

Apart from urban-rural differences, religion also appears to be an important determinant of girl child's survival in India. According to the Sachar Committee Report (2006), Muslims in general have lower IMR and Under-5 Mortality Rate (U5MR) than the national average, in every region except the north-east. In South India, for instance, Muslims have an IMR of only 29 (per 1000 live births) versus 61 for SC/STs and 52 among other Hindus. On an average, there are 13 deaths fewer, of children under 5 years among Muslims than among others.

Fig 2.1 Trends in IMR by Sex



Source: Sample Registration System, Office of the Registrar General of India

Table 2.2: U5MR between 1992-2006 segregated by sex and residence

Sex	Rural			Urban		
	1992-93	1998-99	2005-06	1992-93	1998-99	2005-06
Male	126.8	106.4	75.5	77.5	67.6	52.3
Female	135.1	117	88.7	79.3	63.1	51
Total	130.9	111.5	82	78.3	65.4	51.7

Source: Sharma, 2008 quoting NFHS data for 3 rounds

Speaking of the girl child in particular, a World Bank paper concludes that “with respect to observable socio-economic characteristics, Muslims are similar to Hindu Dalits in that they have lower levels of education, are poorer than non-Dalit Hindus. They also have more children, are less likely to experience the death of a child (particularly a girl), have higher female-male sex ratios among children alive as well as among children ever-born, are less likely to use contraception, and have preferences for a greater number of girls as well as boys”.⁵⁰ The same paper also concludes that Muslim infant and child mortality is considerably lower than that for the Hindus. The effect is particularly strong for girls. Female infant mortality rates are lower in Muslim families than in Hindu families even with the inclusion of numerous controls for household and community characteristics.

IMMUNIZATION AND MORBIDITY

The Scenario: Worldwide and India/ India and the Global Context

Immunization, morbidity and mortality are intrinsically linked. As the analysis of NFHS-2 data shows, tetanus immunization of a pregnant woman appears to be more strongly associated with infant survival prospects than other factors such as professional attendance at birth.⁵¹

The vaccination of children against six preventable diseases viz., tuberculosis, diphtheria, pertussis (DPT), tetanus, poliomyelitis and measles has been a cornerstone of child health care in India. As a part of the National Health Policy, the Universal Immunization Programme (UIP) is being implemented on a priority basis. The

standard immunization schedule developed for the child immunization programme specifies the age at which each vaccine is to be administered and the number of doses to be given. Routine vaccinations received by infants and children are usually recorded on a vaccination card issued to a child. In India, full immunization is defined as administration of one BCG Vaccine, three DPT Vaccines, three Polio Vaccines and one Measles Vaccine (all before a child's first birthday).

Globally, immunization coverage has improved greatly from 69% for Meningococcal Vaccine (MCV) in 1991 to 82% in 2009 and from 71% to 82% for DPT-3 in the same period, with South Asia continuing to be among the lesser performing regions only slightly ahead of sub-Saharan Africa.⁵²

Despite almost three decades of the Universal Immunization Programme (UIP), almost half of the children in India are yet to receive full immunization, though the country has been able to eradicate Polio. As per NFHS-3, full immunization has reached only 44% of eligible children at a national level (a 2% increase in 2005-06 over the level reported in NFHS-2 of 1998-99). DLHS-3⁵³ quotes a national average of 54%. There has been a visible slowdown in efforts to enhance immunization coverage, including post-immunization care, and the goal of polio eradication was achieved with considerable delay.⁵⁴

According to DLHS-3, complete immunization is lowest in Arunachal Pradesh (13%), highest in Goa (90%), and below the national average in Assam, Bihar, Rajasthan, Uttar Pradesh, Tripura, Meghalaya, Manipur and Madhya Pradesh.

India's inability to reach anywhere near universal immunization is a testimony to the weakness of the national health system in terms of managing

Table 2.3 - Percentage of Children (12-23 months) who had received full immunization by sex of Child in six geographical regions (1992-2006)

Region	1991-92		1998-99		2005-06	
	Male	Female	Male	Female	Male	Female
India Average	36.7	34.1	42.3	39.9	45.4	41.6
North	46.6	38.1	42.1	38.4	46.6	43.0
Central	25.4	19.3	25.1	17.9	31.2	27.4
East	22.5	21.8	27.2	26.3	45.7	43.5
North East	18.1	20.7	24.2	16.4	34.2	35.1
West	57.9	60.8	66.1	65.1	56.7	50.6
South	54.8	52.8	65.9	65.7	62.9	57.5

Source: Singh, P.K., 2013. Trends in Child Immunization across Geographical Regions in India: Focus on Urban-Rural and Gender Differentials, IIPS, Mumbai.

Table I

Background Characteristics	% Vaccinated with										Number of Children	
	BCG	OPVO	OPV1	OPV2	OPV3	DPT1	DPT2	DPT3	Full Immunization	Received no vaccination		
Sex of Child												
Male	86.4	66.1	82.4	77.5	70.2	82.2	77.8	71.5	74.8	61.9	7.9	12217
Female	87.5	66.0	83.0	78.3	70.7	83.0	78.6	71.4	73.2	59.9	7.2	10387

large campaigns, supply chains and awareness programmes. This failure has obviously affected both newborn girls and boys.

Gender bias in immunization for children has increased over time. The proportion of male children who are fully immunized in NFHS-3 is 4% higher than female children. Table 2.3 illustrates this as a case across India, as well as in each of its zones.

The Coverage Evaluation Survey (CES) of 2009 makes some important observations regarding the access of girls to immunization. The survey shows the girl child as only marginally behind with respect to full immunization and Measles vaccination. The survey does not show any noticeable difference between boys and girls in 12-23 months age group in terms of Hepatitis B vaccination (in the implementing states), first dose of Vitamin A or the place of immunization preferred by parents. However, it is Table-2 that presents a worrying pattern; for almost all vaccines, a larger proportion of girls than boys drop out of

the immunization cycle. Table 3 further highlights that girls trail boys in terms of receiving DPT and OPV booster doses as well.

A study conducted around the same time as the CES 2009⁵⁵ reveals gender differentials as regards the completion of early childhood immunization coverage in EAG states and confirms the finding of the CES with regard to drop-out rate of girls. The study finds that:

- Although girls start receiving their initial vaccinations, they do not complete the regimen as often as boys do.
- In the case of those who have never been vaccinated, the gender differential becomes particularly pronounced.

B. SURVIVING LIFE

POOR ACCESS TO HEALTH CARE

Table 2

Background Characteristics	Drop Out Rates						No. of Children
	BCG Measles	BCG DPT3	DPT1- Measles	DPT1- DPT2	DPT2- DPT3	DPT1- DPT3	
Sex of Child							
Male	13.4	17.2	9.0	5.4	8.1	13.0	12217
Female	16.3	18.4	11.8	5.3	9.2	14.0	10387

Table 3

Background Characteristics	Received DPT booster dose	Received OPV booster dose	No. of 18-23 month old children
Sex of Child			
Male	41.9	38.6	5736
Female	40.8	38.6	4747

Table 2.4 Gender Ratio for Full and No Immunization, EAG States and India, 2007-08

States	Full Immunization			No Immunization		
	Male	Female	GR*	Male	Female	GR
Odisha	63.6	60.9	104.4	2.4	3.1	133.2
Uttarakhand	65.1	60.2	108.0	5.6	9.3	165.7
Chhattisgarh	60.0	58.7	102.2	2.1	3.1	143.6
Jharkhand	54.5	53.3	102.3	9.7	8.7	89.6
Rajasthan	51.1	46.1	110.8	10.8	14.2	131.7
Bihar	44.8	37.7	119.0	2.4	2.5	102.9
Madhya Pradesh	36.7	35.2	104.1	9.7	10.3	106.1
Uttar Pradesh	31.6	28.6	110.7	4.0	4.1	102.0
India	54.6	52.3	104.4	4.9	5.2	107.2

*Gender Ratio: Value of gender ratio greater than 100 indicates disadvantage for the girl child Source: Gupta, A. 2009

If at all she is allowed to be born, the girl child continues being a subject of neglect/discrimination through life in most aspects of life, and access to healthcare is no exception. Boys are more likely to be taken to a health facility and given adequate medical care when sick. A study⁵⁶ using children under-3 as the unit of analysis and data for 3 NFHS survey periods found that:

- In case of Acute Respiratory Infections (ARI), treatment is sought for 72% boys but only for 66% girls.
- In case of fever, treatment is sought for 73% boys, but only for 68% girls.

- In case of diarrhoea, boys are 7% more likely than girls to be taken to a health facility.
- Among the last-born children, boys are 11% more likely to be exclusively breastfed than girls.⁵⁷ In 6-59 months age group, girls are more anemic than boys, which may partly be due to poorer diet received by girls.

Neglect of the health of the girl child health is also pertinent in cases of serious diseases. A Tata Memorial Hospital (TMH)-Mumbai study⁵⁸ looking at 1,222 cases of children with cancers in 2011 found girl children constitute barely one-third of children being treated in TMH, but make

up almost half of those who drop out of treatment. Male-female ratio of children with cancer is 1.3:1 (Indian Cancer Society), but male-female ratio of children being treated for cancers is skewed against the girl child, with TMH having a 3:1 ratio and AIIMS New Delhi, one of the premier health care institutes in the country, having a ratio of 5:1.

Interestingly, the CES 2009 throws some light on girls' access to health care to get treated for diarrhoea. As compared to boys, fewer girls receive medical advice or treatment (74.9% as against 80.8%), fewer girls are taken to a health facility (66.9% as against 69.4%) or to a private provider (45.3% as against 50%) and fewer girls receive some form of oral rehydration, whether an ORS packet, gruel or ORT (see Table).

A study in 2008⁵⁹ ranks states according to the extent of gender bias in child health using data from NFHS III. It finds that West Bengal had the least gender bias in terms of child health, with the highest seen in four of the EAG states - Bihar, Rajasthan, Uttar Pradesh, and Madhya Pradesh.

(MAL)NUTRITION

Malnutrition is associated with about half of all child deaths worldwide. Malnourished children have lowered resistance to infection; they are more likely to die from common childhood ailments like diarrhoeal diseases and respiratory infections; and for those who survive, frequent illness saps their nutritional status, locking them into a vicious cycle of sickness, faltering growth and diminished learning ability⁶⁰. This section of

the chapter examines to what extent the Indian girls are trapped in this vicious cycle.

As per WHO (2012), one in six children under the age of five years in developing countries is underweight. That translates into 97 million children worldwide. Of these, at least 53 million⁶¹ live in South Asia, a reduction from 78 million in 2006⁶². The proportion of under-five children who are underweight in developing countries has declined by 11 percentage points, from 28% to 17%, between 1990 and 2012. Yet, the MDG target of halving the number of underweight children by 2015 is still a long way off.

India is among the countries with the gravest situation as regards under-nutrition, with one in two Indian children being stunted⁶³, 23% of children being born with low birth weight, almost 43% children under the age of five being underweight and 70% suffering from anaemia⁶⁴ (Table 2.5). As of 2011, 37% of the world's total underweight children were in India⁶⁵ though the proportion of Under-3 children found to be underweight has continuously decreased across the three NFHS periods from 51.7% (NFHS-1) to 42.7% (NFHS-2) and further to 40.4% (NFHS-3). There has been less than 1% decline per year, in the last seven years, for the rates of stunting of children under the age of three. This implies the need to double the rate of reduction to meet the MDG targets.⁶⁶

Nutritional Status of Girls

Nutritional deficit is considered the reason for anything between 1/3rd to 50% of the child deaths.

			Percentage of Children: with Diarrhoea taken to								No. of Children			
Background Characteristics	Percentage of children who received advice treatment	No. of children who received advice treatment	Any health care facility/ provider	Govt. health facility/ provider	Pvt. health facility/ provider	Other	ORS Packet	Gruel	Either gruel of ORS	Increase fluid	Any ORT of Increase fluid	Other Treatment including home remedy	No Treatment	No. of Children<2 years of age with diarrhoea # (n)
Gender*														
Male	80.8	1397*	69.4	21.1	50.0	7.1	47.5	21.5	58.8	10.8	63.1	34.1	2.8	1828*
Female	74.9	1131*	66.9	22.8	45.3	3.5	46.0	18.4	53.0	11.1	57.8	37.9	4.4	1524*

But gender has received only marginal attention in the debate on nutrition. Part of the reason is that the available macro-level data continues to suggest that there is no great gender difference in the nutritional status of children. For instance, the following tables from HunGAMA Survey 2011 show that on all three key indicators of malnutrition – wasting, stunting and underweight – boys and girls seem to be in equally good or bad positions, whether in overall terms (all 100 focus districts) or in the best districts.

However, only when we analyze the prevalence of malnutrition by age, we see an interesting pattern. Up to the age of 35 months, the proportion of girls suffering from underweight and stunting is lower than that of boys. The study report says that if nutritional outcomes for children within the same family are compared, then in general, we find that at birth, girls are actually better-nourished than boys on average (the coefficient on “Female” is positive when we examine all states together). This is particularly true in focus states. However, as time goes on, nutritional outcomes for both boys and girls decline (the regression coefficients between age as the predictor variable and weight as dependent variable for children being 1-4 years old turn negative showing an opposite relationship). However, they decline much faster for girls. By the time girls are 4-years-old, they are much more likely than their brothers to be stunted, underweight, and have low MUAC⁶⁷.

Much like the overall results of HunGAMA Survey, NFHS-III also shows no major bias against

females on the nutrition indicators (see Table 2.7). However, NFHS-3 data does give an important insight into the gender differential in the sense that the survey found the proportion of women having anaemia (56%) to be far more than that of men with anaemia (24%). Women were also found to be worse off in terms of Body Mass Index, an indication that many of them had experienced nutritional discrimination in the long term.

While we see a lack of new macro-level quantitative data on nutritional status of the population, especially of girls, barring the HunGAMA Survey-2011, there are several qualitative studies on this theme. Various qualitative studies from as early as in 1991⁶⁸ show that there has been a steady deterioration in the nutritional status of girl children with them receiving less/inferior food than boys. In 2012, UNICEF reports showed that in states such as Bihar and Madhya Pradesh, girls represent up to 68% of the children admitted to programmes that treat severe malnutrition.⁶⁹

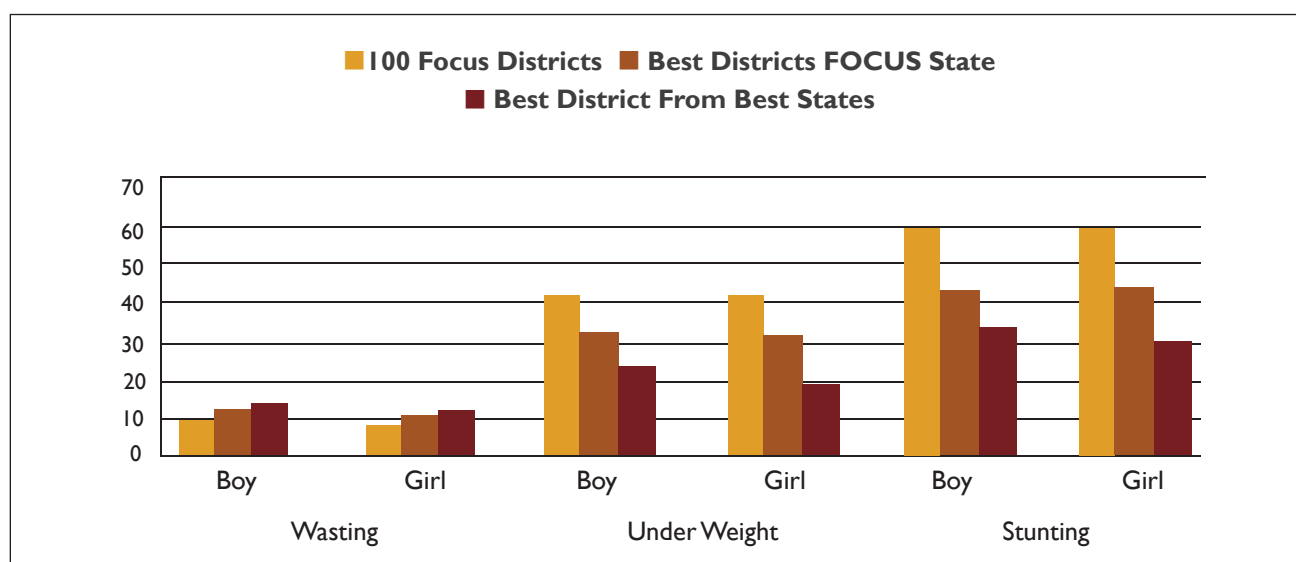
Other studies co-relate various aspects of discrimination against the girl child to illustrate the threat to the survival of girls at multiple levels. One such study⁷⁰ looks at links between sex-selective abortions, nutritional status, birth order and intra household sex composition. A study based on NFHS I and II states that feeding and nutritional discrimination against the girl child depends ‘greatly on the number and sex composition of living children that a couple already has for example, a couple whose first two children are daughters may be more likely to

Table 2.5 - Under-Nutrition in India – Quick Statistics (in %)

Nutrition Indicator	NFHS II (1998-99)	NFHS III (2005-06)
Stunting (children < 3 years)	51	45
Wasting (children < 3 years)	20	23
Underweight (children < 3 years)	43	40
Anaemia (children 6-35 months)	74	79
Vitamin A Deficiency (children < 5 years)	NA	57
Women with BMI < 18.5	36	33
Men with BMI < 18.5	NA	28
Women with Anaemia	52	56
Men with Anaemia	NA	24

Source: NFHS III, and Kadiyala, Setal, 2012 Nutritional Status of Girls

7. Prevalence of Wasting, Underweight and stunting in Children 0-59 months by gender (%)



neglect the third child if it is a daughter than if it is a son, but a couple whose first two children are sons may be more likely to neglect the third child if it is a son than if it is a daughter.⁷¹ The likelihood for the former is likely greater than that of the latter given a strong son preference. Similar relationship between birth order and nutritional status has also been pointed to by some other studies⁷² based on DLHS 2 data.

Unfortunately, there is a real dearth of recent and robust scholarship on gender, birth order and nutritional status of children. Besides, there are technical challenges involved in measuring nutrition.

ADOLESCENCE

Issues related to the adolescent girls form an important part of this chapter. The realization and sustainability of the Millennium Development Goals rests, to a considerable extent, on the sexual and reproductive situation of young people but in our country, young people, especially adolescent girls continue to face several challenges. In India, forced or early marriage sees a large number of adolescent girls becoming pregnant even before their bodies are fully ready to bear a child, resulting in many preventable maternal deaths or birth of low birth weight (LBW) babies. The phase of adolescence is also marked by a lack of knowledge of safe sexual behaviors, reproductive functions of the body and menstrual hygiene, which often lead to unwanted pregnancies, sexually transmitted diseases, reproductive

tract infections (RTI), emotional stress and depression. Adolescence is also the time when a young individual dreams about her future and starts working towards realizing her potential, an endeavour in which her physical, mental and emotional well-being play a key role.

Adolescent Girls: India in Global Context

The world population of persons aged 10-19 is now 1.2 billion, with South Asia having 335 million adolescent persons.⁷³ Census 2011 data suggests that there are more than 253.2 million adolescents in India, accounting for almost 21% of the country's population.⁷⁴

The state of adolescent girls in India has hardly seen any improvement over time. As a Working Paper published in 2007 observes on the basis of the evidence available mainly from NFHS-3⁷⁵:

1. More than two-fifths of all women aged 20–24 were married by 18 years⁷⁶ and 16% of all girls aged 15–19 have already experienced pregnancy or motherhood.
2. The use of sexual and reproductive health services by young people is far from universal. Indeed, even among the married, who are clearly included in policies and programmes, access to services is limited; neither contraceptive services nor pregnancy-related care are accessed by significant proportions of married young women.

8. Prevalence Of Wasting, Underweight and Stunting in Children 0-59 months by (%) by gender and age groups in 100 Focus Districts HUNGaMA Survey 2011, India.

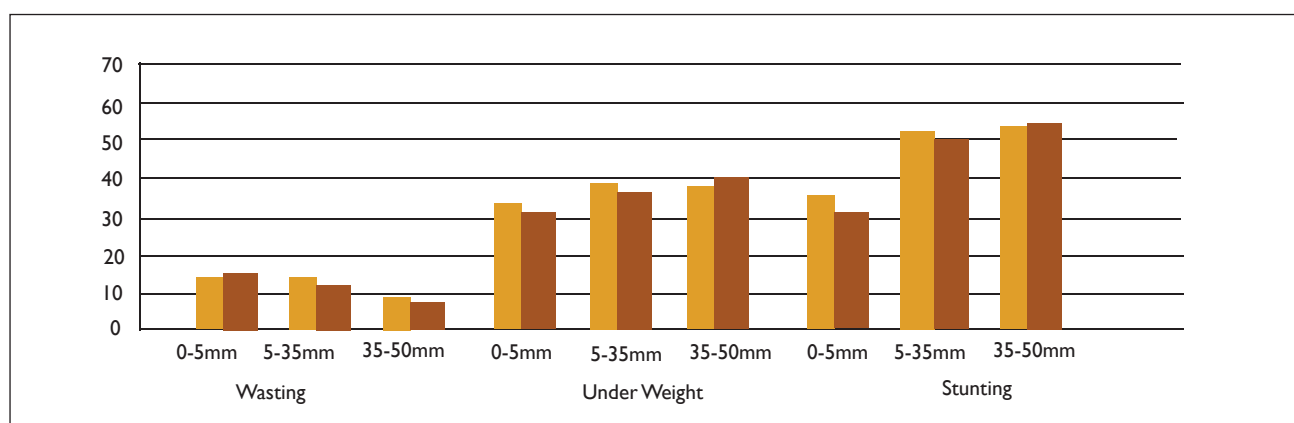


Table 2.7 - Nutrition Status (%) by Sex for Selected Indicators India

Nutrition indicators	Male	Female
Stunting (< 5 years)	48.1	48
Wasting (< 5 years)	20.5	19.1
Underweight (< 5 years)	41.9	43.1
Any Aneamia (6-59 months)*	69	69.9
Severe Aneamia (6-59 months)*	3.2	2.7
Breast feeding**		
• Ever breast fed	95.6	95.9
• Breast fed within half an hour of birth	23.7	23.4
• Breast fed within one hour of birth	24.7	24.3
• Breast fed within one day of birth	55.5	55.0

Source: NFHS 3; *Ministry of Statistics and Programme Implementation, 2012 **Indiastat.com, compilation from Ministry of Health and Family Welfare, 2006

Young people remain poorly informed on issues of sexual and reproductive health, and those who report awareness tend to harbor misperceptions or have only superficial information about these issues. For example, only 50 and 75 % of married young women and men had heard of HIV; and of these, only 23 and 40 % of married young women and men respectively were

aware that correct and consistent condom use can reduce the chances of getting HIV.

- Among the married, communication between women and their husbands about sexual and reproductive matters tends to be limited; in 1999–2000, for example, only 22% of married young women aged 15–24 had discussed family planning with their husbands (IIPS, ORC Macro 2000).

Defining Adolescence

Adolescence is defined internationally as the growing years, i.e., the life stage between the ages of 10 and 19, with early adolescence being in the 10 to 14 years bracket and late adolescence being 15-19 years.

Out of the issues mentioned above, one that is of foremost importance to the survival of the adolescent girl is the issue of early marriage.⁷⁷ In India, getting ready for (early) marriages and

Awareness of HIV/AIDS (2002-04)	
Indicator	India
Marriage (2005-06)	
% Female aged 20-24 marriage by age 18 ¹	44.5
% Male aged 25-29 marriage by age 25 ¹	44.5
Pregnancy and childbirth (2005-06)	
% Girl aged 15-19 who are already mother or pregnant ¹	16.0
Median age at first birth for women 25-49 or pregnant ¹	19.8
Total Fertility rate	1.79
Contraceptive use (2002-4)	
% Married young women aged 15-24 currently practicing contraception by self or husband ²	24.5
% Married young women aged 15-24 currently practicing modern contraception by self or husband ²	19.2
% Married young women aged 15-24 expressing an unmet need for contraception ²	25.3
Maternal health seeking (2002-4)	
% Married young women aged 15-24 who received any antenatal check-up ²	77.5
% Married young women aged 15-24 who received at a health facility ²	42.0
Awareness of HIV/AIDS (2002-04)	
% Married young women aged 15-24 who have heard of HIV AIDS ²	49.9
% Married young men aged 15-24 who have heard of HIV AIDS ²	75.3
% Married young women aged 15-24 who know that consistent condom use reduce the chance of getting HIV (Among those who have heard of HIV ²	23.3
% Married young men aged 15-24 who know that consistent condom use reduce the chance of getting HIV (Among those who have heard of HIV ²	40.3
HIV Prevalence among women seeking antenatal care (2005)³	
	0.88

Sources:

1. IIPS 2007 (NFHS-3 Data)
2. IIPS 2006
3. NACO 2006

(early) childbearing has always been a part of the life of a girl. According to NFHS-3, more than half of women (58 %) in 20-49 age group are married before the legal minimum age of 18 and 74% before reaching the age of 20. Among women in 25-49 age group, 72% have had a sexual intercourse before the age of 20. A natural result of this is that 30% of women in this age group gave birth before age 18 and 53% gave birth by age 20. By age 25, 85% of women in 25-49 group have given birth. The median age at first birth is 20 as a whole. Thus, at a very young age, majority of Indian women are married off and get tied down to the responsibilities of looking after a child.

According to NFHS-3 data, it is typically the rural, uneducated young women who undergo this experience:

- The proportion of women aged 15-19 who have begun childbearing is more than twice as high in rural areas (19%) as in urban areas (9%)
- The level of teenage pregnancy and motherhood is 9 times higher among women with no education than among women with 12 or more years of education
- More than one-quarter of women aged 15-19 with no education have become mothers and almost one-third of them have begun childbearing

Teenage pregnancies are clearly a major threat to the lives of Indian girls, just as they are elsewhere in the developing world (about 70,000 adolescents in developing countries die annually of maternal causes⁷⁸). In India, maternal mortality

among adolescents is 645 per 100,000 live births compared with 342 per 100,000 live births in women aged 20–34⁷⁹. However, what makes matters more complicated here is that majority of adolescent girls (58.1%) in the age group of 15–19 years are thin with a less than normal Body Mass Index (BMI) in kg/m² and 55.8% girls in this age group are anaemic (mild or moderate) which leaves them ill-equipped to handle the strain of child-bearing. Teenage mothers are not only at risk themselves but also put their newborns at severe risk. NFHS-3 found the perinatal mortality rate to be very high for very young mothers (67), as compared to the overall rate of 49⁸⁰. This indicates that when the mothers are very young – in their adolescence – the likelihood of birth of low birth weight babies or sick newborns, who are susceptible to die early, is very high.

In terms of adolescent fertility rates, in India, there has been considerable decline over the past 20 years as shown by the three NFHS surveys. However, differences across geography and demographics are more pronounced than ever.

As much of the above data shows, the Ministry of Health and Family Welfare is yet to move away from a life cycle approach to address the nutritional needs of the child, especially the girl child. This approach is a classic example of acceptance of the girl-woman continuity in the policy domain. For the adolescent girl, this has translated into being ‘mother-in-waiting’, correlated to early marriage and pregnancy. As a result, her nutritional needs as an independent person are not addressed.

The health care needs of girls become even more critical during times of a conflict or humanitarian crises. Adolescent girls bear the brunt of this crisis in the form of early marriage and other forms of sexual violence, which we will cover in the chapter on Child Protection subsequently.

WATER, SANITATION AND HYGIENE

The term ‘Water, Sanitation and Hygiene’ (or WASH) needs to be spelt out clearly before a detailed discussion on this aspect. The important

WASH indicators include: access to and use of piped and other ‘improved’ water supply sources in the premises (as against surface water), access to and use of improved sanitation facilities (a sewer connection as against open defecation) and sharing of drinking water and sanitation facilities with other households.

Poor quality of water, sanitation and hygiene is known to directly affect the morbidity and survival rates of people. Dirty and stagnant water is the source of vector-borne and gastro-intestinal diseases such as malaria, diarrhoea, jaundice, etc. Diarrhea is the second leading cause of death among children under-five globally. Nearly one in five child deaths – about 1.5 million each year – is due to diarrhoea.⁸⁴

Besides, factors such as open defecation, sharing of toilets with many other households, non-availability of electricity and proper access route to the toilet, lack of privacy, etc. are responsible for increasing the vulnerability of the girl child and increase their morbidity levels too.

The Scenario Worldwide and India

On both fronts - water and sanitation - there continues to be major disparities among regions. Sanitation coverage is lowest in sub-Saharan Africa, Oceania and South Asia, where 70%, 64% and 59% of people do not have access to improved sanitation respectively. Access to safe drinking water is only 56% in Oceania and 63% in sub-Saharan Africa. All other regions have coverage rates of 86% or higher. Other disparities also continue: poor people and people living in rural areas are far less likely to have access to improved water and sanitation facilities than their richer and urban compatriots⁸⁵.

In India, improved sources of water are available to be more than 90% of the population, but water-borne diseases such as diarrhoea continue to be major killers of children. In terms of proportion, diarrhoea accounts for 13% of all deaths⁸⁶ and a significant morbidity in children under-5 years. In some of the backward states such as Bihar and Uttar Pradesh, diarrhoea is the cause of death for over 1/4th of the deaths among children in 0–59 m age group, according to a nationally representative

Nutrition and Adolescent Girls: Gaps and Overlaps

Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (SABLA) was initiated in 2001-02 by MWCD to target out of school adolescent girls. This replaced the existing Nutrition Programme for Adolescent Girls (NPAG) and Kishori Shakti Yojana (KSY). The scheme, implemented under the ICDS platform, aims at empowering adolescent girls (11-18 years) with a focus on out-of-school girls. It aims to improve their nutritional and health status, and upgrade home skills, life skills and vocational skills. It seeks to equip them with information on family welfare, health hygiene, and existing public services.

An evaluation study of NPAG conducted by the nutrition Foundation of India reports that with the operationalization of NPAG, the supplementary nutrition under KSY has become redundant. The study found that the attitude of families towards grain supplements to adolescent girls was rather ambiguous. Some of the better off segments of the population felt that they were providing adequate food to adolescent girls and did not need additional grain supplements. There were anecdotal reports from some centers that some households sold the food grains and used the money to buy books or school uniforms. Among the poorest sections of the population both in urban and rural areas, the women of household felt when there are other persons in the family who do not have adequate food, it was important to use the food grains to improve the household food security; therefore the additional grain does not reach the undernourished adolescent girls.

Health Needs of Girls in Situations of Crisis and Conflict

Access to health care becomes an important priority during humanitarian crises, whether natural or man-made, when girls and women become especially vulnerable to violence and rape. An important form of violence, referred earlier in this chapter, is female foeticide.

There are useful international models which India can learn from. Supportive programmes for victims of violence and conflict, especially girl children, need to be an essential part of the health care package. Khanna *et al* (2012) discuss the Malaysian model of One-stop Crisis Centre (OSCC) in 1994 wherein support is provided to female victims of domestic and sexual violence with a multi-sector approach. The OSCC provides legal support, medical service, psychological counselling, and shelter in a single hospital to provide better centralized care.

MDG 7 C: Halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation

Since 1990:	BUT:
Over 2 billion people have gained access to improved sources of drinking water.	768 million people have unimproved sources of drinking water
Proportion of people having a piped water connection at home has risen to 55%	Sanitation coverage is well short of the 75% target - in 2011 was only 64%
Nearly 2 billion people have gained access to improved sanitation	15% of the world (over 1 billion people) still practices open defecation

Source: p.4, 6, 8, Progress on Sanitation and Drinking-Water, 2013 Update, by WHO & UNICEF

child mortality survey⁸⁷. One out of every five children who die of diarrhoea worldwide is an Indian⁸⁸. Compared to other countries, India falls in the second highest mortality bracket (100-<500 deaths per 100,000 children per year) in the case of diarrhoea⁸⁹. According to the Million Deaths Study (2005), mortality due to diarrhoea among children in <1 month age group was 1.2 / 1000 live births, whereas among older children (1-59 months) it was as high as 11.1/1000 live births.

India also continues to have the highest number of people practicing open defecation⁹⁰. Only 36% of the country has improved sanitation facilities – as much as 48% defecate in the open.

What this means for Indian Girls

Data on gender disparities in access to WASH facilities and on impact of the lack of access is minimal. Yet, it is well known that fetching water is one of the many domestic roles traditionally viewed as women's work and the burden of dealing with poor water supply usually falls on women. The impact of access to drinking water and sanitation facilities on the quality of girls' lives is significant. Piped water supply, apart from being an obvious indicator of household well-being and quality of life especially in the rural areas, also helps cut down drudgery and lets the girls devote the time saved to other activities, including studying. However, piped water supply has barely crossed 50% mark in urban India and continues to languish at a woeful 14% in rural India.

Access to toilets remains a major problem for girls. According to Government of India statistics, just over 60% of all schools and 52% of primary

schools in the country have a functional toilet for girls in 2010-11⁹¹. As the WHO-UNICEF Joint Monitoring Programme (2014) reports, in rural areas, open defecation continues to be the practice for 65% households. For girls, especially those in the adolescent age group, this only means more discomfort and increased risk of molestation and sexual violence. The recent rape and murder of two teenage Dalit girls in Uttar Pradesh again brought to forefront the issue of lack of toilets and its impact on women and girls⁹². A study conducted by Water Aid India in Delhi and Bhopal suggests that the rights to sanitation and safety are violated on an everyday basis due to inadequate sanitation infrastructure⁹³. Though access to safe toilets is a serious issue, it is important to note that infrastructure improvement alone will not address the everyday violence face by women and girls. Violence needs to be addressed through locating its reasons in the patriarchal structures of the society and through gender-sensitive policy interventions.

Poor water, sanitation and hygiene are the primary causes of diarrhoea. Improving water, sanitation and hygiene is the only way to reduce the incidence of diarrhoea among children, especially girls who are as vulnerable to it as boys.

Poor quality of WASH infrastructure is not an issue limited to small towns and rural areas alone. Even metropolitan cities such as Mumbai are at the receiving end of it. Recently the women of Mumbai have come out in the open to raise their voice on this issue (See Box).

Table 2.8: Drinking Water Coverage Estimates

	Urban (%)		Rural (%)		Total (%)	
	1990	2012	1990	2012	1990	2012
Piped onto premises	48	51	7	14	17	26
Other improved source	41	46	57	77	53	67
Other unimproved	10	3	32	8	27	6
Surface water	1	0	4	1	3	1

Source: WHO/UNICEF, JMP-2014

Table 2.9: Sanitation Coverage Estimates

	Urban (%)		Rural (%)		Total (%)	
	1990	2012	1990	2012	1990	2012
Improved facilities	50	60	7	25	18	36
Shared facilities	17	20	1	5	5	9
Other unimproved	5	8	2	5	3	7
Open defecation	28	12	90	65	74	48

Source: WHO/UNICEF, JMP-2014

CONCLUSION

This chapter casts light on a wide range of issues of health and survival including the decline in child sex ratio, U-5 and Infant Mortality Rates skewed against girls, gender bias in immunization as seen in terms of proportion of girls dropping out of the immunization cycle, bias against giving adequate medical care to girls when sick, loss of nutritional advantage vis-à-vis the boys by the age of 4 years, exposure of adolescent girls to teenage pregnancies that can be life-threatening, lack of girls-only toilets in schools, and the risks associated with open defecation.

Each of these discussions underlines the need for concrete action on the part of the State. This action may take the shape of enhanced investment in infrastructure, e.g. rural water supply, school toilets and urban public toilets or information-education-communication campaigns to tackle the age-old practices and prejudices related to female foeticide, open defecation, early marriage etc. and to promote a free interaction on issues related to sex, contraception, etc. among the youth.

The chapter also draws our attention towards the lackluster performance of the State on some important commitments, such as those related to strict implementation of PC&PNDT Act and provision of functional toilets for girls in schools, both of which emerge as key issues for advocacy.

Law-speak

The absence of potable drinking water and toilet facilities in schools was brought to the notice of the Supreme Court by the Environmental and Consumer Protection Foundation.

The court while ensuring that such facilities are made available, observed, "...it is imperative that all the schools must provide toilet facilities, empirical researchers have indicated that wherever toilet facilities are not provided in the schools, parents do not send their children (particularly girls) to schools. It clearly violates the right to free and compulsory education...."⁹⁴

The Right to Pee Campaign

“.....Among the numerous difficulties women encounter is that of access to a toilet. In Mumbai, toilets for women, particularly in public spaces has been a perennial problem – whether at railway or bus stations, highways, industrial estates, educational institutions, public parks, tourist spots, public hospitals or markets. Added to this apathy is the ramshackle state of the existing public conveniences – they are dirty, stinking and without running water. Poor infrastructure combined with lack of cleaning staff creates a nightmarish experience for those who are forced to visit such a facility. In a city of more than 18 million, while there are 2,849 free public urinals for men there are none for women! Forty community-based organizations in Mumbai joined hands to mount the Right to Pee campaign to put pressure on the Brihan Mumbai Municipal Corporation (BMC) to provide more women’s toilets and refurbish the ones that are rundown in the 27 wards of the city”.

- The Hindu, September 24, 2013



Children learn their alphabets at a Save the Children learning center at a brick kiln in Barasat, West Bengal, India on 28 October 2013. Formula 1 driver Lewis Hamilton, a Save the Children Global Ambassador for education, had visited this program, helping to educate brick kiln worker's children, preventing them from joining the brick making industry during their childhood.

Suzanne Lee/Save the Children

III EDUCATION

Until she was six-years-old, Daulati, was a regular school-going village kid. But suddenly, things changed: her older sisters got married and the family's financial crunch was now directly to be borne by the six-year-old who was made to drop out of school to work with her parents as a share-cropper. While she worked in the fields, her younger brother was enrolled in the neighbourhood primary school.

Soon, a Children's Group was formed in her village with the support of Save the Children; Daulati's friend-neighbour Kanchan became a member. Here, Kanchan learnt about the Right to Education Act, which gives every child the right to free and compulsory primary education. The group facilitator — fondly known as "Rajeev Sir" — asked children to identify other children around them who do not go to school. Kanchan immediately thought of Daulati.

Kanchan went to Daulati's mother and told her mother, "Daulati ko padhaao, isko bhi siksha ka adhikar hai. School mein khana milega, kapda-latta milega, fees bhi nahi lagega. Iski padhai ke liye aapko kuch bhi nahi dena padega ("Educate Daulati, she also has the right to education. The school provides food, clothes, and does not require fees. You won't have to spend anything on her education.")

After four years of weeding, sowing and callused hands, Daulati has finally gone back to the classroom. The gap of years is a tiresome one to fill and Daulati was initially apprehensive but Kanchan and other

Getting the opportunity to go to school has made Daulati think beyond the home and family as the only option for girls. She concludes the conversation with us saying that, "Ab hum bade hoke fauj mein jana chahenge" ("Now I want to grow up and join the armed forces").

children's group members personally helped Daulati catch-up, since the school won't. They sit with her after school hours and help her with all she has missed in the interim. Getting the opportunity to go to school has made Daulati think beyond the home and family as the only option for girls. She concludes the conversation with us saying that, "Ab hum bade hoke fauj mein jana chahenge" ("Now I want to grow up and join the armed forces").

This chapter begins with a context-setting which includes a quick look at the literacy scenario in India, the important policy initiatives and declarations in this sector over the last 2 decades (with special focus on those meant for the girls), and the growing trend of private sector participation in education, esp. the presence of girls in the privately managed schools.

The chapter then goes on to discuss the barriers to girls' education, both in terms of infrastructure and appropriate human resources (presence of

female teachers), and, in the backdrop of rising social demand for girls' education, it looks at the trends of enrolment and retention of girls in primary and middle-level schooling. The issue of enrolment and retention in schools is looked at from the angles of spatial (rural-urban) and social disparities (of caste, class and religion), poverty and gender-based violence and sexual harassment. The chapter also discusses curricular issues such as gender sensitivity of school curriculum and how it is entwined with the issue of quality of education.

The chapter also analyzes the various forms of disadvantage that affect the girl child, such as disability, civil conflict and the associated risks of ghettoization of schooling.

INTRODUCTION

The past two decades have seen significant national interventions such as Sarva Shiksha Abhiyan towards the universalization of education with a focus on the girl child. Some of the new initiatives such as National Programme for Education of Girls at the Elementary Level (NPEGEL) and Kasturba Gandhi BalikaVidyalayas (KGBV) have ensured an increase in provision, special schemes to bring out-of-school girls back in schools, and a focus on gender in in-service teacher training. These policy initiatives have been matched by an increase in the social demand for girls' education. While these developments have been positive, and more girls are enrolled and attending schools than before (see Figure 3.2), the persistence of marked regional and social disparities hampers universalization at a

substantive level. This is compounded by other factors that impact the well-being of girls — such as increasing sexual violence in public spaces and increased privatization within education— which have serious implications for girls' access and participation in education⁹⁵. Another problem at the policy level has been a focus on gender parity, which tends to overlook qualitative assessment of specific situational contexts, socialization, issues of discrimination and bias, and material and lived realities arising out of structural inequities. A focus on equality and equity in all dimensions of education for girls — provision, curriculum and pedagogy and teacher training — has emerged as a critical need to which policy and research must turn their attention⁹⁶.

A. HISTORICAL CONTEXT LITERACY⁹⁷

Literacy and numeracy are seen as the basic skill sets that one learns at school. In the older age group (15 years +), a literate person is defined

Law Speak

The Right to Education Act, 2009 promises free and compulsory education to all children between the age of 6 and 14. The onus is therefore on governments to ensure that every child in this age group is enrolled and attending school. Under the Act:

- no child may be denied admission due to the lack of birth certificate
- A child may get a transfer certificate at any time of the academic year
- A child may be admitted during any time of the academic year in the age appropriate class
- No fee may be collected from any child.

Teachers are all required to have suitable training. Teacher-Student ratio is to be ensured

for each school thus guarding against an imbalance in urban-rural postings. Teachers are prohibited from all non-teaching work other than the census, elections to local authority, state legislatures and parliament, and disaster relief. **Curriculum** is to be consistent with constitutional values to ensure all-round development. **Inclusion of disadvantaged children** by reservation of 25% seats in all schools for children from under served backgrounds: There are provisions which envisage social inclusion and gender equity in the school management committee (SMC).

A serious shortcoming of the RTE Act is its failure to guarantee education for children belonging to the internally displaced category (IDPs), especially as they are the most adversely hit by conflicts.

Literacy Rates: Best and Worst Performing States

Over the past two decades, there has been a significant increase in women's literacy, reflecting to some extent the increase in girls' participation in school education. From 1991 to 2011, there is an overall improvement in female literacy from 39.3% to 65.46% and a corresponding decrease in the gender gap from 24.8% to 16.7%. However, there are significant regional variations in the female literacy rate. In 2001 and 2011, the highest literacy rate was seen in the states of Kerala (87.8% and 92% respectively) and Mizoram (86.1% and 89.4% respectively) which were well above the national female literacy rates (54.3% and 65.5% respectively). In 2001, the state of Bihar with 33.6% had the lowest female literacy rate, and in 2011 Rajasthan had the lowest rate with 52.6%. The rural-urban variations were particularly stark. In 2011, rural female literacy was 57.9%, and although there has been a 10 percentage point increase over 2001, it continues to be low with significant variations across different regions.

Table 3.1 Literacy Rates 2001-2011

	2001	2011
Male Literacy Rate	75.3	82.1
Female Literacy Rate	53.7	65.4
Gender Gap in Literacy	21.6	16.7

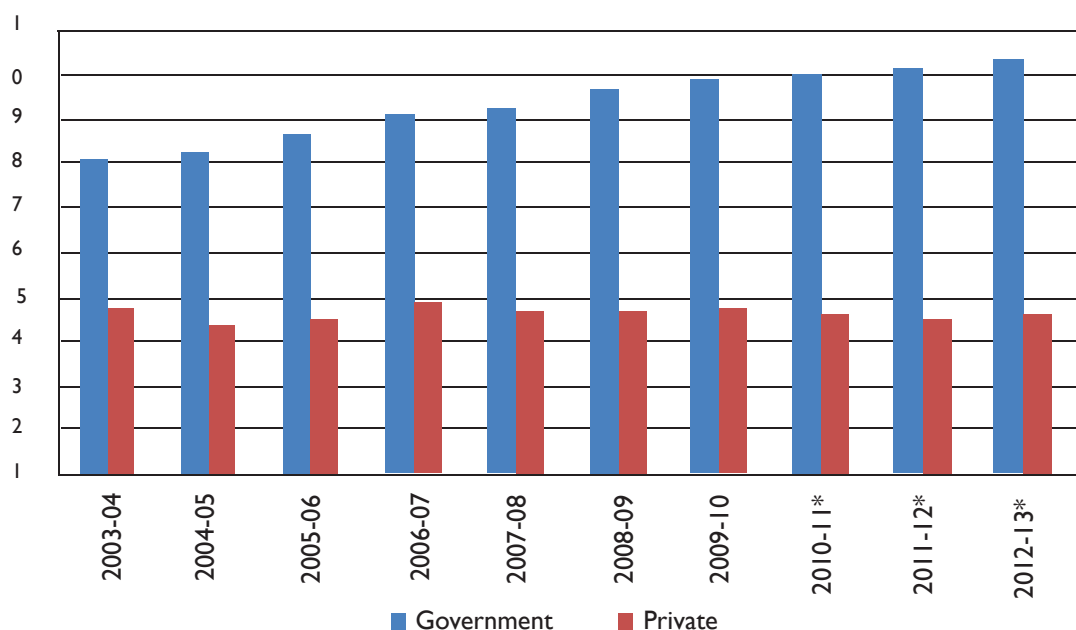
Source: UNDP, Gender and Social Exclusion Indicators: India Factsheet (undated)

Commitments to Education for All

International commitments to Education for All include the imperative to educate all girls. The 1990 Jomtien Conference, the 2000 Dakar Framework for Action and the Millennium Declaration emphasised the necessity for gender parity. This includes the achievement of gender equality in education by 2015.

Since the mid-1980s, following the recommendations of **Committee on Status of Women in India (1975)**, India has articulated a commitment to girls' education, first made evident in the **National Policy on Education, 1986** which defined education as an agent of basic change in the status of women. The Programme of Action in 1992, called for institutional mechanisms that ensure gender sensitivity in the implementation of educational programmes as well as a reorientation of the curriculum to reflect values of gender equality. In 1997, the World Bank-aided **District Primary Education Programme (DPEP)** had as one of its goals, the enrolment and retention of students of ages 6 to 11 years, with a special focus on girls, dalit and tribal students. However, studies show that the effects of DPEP were uneven and critics note that its ostensible gains were limited. Its dependence on foreign funding and wide-scale employment of para-teachers is said to have severely undermined the commitment of the State to education for all. India's flagship programme for achieving universal elementary education, **Sarva Shiksha Abhiyan (SSA)**, has a specific focus on girls. It includes targeted interventions in identified Educationally Backward Blocks through the setting up of schools exclusively for girls, the KGBVs and other programmes through NPEGEL. Gender training for teachers has been a part of general teacher training modules under the SSA.

Fig 3.4 Girls' Enrolment in Primary School by School Management



Source: Elementary Education in India Analytical Tables 2003-04 to 2011-12

as someone who can, with understanding, read and write a short, simple statement on their everyday life and is able to make simple arithmetic calculations. A simple measure of the effectiveness of the education system of any country is whether it is able to equip young people with these basic skills. For women in particular, acquiring these basic skills is the first, but essential step towards gaining control over their lives.

According to the Global Gender Gap Report of 2012⁹⁸, with a female-male ratio of 0.68, India is ranked 123rd out of 135 countries with regard to female literacy rate. In the South Asian region, India ranks fourth, behind Sri Lanka with a female-male ratio of 0.97 and Bangladesh with a female-male ratio of 0.85.

Studies indicate that the social demand for girls' education has shown a significant increase since the early 1990s. Over the past two decades, however, the rising demand among families for educated daughters has corresponded with the emergence of an education 'market' favouring an increasing private participation in this sector. The latter has added to the pressure on parents of marginalized communities to educate their girls. The 11th Plan (2007-2012) highlighted issues of girls' education focusing on challenges such as social attitudes, provisioning, accessibility and security, as well as successful completion at different levels,

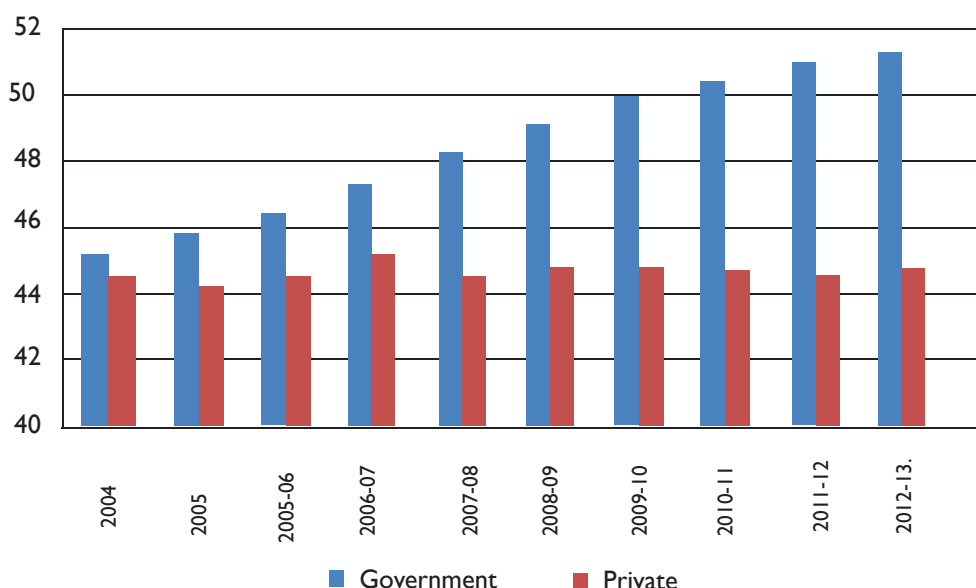
quality of education and necessity for innovative programmes to reach out to adolescent dropout girls⁹⁹. However, the Plan itself has been criticised for encouraging the State to step back and make way for Public-Private Partnerships (PPPs)¹⁰⁰. The impact of privatization on the education of girls, especially those from socially and economically marginalized communities historically excluded from formal education is unfolding in complex ways and needs further inquiry.¹⁰¹

While the school education sector has seen state investment in terms of expansion of facilities, training and a focus on gender since the 1990s, crucial concerns such as distance to schools, especially at the upper primary and secondary levels, inadequate transport, retention, inclusiveness, adequate infrastructure, grievance redressal mechanisms and quality of education remain.

PRIVATE SECTOR PARTICIPATION

In 1991, the country's economy opened up to private players ushering in a new era of liberalization. Post-liberalization India has seen the entry of private players in the spheres of — among others — retail, entertainment, health,

Fig 3.5 Girls' Enrolment in Upper Primary by School Management



Source: Elementary Education in India Analytical Tables 2003-04 to 2011-12

Often we find, boys are sent to private schools, and girls to government schools. Parents think, this is our son, he'll get somewhere in life. When we grow old, it is our son who'll take care of us, whereas the girl will just get married and go away. – Madan, 14-year-old boy, Jahangirpuri

media, power, telecommunications, civil aviation and so on. Education is no exception. Since the 1990s, there has been increase in the private sector participation in the school sector. The entry of private players in school education has included the setting up of private schools representing a wide range in scale, reach and quality. Some States have initiated partnerships with private agencies in the education sector. There are several examples of such partnerships. Take for instance Rajasthan, where Bharti Foundation has adopted 49 government schools.¹⁰² Various schemes such as the Punjab Adarsh Model School Scheme, the Rajasthan Education Initiative, the Municipal Corporation of Greater Mumbai's PPP policy, the Gujarat PPP policy and the central government's Model School scheme have also been designed with a stated objective of improving the access and quality of education.¹⁰³ Economic liberalization since the Nineties has increasingly seen education being posited as an individual rather than public

good, with efficiency and 'choice' providing the rubric for a competitive, market-oriented education. The state's responsibility towards quality education for all has been severely undermined by these developments. The Eleventh Plan (2007-12) laid out the state's encouragement of the role of the private sector to provide quality education, thereby relieving some of the pressure on government. The use of decentralization (e.g. formation of Village Vigilance Committees) is another way in which the government has tried to transfer the responsibilities of absenteeism and retention. However, this has also ensured community participation in monitoring of schools. Increasing private sector participation is seen in the figures on school enrolment. The percentage of 6 to 14 year olds enrolled in private schools has risen steadily especially in the last decade. In 2006, 18.7% were in private schools. In 2011, this number went up to 25.6%; by 2012, this rose further to 28.3% across primary and upper primary classes. Since 2009, private school enrolment in rural areas has been rising at an annual rate of about 10%. It is estimated that at this rate India will have 50% children in rural areas enrolled in private schools by 2018¹⁰⁴.

This phenomenon has resulted in state schools being attended by the most marginalized children. Private schools are not generally attended by

poor children, and a large percentage of girls—especially at the upper primary level, are enrolled in government schools. In recent years, the promotion of Public Private Partnerships has shown the state's increasing endorsement of the private sector. In one particular case, in Mumbai, the State has even auctioned off its municipal corporation run schools¹⁰⁵.

The impact of private sector participation on girls has been substantial, especially those from marginalized sections and in rural areas. Studies show that more boys than girls are sent to private schools. Families with scarce resources would rather send their sons to private schools than their daughters. Studies show that such girls feel they are being treated as undeserving¹⁰⁶. In 2012, 57.9% of all private school children between the ages of six and 14 were boys. In the same year, more than 40% of children (age 6-14 years) in Jammu and Kashmir, Punjab, Haryana, Rajasthan, Uttar Pradesh and Meghalaya were found to be enrolled in private schools; in Kerala the figure was as high as 60%.

However, private schools need not necessarily mean better schools. The more accessible schools are more often than not Low Fee Private (LFP) schools, which gain recognition through informal rules and corrupt practices¹⁰⁷. These schools are attended by girls, in response to the fact that there are no other schools nearby and that they are affordable. However, there is no quality control in these schools, and they seem to be no better than the existing government schools where the girls have an actual right to study¹⁰⁸.

Several other policy shifts related to the state's promotion of private sector have also affected the access and quality of education, such as contractualization of teaching, and 'rationalization' of school provision with decreasing enrolment of children in government primary/elementary schools. Extremely high numbers of government schools are being closed down in tribal areas of Odisha and Rajasthan as they are believed to have turned 'unviable', leaving the girls from poor families with little choice but to go to poor quality LFP schools or withdraw from education altogether.¹⁰⁹ However, there is some good news as well - states such as Kerala has been working to make schools (that were on the verge of closing down) viable!

"Many girls drop out of school as there is no means of transport to take them there" – Sunita, 15-year-old girl, Alwar

"If we opted for the Science stream, mother said that they wouldn't be able to send us for coaching. Plus it was also about how we could go so far to study. When the forms started being given out, there were three of us girls and we decided to go together. If we'd taken science, we could have been separated (and possibly have our studies stopped)" – Nandini, 15-year-old girl, Rural Gaya.

B. THE ROADBLOCKS

At every step of her education journey, there are a series of roadblocks awaiting the girl child; the very first being at the physical level of infrastructure and access to schooling. If at all she has managed to get to school, the second and third appear in the form of poor schooling processes, unsavory environment and curricular issues. For an exceptionally disadvantaged category of girls, there will be additional layers of living in conflict zones which doesn't make their lives any easier.

INFRASTRUCTURE AND PROVISIONS

The first barrier to the girl child's education is the issue of physical and social access to schools, which is critical to increasing girls' participation in education. Since the launch of SSA in 2000-2001, there has also been substantial growth in infrastructure:

- 150,000 new primary schools

If parents are required to pay fees, they won't send their daughters to school.

– 11-year-old girl, Ajmer

"My parents were told that if they send me to school, I will get free midday meal, schoolbooks and uniform. They will not be able to send me to school if the government did not give out these facilities."

– Daulati Kumari, Rural Gaya

On Women Teachers and Sexual Abuse:

Female teachers have been cited as a key tool of retaining girls in school. A study conducted in schools in Kashmir reveals key insights on the subject. In the 39 schools covered there were only 39 female teachers and 104 male teachers. Although there isn't much detail on sexual abuse, there certainly are examples that point to the existence of it. Parveen (name changed) - a girl who lives with her siblings and mother (her father died of cancer long ago) – refused to go to school because of harassment from male teachers. One teacher lied to her mother that she showed him “her thumb”, a colloquialism for “having sex”. The current school environment – a far cry from the nurturing environment created by the previous headmaster – is one where teachers routinely harass girl students. They are vulgar, and laugh and clap at the sight of animals having sex. ‘I get irritated when they laugh and clap in front of us. I scolded them last time and indirectly told them that they were here to teach us and not to make fun of such things. But they started teasing me even more and kept telling each other that I had been used to sex.’ That is when one of the teachers told her parents that she had showed him her thumb. Parveen's brother, who was also part of this conversation, said that he wants her to stay back home. He feels that the teachers are the biggest blocks for his sister's studies. He said he has heard other children saying that a teacher pulls down his zip in front of the girls, and also unzips their sweaters.

(Excerpts from “Challenges to Education in Jammu & Kashmir”)

- 93,000 new upper primary schools
- 1.3 million additional classrooms
- 210,000 schools have been provided with drinking water
- 420,000 schools have been provided with toilets

Yet, a recent stocktaking of infrastructure outlined as essential for basic quality of schooling found that only 4.8% government schools have all nine facilities stipulated in the RTE Act.¹¹⁰

The SSA programme succeeded in bringing more than 17 million children into schools. The expansion of primary schools within 1 km from habitation and upper primary schools within 3 km has increased the possibility of children attending school. However, physical access still remains a daunting problem, particularly in areas with difficult terrain and also where transport facilities are undependable or absent. Where access to primary schools may not be a problem, the lack of upper primary schools within walking distance prevents transition through the school education cycle.¹¹¹

The problem is more serious in the case of upper primary schools (covering children in the age-group 10-14 years). The ratio of primary to upper primary schools/sections in India was 1:2.12 in 2010-11 (DISE). The figure is as high as 5.13 in West Bengal and as low as 1.03 in Chandigarh reflecting a huge range in terms of school availability.

Gender has been a key focus within the SSA framework, with a range of specific schemes and programmes addressing the needs of the girl child whether they are attending school or have dropped out. Gender coordinators at the district level monitor and promote these schemes, and are also part of the gender training, which is a component of in-service teacher training.

Between 2003 and 2011, the percentage of girls enrolled in primary schools has been over 50%, indicating the positive relationship between expansion and school enrolments, as well as the increased social demand for girls' schooling in India.

While there has been an expansion in coverage, some issues that affect girls' participation continue to pose problems to their schooling.

Table 3.2: Number of schools requiring infrastructure facility (in Lakh)

Girls' Toilet	Boys' toilet	Drinking water	Ramps	Boundary Wall	Playground	Library	Additional Classrooms
4.70	2.68	0.74	4.91	5.44	5.35	4.66	4.90

Source: Department of School Education and Literacy (2011), Working Group Report on Elementary Education and Literacy- 12th Five Year Plan, Ministry of Human Resource Development, Government of India

Women teachers

For girls to stay in schools after they are enrolled, a key requirement is the presence of female teachers. The percentage of women to the total number of school teachers has gone up from 29.3% in 1991 to 46.3% in 2011-12. However in upper primary schools, the percentage of female teachers in 2012 was 31.6%, which is actually a decrease from 1991 (33.17%) and 2001 (38.15%) respectively¹¹². This is a matter of serious concern, given that transitioning to this stage is critical for girls to gain proficiency in learning and further their chances of completing school. A caveat to be borne in mind is that the emphasis on bringing in more women into teaching should not be seen in merely instrumental terms, since it can result in the promotion of teaching as a gendered occupation, thereby restricting girls' subject choices at higher levels.

Infrastructural barriers

The issue of having separate toilets for girls in schools comes up repeatedly as a factor in girls' discontinuing their studies. A study in Andhra Pradesh¹¹³ states that lack of toilets is a major impediment to girls' participation in school education. It ranks almost equally with cultural impediments such as fear of girls being sexually harassed by male teachers or on the way to school, as well as actual incidents of violence against them such as acid-throwing, rape and molestation. The percentage of primary schools with girls' toilets was 65.4% in 2011-12 (DISE 2011-12).

As can be seen from the Table, despite the claim that girls' toilets exist in a high percentage of schools, the shortfall at 4.7 lakh, is immense. It is even more serious at higher levels where only 40% of schools have functional toilets. This issue

Girls are to be given some basic schooling and packed off

– Aruna, 15-year-old girl, Rural Gaya

They say you can be whatever you aspire to be but girls really have no choice. Despite what they say, they don't mean it.

– Sita, 16-year-old girl, Rural Gaya

“No matter how much you educate girls, ultimately they'll still have to cook, they'll not be Collectors.

– Pooja, 16-year-old girl, Rural Gaya

“Talented girls are not supported to study but even if a boy is not good at studies, parents still invest in his education and will even get into debt for that”

– Nisha, 15-year-old girl, Jahangirpuri

If there is a good match that comes their way, then parents often get tempted to get the girl married which again hampers her education. “Accha ladka miljaye toh kam umar mein shadi ho jati hai, aur eek do saal mein gauna bhi ho jata hai”

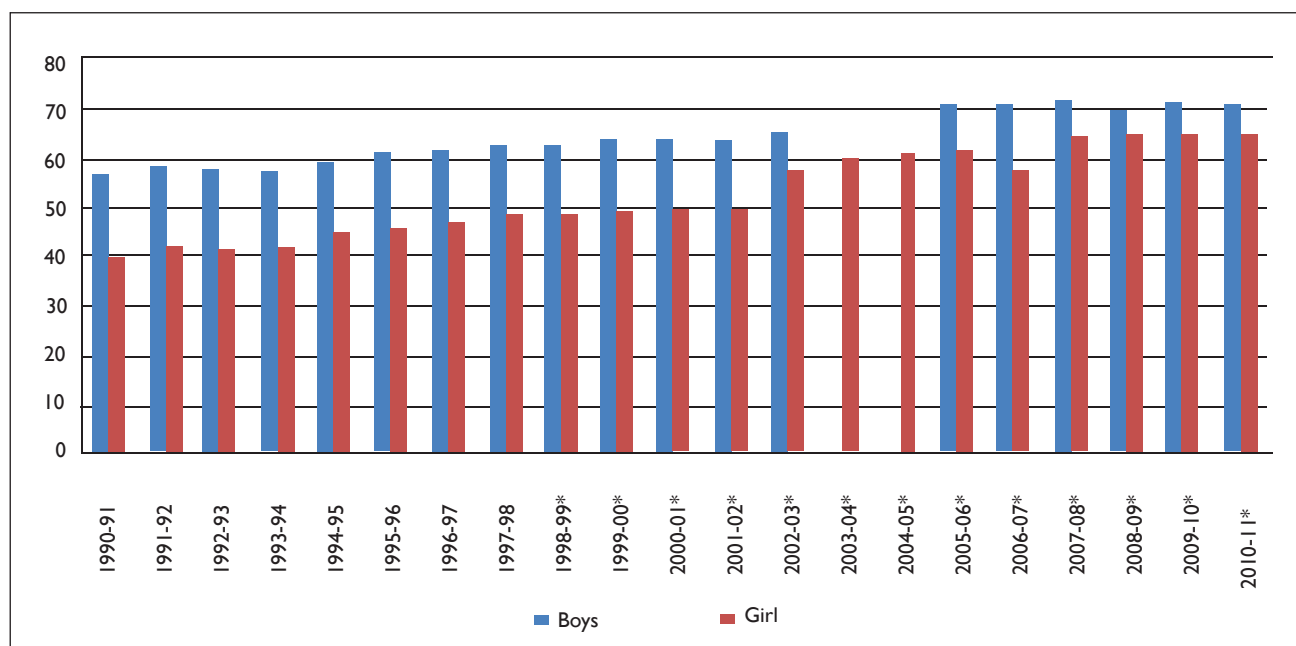
– Payal, 17-year-old girl, Gaya

of absence of girls' toilets and school boundary walls - which affects girls who are in schools and acts as deterrent to their participation - need urgent attention as stipulated under the RTE.

ENROLMENT, RETENTION AND PARTICIPATION IN SCHOOLING

In the decades since the country's liberalization, there has been a clear social demand for girls'

Fig 3.2 Genderwise Enrolment at Primary Levels 1990-2010 (in Millions)



Source: Based on data from DISE. Updating: based on DISE. Dept. of Secondary and Higher Education, Ministry of Statistics & Programme Implementation, Govt. of India. (ON296) & Ministry of Human Resource Development, Govt. of India. (ON340); Data for Boys 2003-04 and 2004-05 unavailable

education. This is reflected in the fact that of a total of 61.9 million children in schools, a little less than half are girls.

Patriarchal structures and practices in society as well as their trickle-down into the school system affect girls' participation in schooling. The gendering of girls' activities and responsibilities within the home, impact their access as well as meaningful participation in schools. Sibling care, paid and unpaid domestic work and agricultural and piece rate work see girls of poor marginalized families withdraw from school. However, while the hardships of poverty and marginalization undeniably take their toll on the girl child's education, the lack of meaningful engagement in schools also contributes to the dropping out of children. For children of the poor, the lack of tangible outcomes from an education characterized by poor quality, leading to non-comprehension and inability to learn basic skills, adds to social pressures to leave before completing school. In one study, 26% of children cited factors such as unfriendly atmosphere in schools, doubts about the usefulness of schooling and inability to cope with studies as reasons for their dropping out. Among girls in rural areas, these factors accounted for over 75% of the dropouts¹¹⁴.

The onset of puberty poses its own challenge of access of young girls to upper primary and secondary schools, which might be 3-5 km away from home. Security and safety are serious concerns articulated by communities. Paid work, unpaid domestic work, marriage and mobility all bear on their chances of continuation and completion. SES 2008-09 data indicates that once given the opportunity, girls tend to be more regular and their dropout rate is less (38.6%) than boys (44.9%). However the actual number of girls reaching the upper primary level is much lower than that of boys. So while girls have to struggle with their multiple responsibilities, we see that education tends to limit them, and these constraints vary by caste, class, religion and region.

In purely quantitative terms there is no denying that participation of girls in the education system at all levels has increased. Recent years have witnessed some particularly positive developments. For instance, since the 1990s, progress in girls' enrolment has been faster than that of boys¹¹⁵. Data from the National Institute of Open Schooling (NIOS)¹¹⁶ shows that the enrolment of girls at secondary and higher secondary levels in the open system declined relative to enrolment in formal schools from the mid-1990s suggesting that expansion and social demand were having

some effect on girls' participation in the formal system.

Key Developments in the past two decades:

- **Gender Parity Index:** In primary education, this has gone up from 0.76 in 1990-91 to 1.01 in 2010-11 and 0.94 in 2012-13; in secondary education, it has risen from 0.60 in 1990-91 to 0.87 in 2010-11 and 0.95 in 2012-13.¹¹⁷
- **Gross Enrolment Ratio (GER):** At the primary level was 83.8 in 1990-91, 95.7 in 2000-01, and 116.0 in 2010-11. For the middle/upper primary level, the GER was 66.7 in 1990-91 which declined to 58.6 in 2000-01 and then gradually increased to 85.5 in 2010-11.
- **Average Dropout Rate:** In 2011-12, the average dropout rate was 5.62 for primary level and 2.65 for upper primary level.¹¹⁸
- **Retention Rate:** At primary level, this has gradually improved from 71.01% in 2005-06 to 75.94% in 2011-12 to 80.70% in 2012-13.¹¹⁹
- **Pupil Teacher Ratio:** In 1990-91, the pupil-teacher ratio was 43 for primary schools, 37 for upper primary schools and 31 for secondary/senior secondary schools in 1990-91. This ratio stood at 46, 34 and 33 in 2005-06 and 43, 33 and 34 in 2010-11 for primary schools, upper primary schools and secondary/senior secondary schools respectively.¹²⁰

As the graph above shows, the two decades from 1990-2010 have shown significant improvement in enrolment of children - especially girls - at the primary level. In the 11-14 years age group however, enrolment and retention remain a challenge. In 2006, in eight major states, more than 11% girls in this age group were not enrolled in school. By 2011, this figure had dropped to less than 6.5% in three of these states (Jharkhand, Gujarat and Odisha) and less than 5% in three others (Bihar, Chhattisgarh and West Bengal). While the situation in these states remained largely unchanged in 2012, in Rajasthan and Uttar Pradesh, the proportion of out of school girls (aged 11-14 years) has increased from 8.9% and 9.7%

respectively in 2011 to more than 11% in 2012¹²¹. Gender gaps are more difficult to correlate with levels of development in a state. In the 11-14 age group, for example, Bihar has surpassed Gujarat, ranked among the more economically developed states, both in terms of both gender parity as well as overall enrolment levels as of 2009.

Data over the period 1990-2006 indicates a definite increase in girls' enrolment as a percentage to total enrolment. For primary and upper primary levels, it has gone up from 41.5% and 36.7% in 1990-91 to 46.8% and 45.1% in 2006-07 respectively. For secondary and higher secondary levels combined, it has gone up from 32.9% in 1990-91 to 42.0% in 2005-06.

Between 2003 and 2011, the proportion of girls in schools went up from 44% to 48%. According to two independent evaluations, the percentage of out of school girls declined from 7.9% to 4.6 %; for marginalized groups, it declined from 8.1% to 5.9%¹²². For tribal groups, the out of school percentage declined from 9.5% to 5.0% and among religious minorities, from 10 % to 7 %.

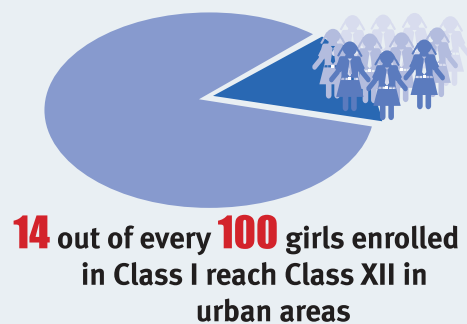
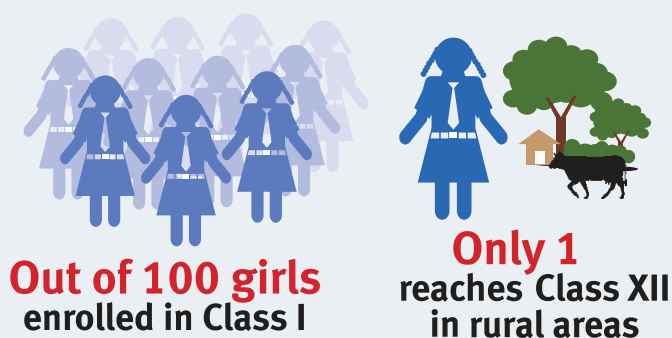
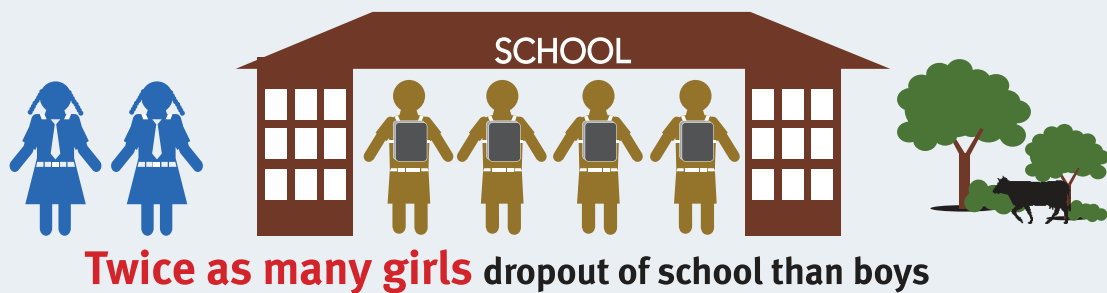
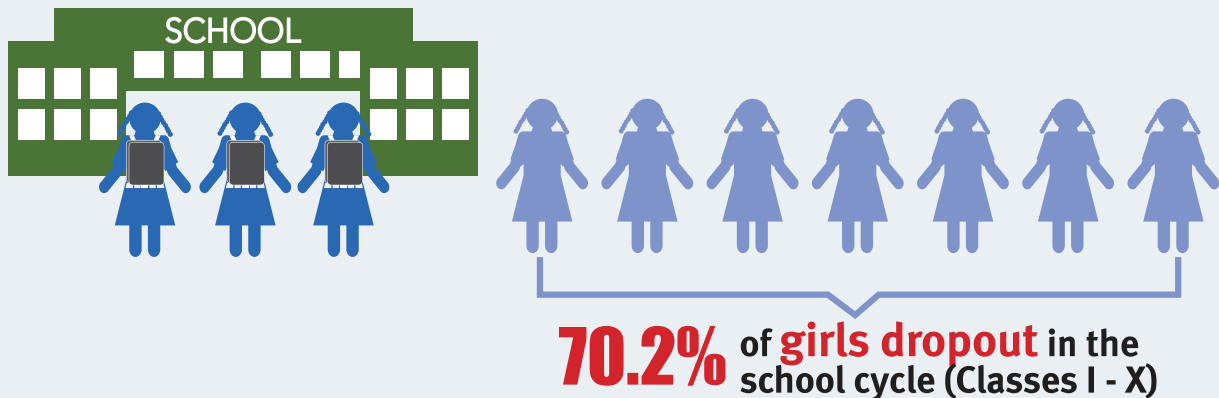
However, the overall difference in the enrolment ratio between boys and girls continues to be around 10 percentage points. The situation is more disturbing at the upper primary stage where the enrolment rate for girls falls below 60%. Particular attention in this regard is required in four states, namely Bihar, Jammu & Kashmir, Rajasthan and Uttar Pradesh

Retention in Schools

Although school enrolments have shown an upward trend over the past decades, retention and consequently transitions to successive cycles of education are a matter of concern. The average annual dropout rate at primary school was 42.6 % in 1990-91. In 1998-99

- For the entire school cycle (Classes I-X) dropout rate for girls was 70.2%
- School discontinuation rates of rural girls were twice as high as that of boys
- National surveys and data from late 1990s

Retention in Schools



Helping girls go to school: AWCs and Bridge Courses

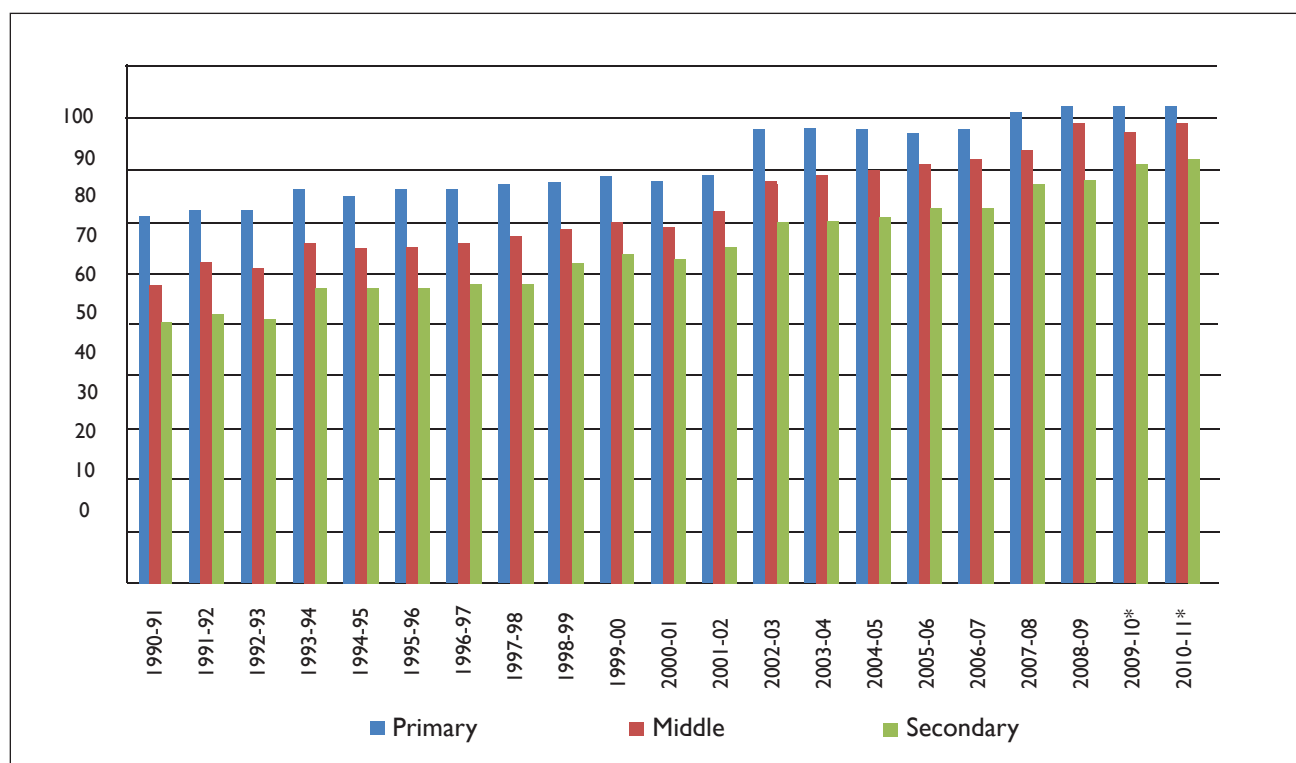
Girls are often responsible for the care of siblings a chore that accounts for much of the dropping out of school of adolescent girls. 354,000 anganwadis and 50,000 early childhood care and education centres are run by the government so that younger children are cared for. In turn this allows for their older siblings to attend school regularly. Other boosts to the education of adolescent girls includes remedial teaching (933,000 girls have been reached) and the running of bridge courses (as of October 2006, 80,183 girls had been reached). Free uniforms have also been provided to about 20 million girls in identified Educationally Backward Blocks.



Muskaan, 11, who had never really attended school due to financial difficulties, rolls cigarettes in Tonk, Rajasthan, India on 14 August 2013. Her family income from rolling cigarettes is 70 Indian Rupees a day while their daily expenses is 150 Rupees. She also draws mehndi, an Indian hand and feet decoration, and stitches, when she is not rolling cigarettes.

Suzanne Lee/Save the Children

Fig 3.3 Number of Girls per 100 boys Enrolled in Primary and Middle Classes in India



Note: *: Provisional

Source: Ministry of Statistics and Programme Implementation, Govt. of India (ON212) & Ministry of Human Resource Development, Govt. of India (ON340)

also show that 9 out of 10 girls enrolled did not complete schooling.

- Only 1 out of every 100 girls enrolled in Class I reached Class XII in rural areas
- 14 out of every 100 girls enrolled in Class I reach Class XII in urban areas

By 2011, there was a huge improvement on these numbers.¹²³

Yet, what is worrying is that with every successive level of education, there is a drop in retention levels. Overall, the attendance rate for girls in the age group 15-18 years (secondary school level) is 42.3% as compared to 52.7% among boys of the same age group. The number of girls who discontinue education before completing Class 8 was 41.34% as compared to the rate till Class 5 which was 24.41%. Discontinuation is much higher for girls from marginalized communities¹²⁴.

To this end, in 2009, the Rashtriya Madhyamik Shiksha Abhiyan (RMSA), a government programme to universalize secondary

education, was launched. The scheme aims at increasing access to secondary education with special attention to economically and socially marginalized communities living in rural areas, including disabled children. The programme has a specific focus on gender, recognizing the realities faced as they enter adolescence, offering a range of cash and non-cash incentives (e.g. bicycles) to ensure girls' participation.¹²⁵

Micro-studies show that patterns of attendance are dependent on age-related conditions. A study of 16 districts in three regions of the Andhra Pradesh (Andhra, Rayalaseema, and Telangana) found that the differentials in school attendance have been increasing with age. On the whole, 66% of girls in the age group of 6-17 years are attending school compared to 77% of boys in that age group. More specifically, in rural areas, 90% of boys, compared with 84% of girls, age 6-10 years are attending school, but by age 15-17 years, it is 46% boys and 23% girls who are attending school. In urban areas, 53% of boys in the age group of 15-17 years and 45% of girls in the same age group are attending school.

KGBV Schools: Supporting the Girls to Stay in School

Kasturba Gandhi BalikaVidyalayas (KGBV) were launched in July 2004. These are residential schools at upper primary level for girls belonging predominantly to the SC, ST, OBC and minority communities. The scheme is being implemented in educationally backward blocks i.e. where female rural literacy is below the national average and gender gap in literacy is above the national average. Three-fourth of the seats are to be reserved for girls belonging to SC, ST, OBC or minority communities. The remaining 25% are given on priority to girls from families who qualify as BPL. A total of 2.8 lakh girls are presently studying in 3013 KGBVs of which 30% are SC, 25% are ST, 26% OBC, 10% Muslim and 8% BPL.

National Evaluation of KGBVs¹²⁶

The second national evaluation of the KGBVs took place in November-December 2013 across 24 states. Some of the highlights of the evaluation are as follows:

1. There is **less involvement at the level of the states** then envisaged in the scheme. Only 8 out of 35 states made any contributions to the programme. It was found that several states under-reported the numbers of OOS girls.
2. **Risks to girls:** At the time of the evaluation, male staff had unrestricted access to the girls' hostels. In some hostels there were no toilets or bathrooms.
3. **Inadequate nutrition:** Prevalence of hunger was also reported. It was reported that a girl was beaten up for complaining of hunger. In another instance, meals were not provided as the Mid-day Meal provision had not arrived.
4. **Lack of Compliance to the RTE:** Norms on pupil-teacher ratio, required space for teaching-learning, qualification of teachers, availability of essential learning material including library, facility for sports and overall development of children were often flouted.
5. **Learning:** It was found that KGBV girls performed better than their counterparts in government schools. The attributed reasons are the absence of household chores, extra tutoring outside school hours and a relatively stress-free environment.
6. **Restricted options for co-curricular activities:** Gender-stereotyped activities such as embroidery, stitching, sewing, knitting, crochets and stuffed toy making seem to be popular co-curricular activities with the providers. In some KGBVs karate and self-defence were taught, but sporadically. When the evaluation team probed the reasons for this, they discovered that the teachers did not know anything else.

Table 3:3 Percentage of SC & ST Enrollment to Total Enrollment: 2005-06 to 2008-09

Grades	SC Enrollment		ST Enrollment	
	%	% SC Girls to Total SC Enrollment	%	% ST Girls to Total SC Enrollment
Share as per 2001 Census	16.20	-	8.20	-
2005-06				
I-V	18.95	47.51	9.56	47.56
VI-VII/VIII	17.18	45.40	7.47	43.93
I-VII/VIII	18.64	46.99	9.02	46.77
2006-07				
I-V	20.11	48.01	11.36	47.98
VI-VII/VIII	19.22	46.15	8.83	44.58
I-VII/VIII	19.87	47.53	10.69	47.24
2007-08				
I-V	20.08	48.10	11.60	48.30
VI-VII/VIII	19.17	46.80	9.23	45.47
I-VII/VIII	19.83	47.76	10.95	47.64
2008-09				
I-V	19.84	48.31	11.68	48.50
VI-VII/VIII	19.18	47.53	9.41	46.45
I-VII/VIII	19.72	48.09	11.04	48.01

Source: DISE Analytical Reports, 2008-09

Rural-Urban disparities with regard to Participation in Schooling

Disaggregated data according to social groups and gender reveals a large gap in terms of age-specific participation of children in primary and upper primary levels in rural as well as urban areas. While in rural areas just over one-third of children were enrolled in school (37%), in urban areas this was just over half of all six year olds. This gap continues even at higher grades. Currently, around 68% of 6-14 year old children from rural areas attend school, while the figure is as high as 81% in urban areas.

Social Inequity and Participation in Education Correlations and Challenges

A problem of inequity in coverage and participation can be observed with respect to different social groups, traditionally identified as under-privileged. Despite special provisions in the Constitution to meet the educational requirements of Scheduled Castes (SC) and Scheduled Tribes (ST), the

situation has remained far from satisfactory. The likelihood of exclusion is compounded if the child is a girl living in a rural area. Tribal girls in rural areas are in the most disadvantaged position, as only 51% of them are enrolled in schools, as compared to around 80% of all girls in urban areas¹²⁷. Additionally, as Sachar Committee¹²⁸ points out, Muslim children seem to be even worse off than SC/ST children.

While enrolment amongst SC/ST children is increasing, their non-attendance and dropout rates remain much higher in comparison to non-SC/ST students. This is largely because of their low social and economic position and engagement in traditional occupations which are exploitative and arduous, and therefore high opportunity costs for sending children to school where basic survival is at stake. Geographical and regional differences also show that some groups face further marginalisation. According to the NCERT position paper on SC/ST children, rural SC girls in Andhra Pradesh, Uttar Pradesh and Odisha have low participation rates, the worst being in Rajasthan. The ST students enrolling in Class I

drop out within a few years¹²⁹, 82% of which are tribal girls.

Recent studies indicate that the education situation of Muslim children, especially girls and those belonging to lower caste/status groups, is worse than that of SC/STs. Whereas the aggregate figure for enrolment of Muslim children is 50.7% as compared to 67.3% for SC and 59.8% for ST, the enrolment for lower caste Muslim children falls to as low as 36%. The lower caste Muslim children also record the highest percentage (32.6%) in the “never enrolled category. While over 70% ST and 55% SC girls among those enrolled attend school regularly, this figure falls to around 35% for Muslim girls. Over 1 in 3 lower caste Muslims girls never goes to school¹³⁰.

Structural Reasons for Non-Participation

Poverty emerges as a principal reason for girls' non-enrolment and discontinuation from schooling. Even though boys are withdrawn due to engagement in wage labour, opportunity costs of sending girls to school can also be very high. Recent data from studies of NREGS suggests that when mothers are able to earn money, or have childcare facilities at places of work, girls of all ages can continue to go to school¹³¹.

In some contexts, development-induced economic marginalization and displacement result in loss of livelihood options, and both education and marriage become crucial concerns for families.¹³²

Several micro-studies have pointed to the relations between class, caste and religion and the participation of girls in schooling. An early study in the 1990s in selected villages and urban wards in West Bengal¹³³ had shown that the enrolment chances were the highest for girls whose fathers were employed in white collar occupations (all of them were found to be enrolled) and the lowest for girls belonging to families of farm labourers (54%). Over 24% of the farmers daughters, 29% of the daughters of farm labourers, and 19% of the girls from blue collar families were likely to drop out of school. In contrast, only 2% of the girls from white collar families and 3% of the girls from business families were likely to leave school.

Gender-based Violence in Schools

Although there are several studies that establish the pervasiveness of violence against girl children, the empirical evidence of this specifically in the school space is somewhat sparse. According to the GOI study on Sexual Abuse in India¹³⁴, 65% of school going children reported facing corporal punishment. 62% of the corporal punishment was in government and municipal schools. 21.90% child respondents reported facing severe forms of sexual abuse and 50.76% other forms of sexual abuse. Children in Assam, Andhra Pradesh, Bihar and Delhi reported the highest incidence of sexual assault.

Physical punishment continues in schools, despite the current ban on corporal punishment following the application of the RTE 2009. The nature and form of these punishments range from ‘milder’ punishments to severe physical abuse often accompanied by caste, religion and gender based verbal abuse and labeling. In a study conducted in urban schools of Andhra Pradesh it was reported that students are punished more in schools than at their homes. Thus, 81% of the students reported being punished by their teachers at school whereas only 66% received punishment from their parents at home. More boys reported being punished than girls in both the contexts.

Sexual harassment is pervasive in the lives of school girls. Micro-studies of girls' education point to the ubiquity of sexual harassment in schools and their environments. One study of girls' education in Madhya Pradesh showed that sexual harassment by male teachers within schools as well as by males on the way to school pose several challenges to girls' education, including feelings of anxiety and insecurity, shame, negative self-identity and loss of confidence¹³⁵. Studies also report sexual harassment in colleges, bus stands, and taking photographs of girls using mobile phones were also reported during group discussions¹³⁶.

Although educational institutions are covered under the various legal provisions dealing with sexual harassment, mechanisms have been put into place in institutions of higher education but not in schools. With no grievance redressal or sympathetic counseling services available, girls report that they have to maintain silence after

facing such incidents of harassment and abuse on account of the possibility of being withdrawn from schools. With several social barriers to education, even when facilities are physically accessible, the lack of security both within schools and in public spaces poses yet another serious hurdle for girls.¹³⁷

CURRICULAR ISSUES AND THE SCHOOLING PROCESS

The relevance of education for the girl child is not restricted to participation in systems of schooling but what she accesses in terms of knowledge and the school experience itself. Although recent data on learning achievement do not indicate significant gender differences,¹³⁸ for girls, the inability to pick up basic reading and writing skills despite attending schools has serious implications for their continuing in the education system.

The 1986 National Education Policy and Plan of Action (1992) highlighted the importance of revising curriculum to specifically include gender. However, critiques of the textbooks post-1986 point to the narrow ‘parity’ approach that looked at ‘including gender’ in a mechanical manner without adequate attention to the overall, often gender insensitive content of textbooks¹³⁹. The National Curriculum Framework (NCF) 2005 pointed to the need to integrate gender in a cross-cutting manner in textbooks and pedagogy, along with other social identities¹⁴⁰.

It is clear that girls’ education cannot be seen in isolation from issues of quality. Educational quality is crucial for the achievement of gender equality in schooling, whether in the framing of curriculum, nature of pedagogy, teacher-student relations, as well as allocation of resources, including financial resources. Conversely, quality education cannot be achieved without gender equality and equity. In short therefore, any approach to looking at questions of gender and education has to affirm the notion of education as a transformative process which promotes social change and contributes to building a just and democratic society. A quality education rejects gender discrimination and social injustice.

“If her husband is earning, she should not aspire to work. “What is the need for her to work if her husband is earning? She can work only if her husband is sick/ unwell or she can work after being deserted by her husband”

— Bashir, a 15-year-old boy, Bhuwaneshwar.

“If her father-in-law and husband are working, then the woman shouldn’t work. If she’s not at home then they’ll be worried about who’s looking after the home. If the men are earning well, the woman shouldn’t go out and work.”

— Girish, 14-year-old boy, urban Delhi.

Studies of textbooks in India show that girls and women are markedly absent in all areas of economic productive activity, decision-making and adventure. Historical actors are inevitably men, with only a few women represented as icons. Narrative is male-centred and often condescending towards female characters. The image of the world presented to learners is, quite simply, one which is a naturalized world of male dominance, a world which is hyper-gendered and quite removed from children’s social experiences¹⁴¹. These ‘facts’ are then carried over into classrooms by teachers, whose own positions on gender influence their relationships to children, through patterns of labelling and task assignments considered gender-‘appropriate’.

An illustration of classroom discussions around gender roles is given below. This narrative of a rural school teacher who attempts to bring up issues of gender in her classroom, points to the challenges as also the possibilities of engaging children to reflect on complex issues related to gender discrimination based on their own experiences.

Micro-studies confirm that a multiplicity of school-based phenomena related to knowledge and its transmission add to the construction of a heteronormative patriarchal discourse that fixes immutable gender identities on children. These studies show how textbook content, gendered classroom pedagogies and the social character of education have differential impact across class, religion and region and for girls from different social groups such as dalits, adivasis and minorities. In other words, the quality of learning is dependent on these identities and is unequally

Rural School Teacher's Experiment with Gender Issues

I teach in a rural higher secondary school in Dewas (MP). While teaching the excretory system in a 10th standard science classroom, I thought that the topic could be initiated by talking about things that are thrown out of home when we try to clean it (water, solid wastes, kitchen smoke, etc.). So first of all I drew an outline of a house on the board. In the village, cooking is mostly done with firewood. So I drew a chulha and nearby I drew a man roasting chapattis. In order that I not communicate that only men should do housework, I also drew a female rolling chapattis. I drew this in order to start a discussion on the topic.

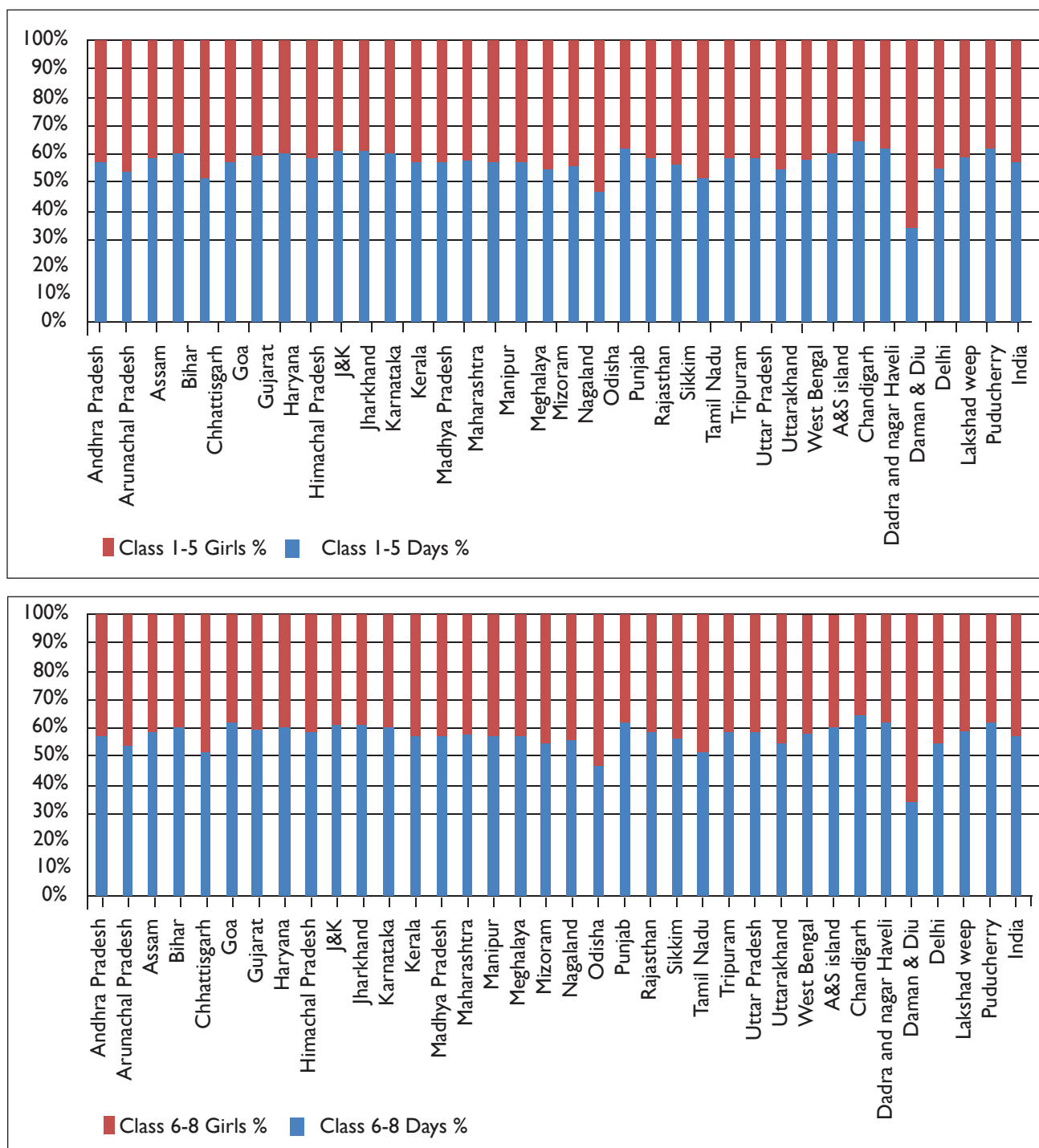
But a volley of questions greeted me, such as: Madam, what is this? Why are you making the “poor” man prepare chapattis? Such things may happen in urban areas, not in our homes. It is women’s work to prepare food and take care of house. If man does house work, than who will go out to work and earn money? Will women take ploughs and go to the fields?

In response, I raised a few questions. Is a person who works in the home a “poor” person? If so, then why should women too work in the home? In fact it is thanks to the house work done by women that men can go out and earn. And a woman who goes out to earn has a double work load, she works in the house and works outside the home too. Does anyone ask the woman, whether she likes doing housework or not? Does anyone ask a man if he would prefer to do housework or work outside the home? Distribution of work on the basis of sex - is this division right or wrong? We all have to accept that boys and men can take important responsibility in house work.

Then one student said, “Madam, but this has been going on for decades.” I said; “So should the things which have been going since a long time go on in future also? If our ancestors had taken this stand, then would we not still be walking on four legs?”

The discussion came to an end, and my words seemed to have been in vain. The majority of the girls were sitting silently and the boys had adopted an aggressive posture. Yet, the creases on some foreheads and the eyes concentrating on something far away in the distance, told me that I should find more opportunities more such discussions in the future.

State wise Enrolment of Children with Special Needs (CWSN) Students (Total Impaired) of Classes I-V and VI-VIII in India (2007-2008)



distributed within the context of the stratified schooling system in India. Together these act to limit and constrain outcomes of girls' education¹⁴².

C. LAYERS OF DISADVANTAGE

DISABILITY

According to the report on Disability, Knowledge and Action (2005) not more than 4% of disabled

children receive an education. The Ministry of Human Resource Development (MHRD) and National Council of Education Research and Training (NCERT) put the figure at less than one %¹⁴³.

The Integrated Education for Disabled Children (IEDC) scheme was launched in 1992. IEDC offers financial assistance towards teachers' salaries, assessment, provision of aids and appliances, training of special teachers, physical accessibility, instructional materials, community mobilisation, early detection and resource support. In 1994,

Education of girls in Kashmir

A study on “Challenges to Education in Jammu & Kashmir” (February 2010-May 2011) examines the impediments to children’s education in the State of Jammu and Kashmir. The study covered 39 schools in selected villages of the districts of Poonch and Doda (Jammu region), Anantnag, Budgam, Srinagar and Kupwara (Kashmir region) and Kargil (Ladakh region) and was largely qualitative with the findings combined with a quantitative baseline survey. The composition of the subjects is interesting firstly because the four districts are high intensity conflict affected, secondly, also consisting of tribes like Gujjars, Bakharwals and Gaddies that are largely nomadic in nature. Also, a large chunk of the children were found to be from scheduled castes also in urban areas.

Some key findings:

On Dropouts: Most of the girls drop out in the age group of 10-15 years. In fact, 80 % of the out-of-school children were girls. The chief reason cited for not being able to continue education was poverty (and the need to do household chores, mothers illness etc). In places like Budgam, some of the girls work in the shawl-making and embroidery business which is an extension of their household chores as it is done from homes. Many of these girls talked about their school years, when their parents could not afford notebooks and uniforms. However poverty was compounded by the fact that education of girls is not a priority for parents culturally. On the other hand, dropouts in case of boys, were attributed to loss of interest in studies because of the poor learning environment. Thus poverty at the household level does not affect boys and girls equally. Boys are preferred to be sent out to study while girls are held back to supplement the family income.

On Classroom Bias: Teachers pose less questions to girl than to boys to check whether concepts taught have been imbibed well. For 16 questions directly posed to boys, only 6 questions were posed to girls even though girls are seated in the front row. Girls asked questions only on 13 occasions while boys asked 20 questions in the same duration showing how meek and submissive behaviour expected from girls is replicated in the classrooms.

inclusive education entered the international spotlight with the Salamanca Statement - signed by 92 countries. The IEDC scheme has now evolved into Inclusive Education of the Disabled (IED).

The National Policy of Special Education strongly recommends inclusive education. The concept is widely used in government documents, including the literature of the District Primary Education Programme (DPEP) and the Sarva Shiksha Abhiyan (SSA). However, there is a lack of clarity around the concepts of integrated and inclusive education and special education needs Singhal notes¹⁴⁴:

“The shift from integration to inclusion has been linguistic, devoid of engagement with more fundamental issues. In addition the government appears to be conceptualising inclusive education as another alternative system available for children with disabilities.”

The first review of SSA noted that IED implementation is poor, and that a medical model of disability still dominates, resulting in an emphasis on identifying and assessing disabled children. The responses focus on providing assistive aids and improving the physical accessibility of schools with the construction of ramps and rails. However, there was no emphasis on meeting particular needs beyond access.

Alongside the promotion of integrated and inclusive education, there has been a rapid growth in the number of special schools in the country. In the early 1990s, there were approximately 1,035 special schools, but by 2000 the number had more than doubled to reach around 2,500 with most concentrated in urban areas particularly in Mumbai¹⁴⁵. Special schools are the responsibility of the MSJE rather than the MHRD. The MSJE provides grants in aid to various NGOs to run these schools, though most do not receive any government funding.

Having any form of disability renders girls more invisible than boys. This is evident from the enrolment figures of children with special needs (CWSN) (See following graphs). Thus we see that of the total number of CWSN enrolled in the 2007-08 in class I-V, 43.4% were girls while 56.6%

were boys. Similarly in class VI-VIII, 45% of CWSN girls were enrolled as against 55 % boys.

EDUCATION IN CONFLICT AFFECTED AREAS

Children's education is severely impacted in situations of social conflict¹⁴⁶. Prolonged conflict between communities such as communal and ethnic conflict, as well as conflict between people and the state, results in disruptions in children's school routines. This may be due to unavailability of school premises because of occupation by security personnel and forces and high teacher absenteeism in the wake of heightened insecurity in the region. In many areas where conflict between the state and people has been prevalent over long periods of time (like Kashmir, the North-East States and Central India), education in general has been severely affected. In these regions, already inadequate schooling facilities have been put under further strain making them nearly non-functional. The rebuilding of schools, the disruption of the school calendar with frequent closures, inability to stick to examination schedules and most importantly a fragile peace are serious hindrances to education and schooling.

Rehabilitative measures attempted have not met with sufficient affirmation by communities, given the prevailing environments of fear and insecurity. The study by Save the Children in Chhattisgarh, for example, found that even the provisioning of temporary schools (porta cabin schools) are not being sufficiently utilized, since these are often far from hamlets, and are cramped, uncomfortable and unhealthy for children¹⁴⁷. Residential schools too have failed because of concerns of abuse, leading to children running away.

The outcomes of conflict are profoundly gendered, with heightened insecurity exacerbating pre-existing gender discrimination. The culmination of these discriminations, in the collective experience of sexual violence as a weapon of conflict is singularly damaging. One of the first impacts in a conflict area therefore, is the withdrawal of girls and women from education, thereby constraining their capabilities.

During violent conflicts, issues of social identity come to the forefront and there is a tendency for increased family and community controls on young girls as a result of real and imagined possibilities of sexual violence, which in turn become concerns about community identity and honour. The phenomenon of ghettoised schooling accompanying seen in the aftermath of the 2002 Gujarat violence is one outcome of such concerns. Homogeneous ghettoised schools make girls' social experience insular and confined to their own communities, where even basic friendships with other children cannot develop. Worse, this has a direct negative impact on the mobility of girls who get more restricted to home and community spaces.

On the basis of this overview, three key areas for further inquiry emerge as significant:

- Impact of conflict on girls' education
- Violence and sexual harassment/abuse in schools - extent, features and mechanisms of redressal
- Impact of increasing private sector participation on girls' schooling, with a focus on social identities and hierarchies of access

CONCLUSION

This chapter has attempted to look at the developments in the education sphere vis-à-vis the girl child, in light of the changed socio-economic landscape ushered in by the country's liberalization. Post-liberalization India was the place of much hope and aspiration; the social demand for girls' education rose, and was matched by an increase in enrolment numbers. However, the grim realities of poverty, poor infrastructure, patriarchy and a feudal societal fabric has halted progress at every stage of the girl child's journey from home to school. Young boys/men are shockingly regressive in their attitudes when it comes to girls/their education/their role in society, and male teachers often play the role of sexual predators. In such a scenario, it is up to the State to ensure short and long-term measures: be it in the form of more female teachers, or improve numbers/quality of State education that guarantee enrolment/retention in school. Till such time, the girl child will continue to face the roadblocks, but hopefully not stop the walk to school.

IV CHILD PROTECTION

Fifteen year old Sumitra Lahjal belongs to a village in the impoverished Kalahandi District of Odisha. Last year her mother received a “good” proposal for marriage through an uncle. “My uncle thought why should a girl study after Grade 10, she should get married. The boy was from a good family and had a good job.” The boy in question was in a white collared job, a much-desirable quality in a groom for Sumitra’s family who eke out a meagre living through their one patch of land growing rice and lentils. Sumitra’s family saw this as an opportunity for her daughter to have a better future.

But Sumitra who is also a member of a children’s group in her village and had learnt about child rights, and the horrific cases of child marriage. She sought the help of the children’s group to save her from the predicament.

The children’s group members contacted the Child Protection Committee at the village level stepped in to help Sumitra and to ensure that the marriage does not take place. In this Save the Children supported CPC, the community member had been chosen strategically with a mix of child-friendly adults and anganwadi worker, ASHA workers. The ASHA worker of the locality was assigned the task of persuading the family members.

It turned out that Sumitra’s poor and uneducated parents were completely unaware of the implications of child marriage. Neither were they aware of the

It turned out that Sumitra’s poor and uneducated parents were completely unaware of the implications of child marriage. Neither were they aware of the legal age for marriage of girls, or that getting their daughter married before 18 years of age is a punishable offence.

legal age for marriage of girls, or that getting their daughter married before 18 years of age is a punishable offence.

Sumitra’s parents agreed to call off the marriage and today life is looking very different for Sumitra. Having just finished her Grade 10 examination, she is looking forward to joining the junior college in the nearby town of Bhawanipatna and to the rest of her future.

Child protection finds place in the UNCRC framework in the form of a set of rights that protect children from abuse, exploitation and violence. In case of the girl child, there is an intersection of disadvantage — of being a child and being a girl — and the protection needs therefore, become multidimensional. Violence against girl child is perpetrated in families, households and in larger common spaces and occurs through all stages of growing up. In all these settings the girl child is subject to abuse, exploitation and violence in their varied manifestations.

This discussion is an attempt to address the various manifestations of abuse as faced by the girl child (such as violence, exploitation and neglect), and the sites/spaces in which abuse plays out: the home, the community, the public space. Abuse, exploitation and neglect will run as pervasive concepts while discussing the protection issues that the girl child faces.

The discussion delves into harmful traditional practices such as child marriage, to protection needs of girls living and working on the street.

Finally, it looks at possible safety nets for the girl child such as protective policies, and on alternative care models like shelter homes and adoption.

CHILD PROTECTION: FROM SILOS TO SYSTEMS APPROACH

Traditionally, policymakers have addressed child protection by looking at each manifestation of abuse in isolation, almost like silos. Research and programmes that aimed to protect children addressed categories of abuse/neglect in isolation: for instance, 'street children', 'children affected by manmade/natural disaster', 'children in conflict with law', 'children who need alternative care set ups' would all be tackled separately.

Over the last few years, however, there has been a global move in international NGOs and UN systems towards establishing a protection system rather than dealing with protection as an isolated issue. UN bodies and INGOs like Save the Children now state that governments need to adopt national budgets, policies, practices and monitoring mechanisms through a "rights-based approach." Governments also need to encourage public discussion of child protection issues, because legislation alone is not sufficient impact unless awareness is raised and attitudes are changed"¹⁴⁸.

The benefits of looking at a "holistic service structure" is that it encompasses all children, "Such systems seek to protect all children and to unite all stakeholders behind a common set of goals, creating a long term response that is robust, properly coordinated and adapted to evolving problems"¹⁴⁹. In a holistic approach, there is also an identification of child protection systems at all levels, from national to community levels with a scope for including community-based informal systems in families and neighbourhoods that have the potential to protect children.

The comprehensiveness of the Systems Approach to child protection helps in addressing and understanding the protection needs of girls specifically where gender-based violence or infringement of rights is a product of cultural

practices. Apart from examining the protection needs of girls as they emerge in specific settings, we examine how the child protection systems have been devised to address their needs. For example, while looking at the dynamics of abuse in family settings we examine how law addresses it and the key gaps that emerge in legislations that affect protection of children and consequently girls. Our research shows that while a large number of girls get married early, the domestic violence legislation does not see the harm done to her as particularly heinous, as it does not recognize her as a child.

We first look at the manifestations of abuse such as violence, exploitation and neglect. Our discussion investigates the subject using the crime statistics of the nation. From there, we on move to examine special circumstances where the need for protecting girls becomes more intense like in the case of a working child or in the case of early marriage, or in public spaces and in shelter homes.

A. ABUSE AND ITS MANIFESTATIONS

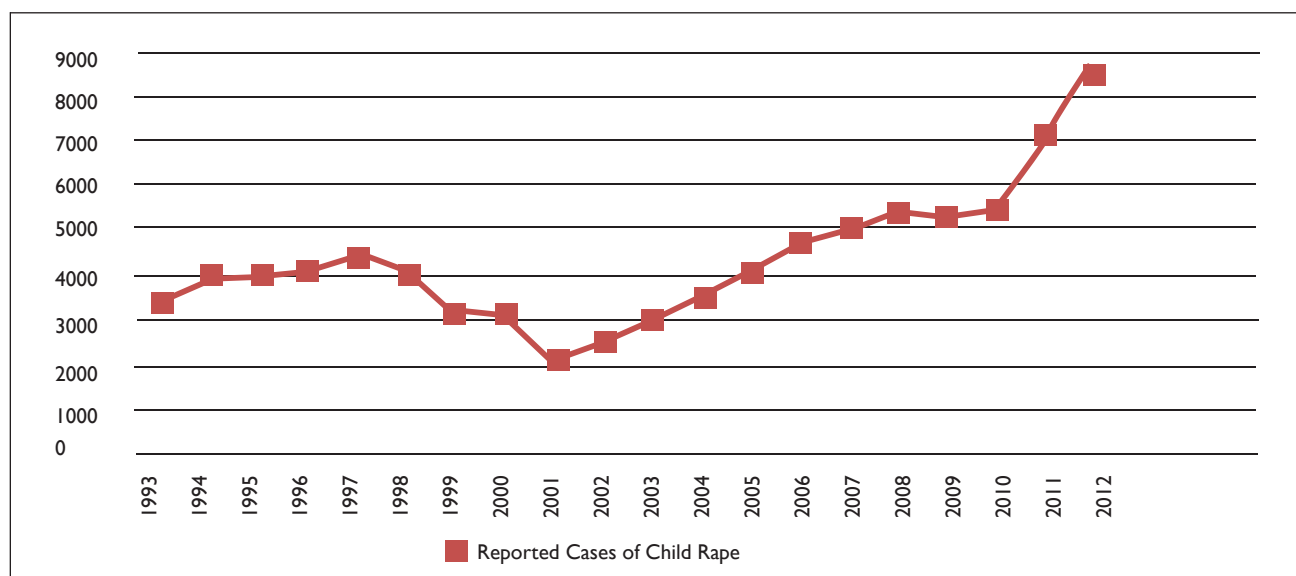
VIOLENCE AND ABUSE

Article 19 of the UNCRC states: Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents or anyone else who looks after them"¹⁵⁰.

Characteristics of Child Abuse

Given the power dynamic between younger persons and older people, any child can potentially be abused and given the patriarchal nature of our society, girl children even more so. While abuse is categorized as physical, emotional or sexual abuse for discursive purposes, it must be noted that the experience of abuse for a child, invariably consists of multiple forms of abuse occurring across various settings like family, school, workplace etc. According to the World Report on Violence against Children-2013, child abuse needs to be examined in child care settings

Fig 4.2 Reported Cases of Child Rape



Source: NCRB

and also in systems ironically designed to give justice to children. The abuse that children face may also differ according to the age group they belong to. Very young children are susceptible to physical violence, adolescent girls are most likely to suffer sexual abuse and boys may get exploited at workplace. The Report outlines, “Girls suffer considerable more sexual violence than boys and their greater vulnerability to violence in many settings is in large part a product of the influence of the gender power relations within the society. At the same time boys are more likely to be victims of homicide and particularly violence involving weapons”.

Violence against children – as has repeatedly been noted – is often ‘hidden’ as it is perpetuated by people closest to them including parents and caregivers; and ‘invisible’ as it occurs away from public view in places like homes, workplace in informal sector like hotels and cottage industries, in schools etc. When it comes to girls, families choose to keep mum over sexual abuse as the concept of ‘honour’ or shame takes over. The family ‘honour’ is valued far more than her rights for justice or medical attention to address physical and mental trauma.

While we will examine abuse and violence that girls suffer as child labourers, in early marriage etc. in different sections, in this section we simply look at the prevalence of abuse and violence

* In 2007, two out of every three children reported undergoing some form of physical violence in India

* India has the world’s largest number of sexually abused children with a child below 16 years raped every 155th minute, a child below 10 every 13th hour and one in every 10 sexually abused at any point of time.

against girls in terms of how frequently it happens.

Child Abuse: The Statistical Challenge

Perhaps one of the biggest hurdles in studying violence, especially violence against children, is the difficulty in eliciting the statistical extent of violence. As a result, “India does not even have an exact enumeration of children that need special protection.”¹⁵¹ The National Crime Records Bureau data cannot be seen as an accurate representation of the actual extent of violence against girl children, simply because significant numbers of violations continue to go unreported. The National Family Health Survey, which does have questions on violence, computes some data on abuse. This, again, was done in the context of ever married women, and data is only available for girl children over the age of 15. Under these circumstances, the current report draws to some extent from the first all-India study on child abuse conducted by

Facilitators or Obstructors: Role of the System in the Reporting of Abuse

The UN Office on Drugs and Crimes records that in 2010 there were a suspiciously-low statistics of 1.8 cases of rape reported for every 1000 people in India. In Germany it was 9.4, in Norway 19.2, in the USA it was 27.3 and in Sweden it was 63.5 per thousand.¹⁵⁸

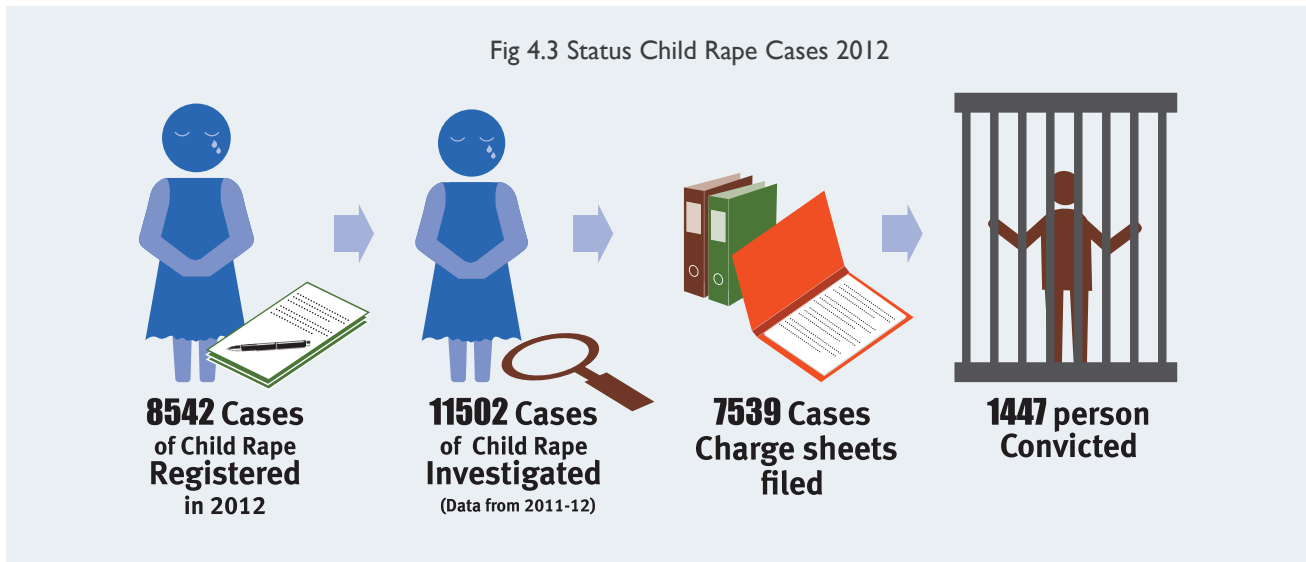
This data suggests that the figures cannot be taken to represent the real number of crimes but rather the degree of ease and safety of access for women and children in different countries to report violence against them to the police. According to a UNFPA report, an estimated 70% of Indian women in the reproductive age group face incidents of beating, but do not report them publicly out of fear. **In the MWCD study on child abuse in 2007, it was found that 53% of children in India are subjected to sexual abuse, but most don't report it to anyone.**

Table 4.4 Gender-wise Percentage of Children reporting Sexual Abuse

States	Boys	Girls
Andhra Pradesh	54.21	45.79
Assam	53.58	46.52
Bihar	52.96	47.04
Delhi	65.64	34.36
Goa	52.27	47.73
Gujarat	36.59	63.41
Kerala	55.04	44.96
Madhya Pradesh	42.54	57.46
Maharashtra	49.43	50.57
Mizoram	59.96	40.04
Rajasthan	52.5	47.50
Uttar Pradesh	55.73	44.27
West Bengal	43.71	56.29
Total	52.94	47.06

Source: Ministry of Women and Child Development. Study on Child Abuse: India 2007

Fig 4.3 Status Child Rape Cases 2012



the Ministry of Women and Child Development for an all India statistical understanding of the extent of violence against children,¹⁵² though it does acknowledge that the said study suffered from several methodological limitations.

India in the Global Context

Globally, in terms of the number of reported cases, boys seem more prone to be victims of corporal punishment, but the number of girls actually facing corporal punishment at home is no less¹⁵³. Girls are found to be at a higher risk of infanticide, sexual abuse, educational, medical and nutritional neglect and forced prostitution. Findings from various international studies show the rates of sexual abuse to be 1.5 – 3 times higher among girls than boys.¹⁵⁴

According to the MWCD study mentioned earlier, two out of every three children reported undergoing some form of physical violence in India in the year 2007.¹⁵⁵ India has the world's largest number of sexually abused children, with a child below 16 years raped every 155th minute, a child below 10 every 13th hour and one in every 10 children sexually abused at any point of time.¹⁵⁶ Even as we acknowledge that many cases never come out into the open, the reported cases of child rape in India, as per NCRB data, have been on the rise for the past 20 years (See Fig. 4.2) with an increase of 336% in the last 10 years.

NFHS 3 indicated that of all the reported cases of sexual abuse in India, 14.2% girls experienced the first incidence of sexual violence between the ages 15 to 19 years, 4.8% were abused first between

the age of 10 – 15 years and 0.4% between the age of 0 – 10 years. This seems to indicate that the 15-19 age group is the most vulnerable among girls to the risk of sexual abuse.

Of a total of 2211 respondents in the MWCD study, 53% children faced at least one form of sexual abuse or the other and 48% of boys and 47.06% of the girls faced sexual abuse. The prevalence of sexual abuse in the upper and middle class was found to be proportionately higher than in the lower or lower-middle class. A majority of the abusers were people known to the child; sexual harassment in public places and exhibitionism was higher by strangers. Sexual abuse of children was very often a pre-planned insidious abuse of a personal relationship by an abuser over the child¹⁵⁷.

At the state level, one sees confusing and contradictory data. Goa reported the lowest incidence of sexual abuse in both boys and girls. Assam reported the highest incidence of sexual abuse of both boys and girls.¹⁵⁹ Regardless of this, several micro-studies in Goa indicate how institutionalized sexual abuse is in the state.¹⁶⁰ They also draw attention to another tourist spot, Kerala.¹⁶¹ Both places show a predominance of migrant children, who reach the tourist spots in search of employment.

Punishing the Guilty: What the Numbers Say

In 2012, a total of 8,541 of total cases of child rape were registered¹⁶², 11,502 child rape cases were investigated (including investigations pending from previous years), and 7,579 charge-

Law-speak:

Journey towards a more stringent law to address sexual violence against girls and women

1. Prior to the enactment of POCSO Act:

- The Indian Penal Code (1860) penalized sexual offences against children, and the Criminal Procedure Code (1973) dealt with the procedural aspects to be followed by police and courts
- There was no separate provision in the Indian Penal Code for sexual offences against children but Section 375 was invoked when a girl child was raped and Section 377, when unnatural offences were committed against children. This included the rape of boys.
- If the act could not be termed 'rape' or 'unnatural offence', Section 354 was invoked, namely, assault or criminal force to woman with intent to outrage her modesty.

2. Creating an environment free from fear

The Supreme Court intervened to ensure such an environment in *State of Punjab vs. Gurmit Singh* (1996), which dealt with the gang rape of a girl below the age of 16. The Supreme Court asserted the need to control badgering of rape victims during cross-examination, the practice of in-camera trials, and suggested that cases of sexual assault of females be tried by female judges. The Supreme Court observed, "While all latitude should be given to the accused..., the court must also ensure that cross-examination is not made a means of harassment or causing humiliation to the victim of crime."

3. Recognising various types of sexual offences

The inadequacy of the law in this regard was raised in *Sakshi vs. Union of India* (2004). The Supreme Court laid down rules to enable a child witness to depose in a friendly environment. It stipulated the need for a screen or other arrangement to be made so that the child witness does not see the accused when testifying, decreed that questions in cross-examination relating to the incident were to be given in writing to the judge for putting to the child witness, and ensured that breaks be given to the child witness during her deposition.

4. Addressing Child Sex Tourism and Paedophilia in Goa

In view of the peculiar problem of child sex tourism and paedophilia prevalent in Goa, the State government enacted the Goa Children's Act 2003 "to protect, promote and preserve the best interests of Children in Goa and to create a society that is proud to be child friendly."

5. The Protection of Children from Sexual Offences Act 2012

- Includes a more nuanced understanding of sexual offences
- Establishes a special procedure to be followed by the police and the trial court when dealing with such offences
- Recognizes that children require professional support while journeying through the criminal justice system.
- Recognizes that both boys and girls are vulnerable to sexual offences.

However:

- Criminalises consensual sexual activity between 16 -18 year olds
- Penalises the providing of false information or registering a false complaint so could hinder disclosure of cases

6. Amendment to CrPC 2013:

The Justice Verma Committee report and the Nirbhaya incident had a fair amount of influence on the amendment of criminal law procedure. The amendment focused on more stringent punishment as a deterrent for committing offences of violent sexual nature against girls and women. Some of the issues it addressed included:

- **Acid Attacks:** According to Acid Attack Survivor Foundation of India, most of the victims of acid attacks are girls below 18 years of age. Warding off the sexual advances is the chief reason that triggers an acid attack. This is confirmed by other sources too. According to a publication of Cornell Law School, the acid attacks in India, like Bangladesh, have a gendered aspect to them: analyses of news reports revealed at least 72% of reported attacks involved women. The Cornell report also pointed out that India, where such cases are on the rise, had not enacted laws either to regulate the easy availability of acid or to adequately punish perpetrators of attacks. The National Law Commission too stressed the need for “inclusion of acid attacks as a serious crime in the Indian Penal Code and a law for compensation for victims of crimes” (2008). There are no statistics available for the number of acid attacks victims in India. The Cornell School conducted a fieldwork which showed that between January 2002 and December 2010, 153 acid attack cases were reported in the Indian newspapers. During 1967-2010, only 85 cases of acid attacks were prosecuted in Indian courts. The Law Commission states that there were 174 cases reported of acid attacks, but cautions that this could be a gross underestimation as many victims are not allowed to report their plight out of shame. The amendment to criminal law subsequently now has included has made punishable attempts to throw acid (Section 326 B), harm to internal organs (Section 326 A) and the right to private defence for the victim (Section 100).
- **Sexual Harassment:** Section 354A makes sexual advances of any kind including sexually coloured remarks as a punishable offence. Attempting to disrobe a woman, stalking in public spaces or on internet based platforms, etc. have also been made punishable offences.
- **Rape:** The definition of rape has been expanded to include non-penetrative sexual assault. Along with this punishment for rape by police, army, medical and other professional now attracts more stringent punishment. Gang rape and rape leading to death or coma will now attract a punishment of 20 years or life imprisonment.

% Distribution of women and men age 15-49 by age at first Marriage, according to educational attainment and wealth quintile, NFHS-3, India

Age at first marriage: women								Age at first marriage: Men						
	<15	15-17	18-20	21-24	25+	Not married	Total %	<15	15-17	18-20	21-24	25+	Not married	Total %
Education														
None	41.6	34.14	14.7	2.6	0.7	5.6	100.0	8.9	16.2	29.3	20.2	10.7	14.7	100.0
0-4 years	26.8	35.0	185.0	4.4	1.5	14.3	100.0	5.4	11.5	23.9	24.3	12.9	22.1	100.0
5-9 years	14.3	28.3	20.9	7.4	1.8	27.3	100.0	4.7	8.6	16.0	17.7	12.9	40.2	100.0
10-11 years	4.7	17.8	23.5	12.4	4.0	37.7	100.0	2.5	5.2	9.4	15.3	18.1	49.5	100.0
12+ years	1.6	6.5	19.0	23.5	11.3	38.1	100.0	1.9	4.0	7.6	14.9	28.8	42.9	100.0
Wealth quintile														
Lowest	38.5	33.3	12.9	2.1	0.7	12.5	100.0	8.2	15.6	26.1	17.0	8.8	24.4	100.0
Second	33.8	33.3	12.9	2.1	0.7	12.5	100.0	7.1	12.2	21.6	18.8	10.2	30.2	100.0
Middle	26.1	30.3	17.7	5.0	1.5	19.6	100.0	5.3	9.6	17.9	19.0	12.8	35.5	100.0
Fourth	17.2	27.2	21.9	8.4	2.7	22.6	100.0	3.1	6.6	13.6	18.6	17.8	40.2	100.0
Highest	8.3	17.7	22.7	17.5	6.9	26.9	100.0	1.1	3.1	7.8	16.3	28.2	43.4	100.0
Total	23.9	27.8	18.2	7.7	2.7	19.8	100.0	4.6	8.8	16.6	17.9	16.4	35.7	100.0

A fact finding team of Aman Biradari and Islamic Relief which visited refugee camps in Muzaffarnagar set up after the riots for the Muslim families in the area in 2013 found that 50 girls under the age of 18 years had been married off. The chief reason for early marriage was cited as the unsafe environment of the camps and the “threat” to the honour of the girls. Even the women who had undergone sexual violence had in most cases stayed silent about it keeping in mind the “dishonour”.

Source: Fact-finding and assessment report: Muzaffarnagar and Shamli District, U.P. By Aman Biradari and Islamic Relief India, <http://centreforequitystudies.org/wp-content/uploads/2014/01/Aman-Biradari+IRI-Muzaffarnagar-Fact-Finding-and-Assessment-Report.pdf>

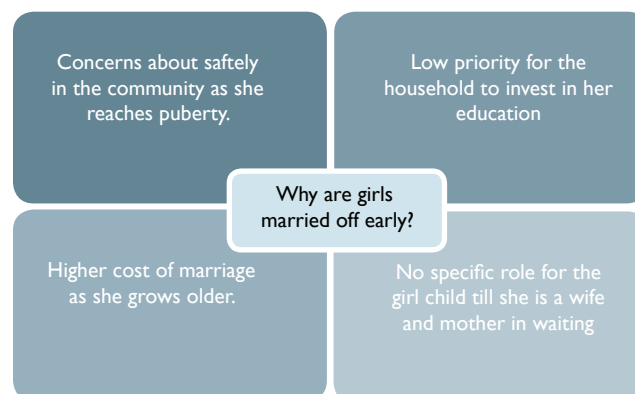
sheets were filed. The outcome was disappointing: only 1447 persons were convicted for child rape and from the total number of cases of child rape tried in 2012, only 27.9% resulted in conviction¹⁶³. These figures only include cases registered under Sections 375 and 376 of the Indian Penal Code; these do not include data of cases registered under Sections 377 and 354. It will be interesting to examine whether the enactment of the Protection of Children from Sexual Offences Act 2012 results in an increase of reportage: a) of cases of sexual offences against children b) in the number of such cases investigated in a year and c) an increase in the rate of conviction.

CHILD MARRIAGE

Child Marriage has been defined in both CEDAW and UNCRC as any marriage that takes place before the age of 18 years. India is a signatory to both UNCRC and CEDAW. In Chapter 2 (Survival of the Girl Child), we have discussed the implications of child marriage on the girl's health. Domestic violence is another critical dimension of it.

The Scenario: Worldwide and India

11% of girls in the world are married before they turn 15¹⁷⁰. In contrast to the developed world, one in seven girls in developing countries marry before the age of 15 and nearly 50% are expected



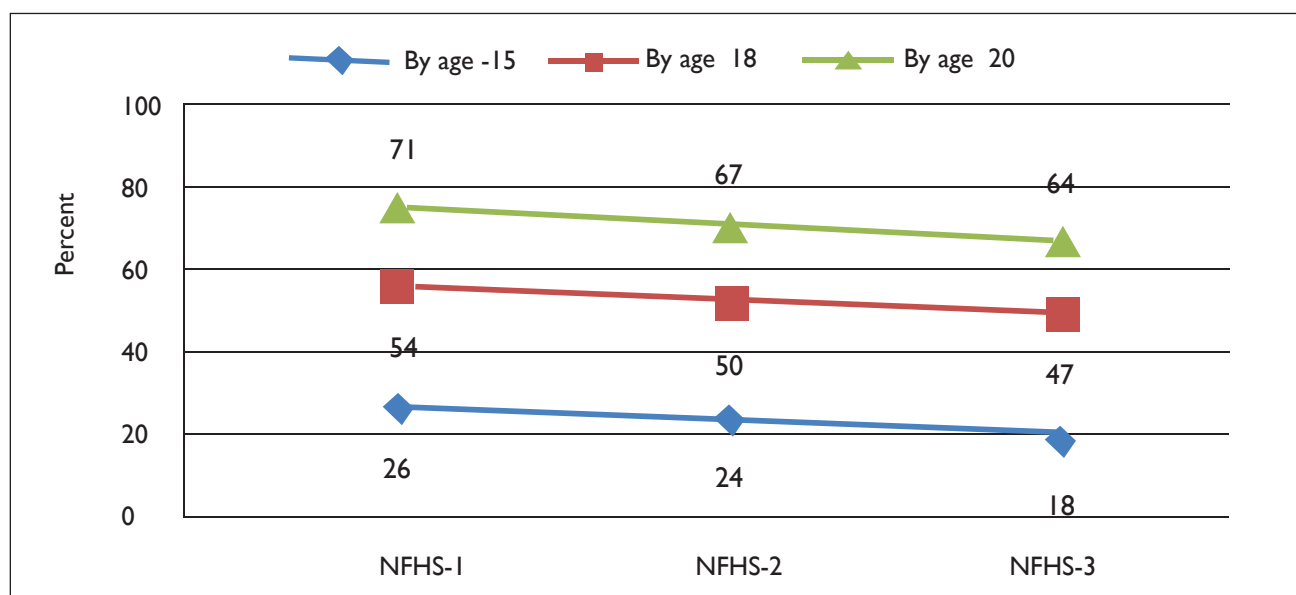
to marry by their 20th birthday.¹⁷¹ In Africa, 42% of women are married before 18 and in Latin America and the Caribbean, 29%.¹⁷² Finally, 51 million girls between the ages of 15 and 19 are married worldwide.¹⁷³

According to SEIVAC, in South Asia, 46% of women between the ages of 20-24 years report to being married before 18 years in 2010, thus translated to 24.4 million women in the region. Estimates project that 130 million girls in South Asia will be married as children between 2010 and 2030¹⁷⁴.

Bangladesh reports the highest instances of child marriage with 66% children marrying early. This is followed by India and Afghanistan which report 46% of marriages occurring before children turn 18. Bangladesh, India and Afghanistan have been identified as the “hotspots” for child marriage by SEIVAC. The South Asian region trends show a high incidence of child marriage in rural areas and a decline in the number of young adolescents marrying by the age of 14 years. Also, significant is the fact that “girls are more likely than boys to be married as children; 5% of the boys aged 15-19 years are currently married or in union in South Asia compared to ‘as many as 35%’ of the girls in the same age bracket.

In 1993, India became a signatory to the Convention on the Elimination of Discrimination against Women (CEDAW) which provides for the prohibition of Child Marriage in Article 16.2. India made a declaration regarding the infeasibility of adhering to the principle due to the “variety of customs, religions and level of literacy”.¹⁷⁵ India is also not a signatory to the other international agreement related to child marriage, namely the 1962 Convention on Consent to Marriage,

Figure 4.1 Trends in the percentage of women aged 20-24 years married before exact age 15, 18, and 20 years, India



Data from NFHS 2 shows clearly that girls and women with less years of schooling tend to get married earlier. Over 41% of women who married as girls before turning 15 years had no formal education at all. The NFHS data also shows that girls and women who have had 12 plus years of schooling mostly got married in the age range of 18-25 years. Thus, age at marriage keeps increasing with the number of years of schooling.

Minimum Age for Marriage and Registration of Marriages.

There are multiple explanations provided for the practice of Child Marriage. SEIVAC draws attention to these reasons in South Asia and India. Concern for safety of girls is one of the chief reasons why girls are married off early. This looms large as chastity and virginity of girls is greatly valued in Indian society. Parents and community members feel that, “Early marriage protects the girl’s marriageability which can be destroyed by pre-marital sexual violence or choice”¹⁷⁶. This can be corroborated by the fact that in times of conflict or disasters when the social order is shaken, girls are married off even earlier. Traditionally, girls from lower castes and poorer backgrounds constantly face molestation and violence from the upper castes and child marriage is seen as a strategy to protect girls from sexual abuse.

In a patriarchal society, the girl’s role within her family (the one to which she is born) is undermined since she does not inherit property, perpetuate the family line or (allegedly) look after parents in their old age: therefore, families do not have a reason to invest in girls. Instead, the girl joins the household of their husbands after marriage – the control over her chastity/fertility passing on to her husband and his family¹⁷⁷. The older the girl

grows the greater is the cost of marrying her off and the dowry to be paid by the family. This forms the economic logic underlying child marriage.

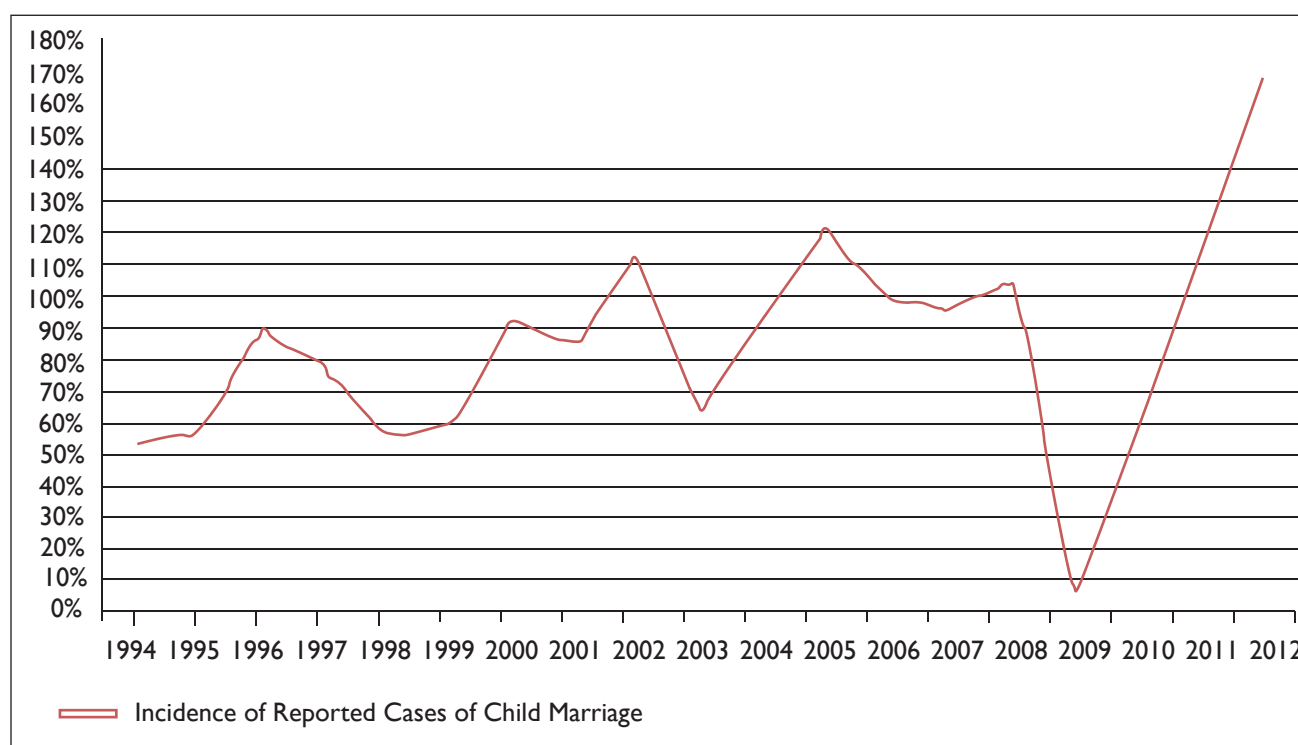
As a wife, a woman’s stature increases far beyond her years as a child: as a married woman, she is now a potential bearer of sons. For the girl child the patriarchal society has no place except as a mother in waiting¹⁷⁸. Thus, a girl’s existence becomes important only after becoming a wife and subsequently the mother of the male heir for the next generation.

Pattern of Child Marriages in India

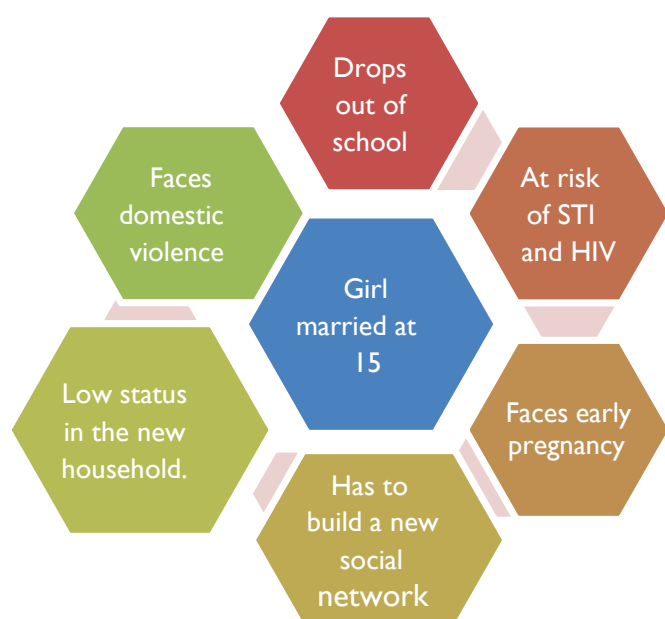
We examine the NFHS data on age of marriage (as reported by women in the age group of 20-24 years) across the three phases of NFHS 1, 2 and 3 which was carried out over a period of 13 years. The reporting of very early marriage, i.e. marriage before reaching 15 years of age has shown significant decline over a period of 13 years from 26% to 18% for women. However, during the same period the number of women reported to have married by 18 years of age continued to remain high; it only declined from 54 to 47%.

This relationship between the number of years of education and marriage should be seen in conjunction with the access to education. It is

Incidence of Reported Cases of Child Marriage



Source: NCRB



According to the 2011 Census, 23 million women in the age group of 20-24 years were married as children. This amounts to 40% of child brides worldwide (Child Marriage in India- An analysis of available data in 2012, UNICEF) though the reported cases of child marriage in NCRB records is just 169 in the year 2012.

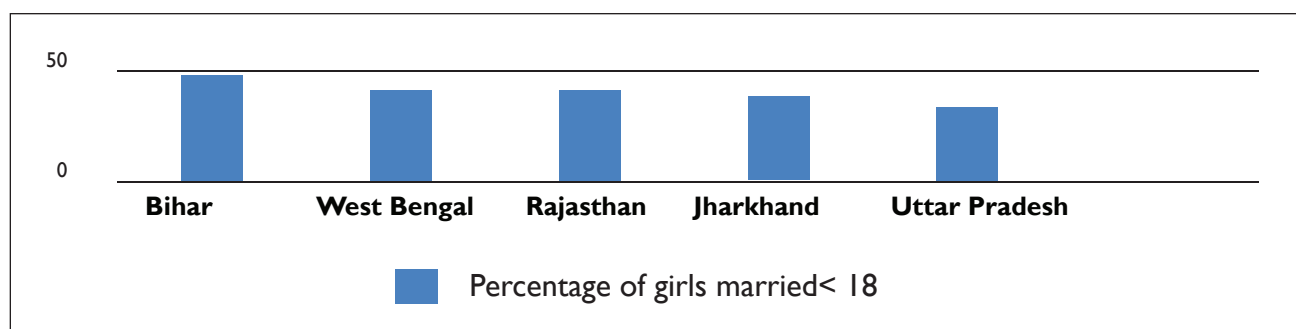
wealth quintiles, it is most pronounced in the case of lowest income quintile. This confirms the economic argument that when girls are married off early there is less expenditure in the form of marriage expenses.

well documented that institutions for higher education tend to be further away and since concerns of safety come into play girls are not sent to high school and married off early.

NFHS 3 also shows that 72% of women from the lowest income quintile are married off before the age of 18 years while only 24% of men in the lowest income quintile marry that early and though the male-female difference is seen in all

Marriage is a change of guard for the girl: while she eventually gains the stature of the mother of the 'heir', the transition to marriage is often mired in a vortex of power struggles that are often damaging to the girl. The initial years of joining her husband's household involves building a new set of family and societal relationships. This difficulty is further increased by the fact that in a patriarchal set up, the husband is substantially older than the wife. This increases the protection needs of the girl two fold. Firstly, young married girls are more susceptible to domestic violence and secondly they face a great risk of contracting

Fig 4.4 Percentage of Girls married <18 years



HIV/STI from their husbands as older men have had more sexual experiences by this time¹⁷⁹. NFHS 3 data shows that 42.5% of women who reported to have married before reaching the age of 15 years had husbands who were 5-9 years older than them.

Prosecution for Early Mariage

Even though marriage before the age of 18 years in India is illegal, the number of registered cases as well as prosecutions is abysmally low, compared to the people who are entering child marriages in India. While the NFHS 3 data shows that the highest incidence of child marriages is in the North Indian states of Uttar Pradesh, Bihar, Madhya Pradesh and Rajasthan, very few cases were filed in any of these states in 2012: Bihar (16), Rajasthan (10), Uttar Pradesh (5) and Madhya Pradesh (3). The highest incidence of cases filed were in West Bengal (42) followed by Andhra Pradesh (29) and Karnataka (20). The conviction rate under the law is 18.4%.

As the following graph shows, the no. of cases of child marriage have increased only in recent years, which is probably a result of a renewed effort to prevent such marriages.

A statistic worth pointing to is that most cases of child marriage to have reached the higher courts are to do with marriages of choice by minor girls that have been challenged by parents of the girls (who have filed cases against the husband), or, cases of *habeas corpus* where the husband has sought the custody of the minor wife. This has led Indian legal activist Flavia Agnes to comment that the Child Marriage laws appear to come to the “aid of parents to tame defiant young women”, prevent voluntary marriages and augment

patriarchal power than to pose a challenge to it. While families themselves often oversee child marriages — without any legal action — the provisions of this statute are only invoked in the case of such ‘defiant daughters’ and “elopement” marriages.”¹⁸⁰ The bastions of patriarchy are much too strong and well-fortified for a discourse on justice to enter and change social mores.

Indian states with a high proportion of girls getting married below the age of 18 are Bihar (46 %), West Bengal (41 %), Rajasthan (40 %), Jharkhand (36 %), Uttar Pradesh (33 %), Madhya Pradesh, Dadra and Nagar Haveli and Andhra Pradesh (29 %).¹⁸¹ Despite Himachal Pradesh and Kerala having high female literacy, the levels of child marriage are noticeably high.”¹⁸² “Over 45000 child marriages, bulk of them among Muslims, are reported to have occurred in Kerala since 2001.”¹⁸³

CHILD LABOUR

ILO does not see all forms of work done by children as exploitative or as child labour. Children’s participation in work is seen as positive if it helps them in their growth and development and enhances the family’s welfare. What constitutes “child labour” is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to combine school attendance with excessively long and heavy work”¹⁸⁶.

Schemes to Address Child Marriage

Balika Samriddhi Yojana (BSY) launched in 1997 and recast in 1999 extends financial help to BPL families to which girl children are born. A post-delivery grant of Rs.500 is deposited in a bank in the name of the girl child (upto 2 girl children per family). Annual scholarships are provided at each level of education, which could be deposited in the account and recovered by the girl child on her attaining 18 years of age and remaining unmarried. The success however has been limited. The scheme has covered 3.5 million girl children.¹⁸⁴

Mahila Samakhya Programme is a process of learning to question and critically analyze issues and problems and seek solutions. Sanghas (women's groups) under Mahila Samakhya in all the States have taken initiatives to address problems ranging from articulating their concerns and tackling social issues including violence against women, child marriages, seeking and obtaining literacy and numeracy skills for themselves, actively accessing and controlling resources, ensuring educational opportunities for their children and participating in the political sphere.¹⁸⁵

The Child Labour (Prohibition and Regulation) Act (CLPRA), 1986 forms the backbone of the program and legislative framework for child labour. It prohibits children under the age of 14 years from working in any form of "hazardous" occupation defined under the act. This regulation has to be seen in consonance with the Right to Education Act of 2009 which gives all children the right to free and compulsory education in the age group of 6-14 years. For children above 14 years, laws such as the Factories Act 1948 specify the safe conditions of work for 15-18 year old children.¹⁸⁷

However, it must be noted that girl children especially those beyond the age of 14 (and hence, outside of the purview of the CLPRA) are at a greater risk of being rendered invisible in labour including in mines, stone quarries and domestic labour – all places where the labour force and supervisory staff is mostly made up of males, implying a great risk for the female workers of being exploited and abused.

The Scenario: Worldwide and India

ILO estimates look at involvement of children in labour in the age group of 5-17 years and state that working children in this age group constitutes 11 % of the global population. While poor countries have greater proportion of working children middle income countries have greater number of working children. Similarly poorest households have the greatest possibility of having working children. The Asia and the Pacific region

still accounts for the presence of highest number of child labourers where 77.7 million children are working. Out of this, 77.7 million children, 34 million are involved in hazardous work with only a decline of 1.5% of children in this category from 2008 to 2012. Globally as is in India, Agriculture forms the biggest sector where children are employed. However there seems to be an increasing trend towards children especially girls being employed in the service sector especially domestic work and this rose from 4.9% in 2008 to 7.2% in 2012.

When it comes to the girl child, we see that in the 5-17 years age group there has been a sharper decline in the number of working girls as against boys. Thus, the number of working girls decreased from 46.2% to 40.6% in 2012. However these figures do not take into account the involvement of girls in household chores, "Girls may also be present in less visible and therefore underreported forms of child labour such as domestic work in private households"¹⁸⁸.

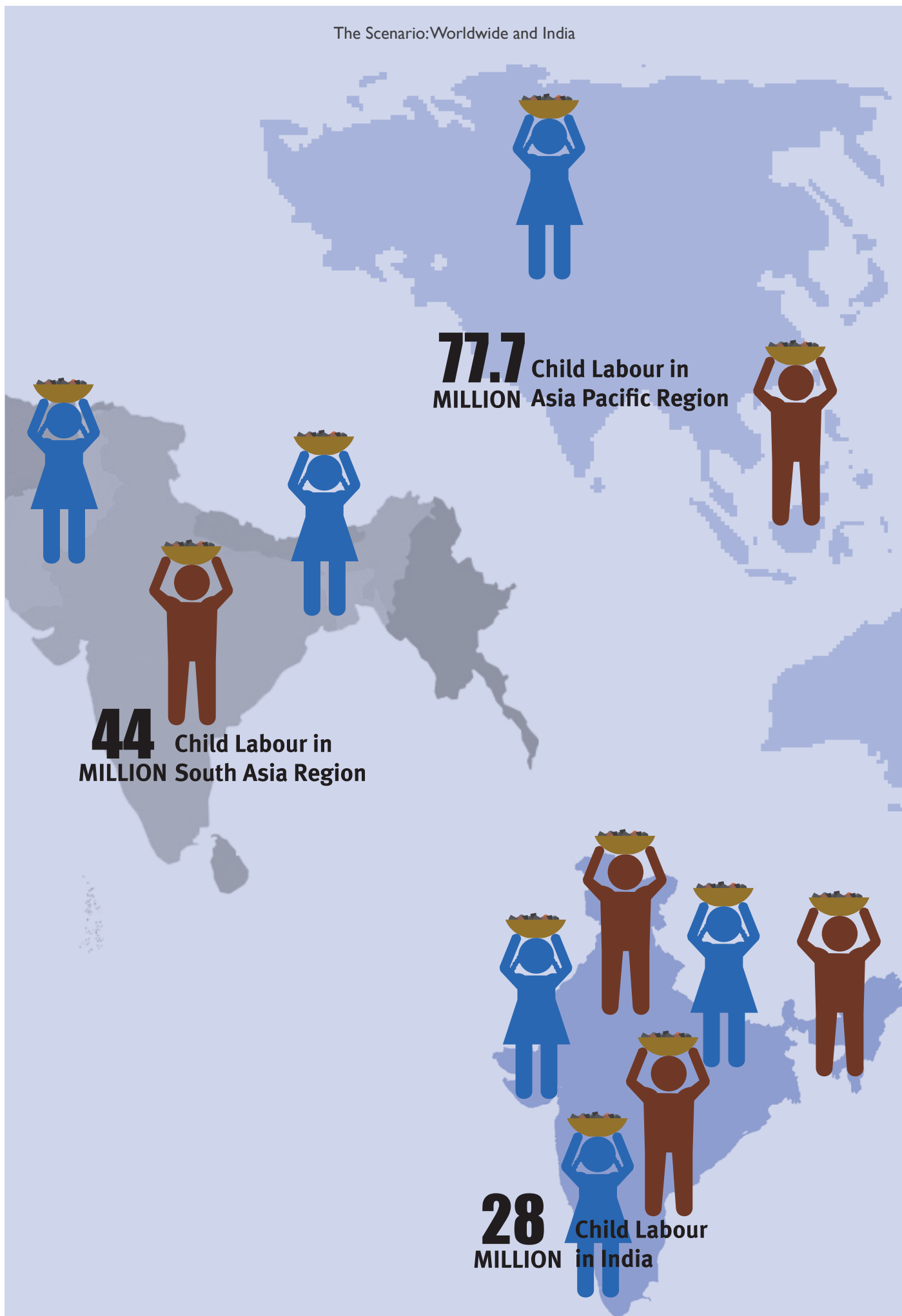
In South Asia, about 13% (44 million) of all children are engaged in child labour. Of these children, 28 million live in India, where the child labour rate is 11.8%¹⁸⁹. The situation in India parallels the global trend with significant reduction in working children since 2000, with number of girl children in labour indicating a sharp reduction. However, within India itself the percentage of child workers vastly differs from state to state, ranging from 32% in Gujarat to 3% in Goa and Kerala.¹⁹⁰

The Scenario: Worldwide and India

77.7 Child Labour in
MILLION Asia Pacific Region

44 Child Labour in
MILLION South Asia Region

28 Child Labour
MILLION in India



Sex	1983	2004-05
Boys	12.06	4.76
Girls	9.49	4.31
Total	21.55	9.07

Of Statistics that Don't Tell the Full Story

The estimation of number of working children in India differs from one data source to another. Thus, according to the 2001 census, there were 12.6 million working children (5-14 years) constituting 5 % of the child population in India, out of which 5.8 million are girls¹⁹¹. According to Government of India, this number has declined from 12.6 million to 43.53 lakh (as per Census 2011) which shows 65% reduction¹⁹².

On the other hand, based on the NFHS-3 data, UNICEF estimates that there are 28 million working children in the age group of 5-14 years with no significant difference between the work participation rates between boys and girls. Though, the UNICEF report of 2011 does make an important observation that at all ages, girls are more likely to be involved in household chores or family work.

A third estimate based on the NSSO Survey data shows that there was a sharp decline in the number of working children from 21.55 million in 1983 to 9.07 million in 2004-05¹⁹³. Here, the boy-girl split is as follows:

Thus, we see that even in the 5-14 years age group, for which the government has taken a clear policy stand about preventing the involvement of children in work, the estimation of number of working children varies across various data sets. However, no matter which of these estimates one believes, the proportion of girls in the total number of child workers remains very high (approx. 46% to 47.5%).

School Enrolment and Child Labour

Earlier in this report, enrolment in school has been discussed so the issue of children out of school will not be re-examined in this chapter. This report however recognises the relationship

between enrolment in school and prevention of child labour. School enrolment figures from 2003 to 2011 show that decrease in girl child labour is matched by increase in their participation in schools and their decreased proportion in the numbers of out-of-school children.¹⁹⁴ This is also echoed by ILO in a paper which states, "An examination of age-wise variations highlights the shift in labour force participation of women. There has been a decline in the lower age cohort between 1999-2000 and 2004-05 both for male and females irrespective of location. The decline in 5-14 years age group is a direct outcome of emphasis on getting into school under Sarva Shiksha Abhiyan program of the government. The decline of children in labour force is also an off shoot of this increase in school enrolment both for males and females".¹⁹⁵

Similarly, there has been a declining trend in the number of working girls in the age group of 15-18 years as well. NFHS-3 data shows that 33.4 % of girls in the age group of 15-18 years are working while 50.4 % of boys in this age group are involved in work. In urban areas, the participation of adolescent boys in work seems more intense as 70.4 % of them are reportedly working. In rural areas, 22 % of the adolescent girls are working with more than half being engaged in agriculture. A quarter of these girls are not at all as their work is family based while 11 % are paid in kind. In a report, NCPCR states, "Adolescent boys work in labour market as wage earners either long term or short term contracts or as daily wage earners, while girls continue in hidden and invisible work, most of which is non-wage work rendered for their families and unaccounted for. Thus, while girls in this age group lag behind in terms of their education, they are also hidden in the labour force with most of their work in informal, marginalized sector".¹⁹⁶

In the following sections, we examine the participation of girls in two key sectors - agriculture and domestic work - to look at the conditions in which girls work and how it impacts

Table: Age Composition of Rural Agricultural Labourers (Percentage)

Age Group	1993-94	2004-05	1993-94	2004-05	1993-94	2004-05
	Male		Female		Total	
5 – 9	0.1	0.0	0.2	0.1	0.2	0.0
10 – 14	2.4	1.5	3.9	2.4	3.0	1.9
Child Labour < 15	2.6	1.5	4.1	2.4	3.2	1.9
15 – 19	11.4	11.0	10.2	9.3	10.9	10.3
20 – 34	39.5	37.8	42.4	39.3	40.7	38.4
35 – 49	30.0	33.4	29.1	34.0	29.6	33.6
50 – 59	10.7	10.9	10.1	10.4	10.4	10.7
Working Age Group 15–59	91.7	93.2	91.7	93.0	91.7	93.1
60 & Above	5.8	5.3	4.2	4.5	5.1	5.0
5 & Above	100.0	100.0	100.0	100.0	100.0	100.0

Source: NCEUS Report (p.117 citing Table 7.11)

their growth and development and gives rise to specific safety concerns.

Impact of Efforts made for Child Labour Elimination

Girl Child Labour in Agriculture

A significant proportion of unpaid labour is in agriculture where a high proportion of girls help out on family farms and enterprises. The incidence of child female agricultural labourers (2.4 %) is higher than that for child male labourers (1.5 %), despite an overall reduction from 4.1 % in the 1990s (See Table 4.1).

Some of the self-employment of women is seen in supplementing household incomes through home-based production which absorbs female child labour as well, esp. in sectors such as the *beedi* industry. Girls are called upon to do other domestic duties, such as take care of younger siblings, while women attend to paid or unpaid labour that contributes to household subsistence.

States like Punjab and Maharashtra have in recent years witnessed deep crises in the agrarian sector, manifested in the spate of farmers' suicides. It is the women and children, especially girls who shoulder the burden of household maintenance and repayment of the debts.¹⁹⁷

The laws, as well as various schemes, leave out of their purview those children who are in family labour and in agriculture.¹⁹⁸ And it is in these very sectors (where women's labour is increasing as unpaid labour) that the girl child's labour remains devalued. It is at this juncture that we need to see what the impact of schemes such as MGNREGS has been in ensuring employment and decent wages for child labour and girls in particular. Studies have indicated that the participation of adults (especially women) in the NREGS seems to have an impact in reducing labour of children especially for girls by 9%, through the income transfers that it generates.¹⁹⁹ Additionally, the availability of child care facilities at worksites increases the well-being of children. These are however, rare. A study in Rajasthan showed that only 17% of sample worksites had child care facilities as compared to none in Bihar, Chhattisgarh, Jharkhand, M.P. and U.P.²⁰⁰

National Child Labour Project (NCLP revised in 2003) is the national flagship program for elimination of child labour. At present, NCLP covers a mere 8.52 lakh children in 271 districts.

The impact of migration and involvement of girl child in agriculture: A study in the sugarcane belt of Maharashtra

A Child Rights Situational Analysis was conducted by Save the Children in Pune, Satara and Ahmednagar Districts in 2011. The study covered 773 children who migrate with their families to sugarcane farms. The objective was to understand the impact of migration and the condition of migrant children in the destination areas.

Families migrate and stay at the sugarcane farms from April to May to harvest sugarcane. The Mukadam or the labour contractor forms the conduit for these families as they most often are from the same villages which these migrants belong to. Mukadams know the condition and vulnerability of the families and use this to their advantage in approaching the family for work. The wages are offered to the family and not to individual members, making child labour invisible. The amount of wages that the family gets is determined by the number of members, ownership of their own bullock (thus making migration with livestock compulsory) etc. and wages are given in some portion as an advance payment keeping the family tied to the unit even if the conditions of work are exploitative. While working in the fields, the labourers live in temporary settlements made of bamboo, where both families and livestock live in cramped congested spaces. Since settlements are temporary there is no arrangement of water and sanitation facilities. Women and girls defecate and bathe in the open which gives rise to serious health and safety issues. Ninety nine % of the children interviewed were out of school.

How does migration for labour in setting like this affect girls? The specific issues that girls face is that along with 8-10 hours of work in the sugarcane fields they often are responsible for household chores. The Mukadams use their influence and power to abuse girls sexually when they are at home alone. They also ask girls for sexual favours if their family's financial condition is poor. The impact of the abuse is evident in the fact that girls report they felt safer in their own villages. Since their living environment is unsafe, girls choose to stay indoors and finish chores rather than go out for any kind of social interaction.

It began in 1988 with 12 endemic districts. The special schools, where children withdrawn from child labour are encouraged to join, are run by NGOs. A major fillip to the project emerged with the MC Mehta Case (see section on Law) in 1996. A Child Labour Cell in each state monitors the Scheme. In the 10th Five Year Plan, the Scheme was extended to 250 districts. There are 3 other projects which were launched following the ILO's IPEC programme with which India signed the MOU in 1992: the INDUS project, Andhra Pradesh Phase II and Karnataka Project. The INDUS essentially follows the NCLP model. In 2004, the ILO conducted a global study on elimination of child labour which still showed that the benefits outweigh the cost by 6:1, and set the goal of eliminating the worst forms of child labour by 2016.²⁰¹ Projects to eliminate child labour selectively target endemic areas for intensive intervention.

Girl Child in Domestic Work

This section would talk about two dimensions of children's involvement in domestic work. One,

children's involvement in working for their own household; and two, children working as domestic workers at an employer's place. Globally, as a study across 65 countries by UCW (Understanding Child Work) reports²⁰², the involvement of female children in household chores is both more extensive (all 65 countries) and more intensive (56 of 64 countries) than that of male children. In other words, more girls typically spend more time performing chores each week than boys. This is undoubtedly a reflection of the fact that domestic responsibilities tend to fall more within the traditional roles of females in most societies. The implications of this pattern for child labour measurement are clear – excluding household chores from consideration as child labour understates girls' involvement in child labour relative to boys.

In India, we see a similar trend. The amount of invisible or unpaid labour that girl children do was highlighted by time use surveys done in 1999-2000, which indicated that girl children (6-14 years) did more of the extended SNA (System of National Accounts)²⁰³ work such as

Sumangali Scheme of Migrant Dalit Girls in Spinning Mills in West Tamil Nadu

Among garment workers in the western districts of Tamil Nadu, it is estimated that there are 10-20% child labour, a significant proportion of which is made of girls. Recruitment and employment takes place through the Sumangali Scheme which promises a lump sum payment per year for a period of three years, presenting an attractive picture to families who consider this as a good way of raising money for the dowry of young women. Sixty% of the girls are Dalits. In the mills, the girls are subjected to unhealthy and unsafe working conditions, abusive supervisors, no freedom of association and violation of labour laws. The table below shows how the scheme violates legal requirements for minimum wages.

Table: Wages Paid to Workers under Sumangali Scheme Vs. Legal Minimum Wages		
Periods	Daily Wage	Wages during the period
1-6 months	60	10800
7-12 months	70	12600
13-18 months	80	14400
19-24 months	90	16200
25-30 months	100	18000
31-36 months	110	19800
Total Wages		81800
Food and Accommodation	-15	-16200
Lump sum on completion (rounded up and paid to girls)	50000 (Often in range of 30000-50000)	
Total amount earned in 3 years under the scheme	115600	
Daily minimum wages in Tamil Nadu in mills sector	171	
Total earning in 3 years from minimum wages, not calculating the extra wage benefits	184680	

Source: Captured by Cotton: Exploited Dalit Girls produce garments in India for European and US markets, SOMO-Centre for Research on Multinational Corporations and ICN-India Committee of the Netherlands, May 2011 (accessed at <http://somo.nl/publications-en/>)

household maintenance, caring for siblings, the sick, aged, disabled and other household activities much more than adult men, in addition to animal husbandry, crop farming, manufacturing²⁰⁴. A 2012 report of Government of India summarizes that 'at all ages, girls are more likely than boys to be doing chores and boys are more likely than girls to be working for someone who is not a member of the household or doing other family work'²⁰⁵.

The problem of employing minor girls as domestic workers – paid or unpaid - is no less important. Over the last two decades there has been a large-scale migration of girls from tribal areas of Assam, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha, through private recruiting agents, or other organisations to be employed as 'maids' in urban households.²⁰⁶ Apart from these recruitment agents, workers who have been earlier placed in domestic service, religious and kinship networks also help in the supply. Chhattisgarh, Jharkhand, Odisha, and West Bengal are the main areas from where

women, mostly unmarried girls, are sourced.²⁰⁷ The crisis in agriculture and the dearth of development opportunities in the form of schooling for young girls, compounds this problem. Since 2008, the struggle for legislation for the rights of domestic workers has continued²⁰⁸. Such struggles also include the girl child's right to protection, especially because girl domestic workers are vulnerable to abuse and sexual harassment²⁰⁹.

What is impact of domestic service on girls who are engaged in it? A study conducted by Save the Children in West Bengal in 2005 points to the conditions in which girls in domestic service live. The sample for the study consisted of 1020 domestic workers mostly living in urban West Bengal. Most of the girls interviewed were single migrants who end up in domestic work after being trafficked. The study challenges the popular perception that children do not get abused in domestic set ups and employers who take in girls into domestic service are actually doing them a favour.

Most of the girls interviewed were aged 11 years or above. They started work between 8 to 12 years of age. These children have reached a maximum of Grade 5 and earn as little as Rs.200 per month for the kind of arduous work they do for 15 hours a day with as little as two hours or no rest in between the work day. Most of them have minimal contact with their family members and are allowed to meet them only once in six months or less. This lack of contact with the family makes the children further vulnerable and the control of the employer almost absolute as the work place is in the home of the employer where the child mostly also lives away from public eyes.

Almost 70% of the children reported that they have been physically abused by slapping, kicking, burning etc. Almost 86% reported to have experienced various forms of emotional abuse including being shouted at, locked in a room etc. Most shameful were the findings with regard to sexual abuse, as 32.2% of the respondents reported that their private parts had been touched by an adult, 22.4% have been made to touch the abuser's private parts and 20% reported to have been made to watch pornography.

CHILD TRAFFICKING

"Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs"²¹⁰.

The Scenario: Worldwide and India

Globally, evidence indicates that more than 20% of victims of all trafficking, both within countries

and across borders, are children. In parts of Africa, East Asia, and some countries in Central and South America, children form a majority of persons being trafficked. Of survivors identified in 61 countries, 13% were girls and 9% were boys.²¹¹

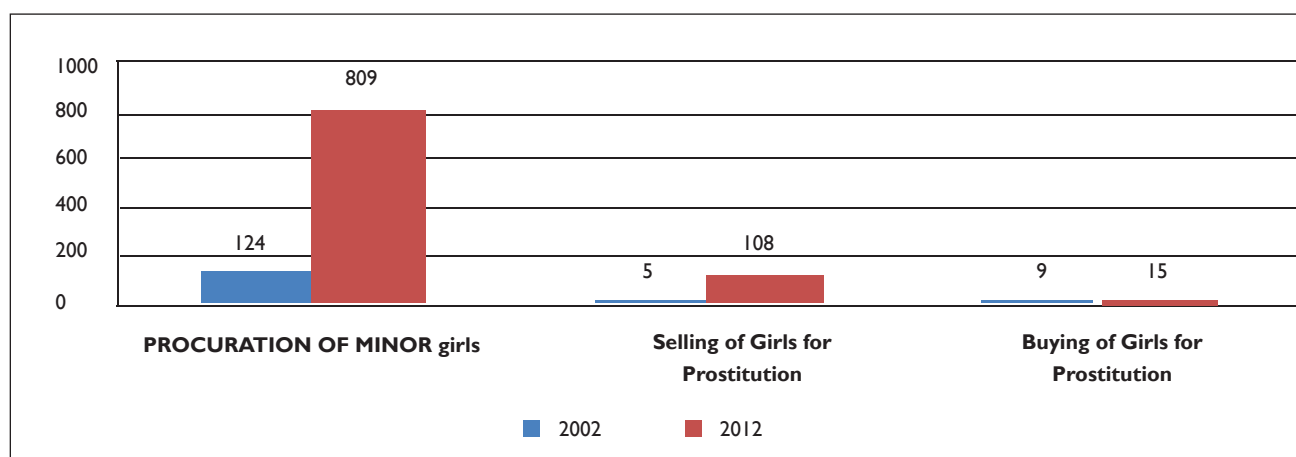
Trafficking takes place within and across countries. As prevalent as the phenomenon is, it is hard to pin down as there is a thin line between unsafe migration and trafficking. This makes it difficult to bring perpetrators to book and also to track and protect victims of trafficking. In the South Asian region children are, "trafficked for sexual exploitation, labour exploitation, domestic servitude, criminal activity, begging, exploitation in armed conflict, arranged marriage and other exploitative situations"²¹².

Examples of trafficking within countries can be found in between Bangladesh and India; and of trafficking from one to another country, include children from Nepal who end up being exploited in India. South Asian child victims of trafficking are also to be found in Europe and the Middle East.²¹³

The Trafficking in Persons report 2014 presents the scenario of trafficking and its gendered nature. The report states that trafficked and bonded labourers work in brick kilns, in and agriculture, garment factories. The number of people who have been trafficked or are in debt bondage may be anything between 20 to 65 million people. Most of the victims are from poor and disadvantaged communities such as dalits and tribals. Women from these communities are specifically vulnerable.

Trafficking of woman and girls is mostly done to engage them in domestic service or in sex work. Trafficking operated through local agents and placement agencies. Traffickers are usually known to the family of the girl who take advantage of financial crises in the family to influence them to send their daughters out to work. Young girls are preferred as they are traditionally taught to be docile and once moved from their home set up are very vulnerable. "Source" states notes in these reports are Jharkhand, West Bengal, Odisha, etc. India is also a destination for girls trafficked from Bangladesh and Nepal who are sent to cities like Mumbai.

Fig 4.1 Cases of Trafficking of Girls Reported in last 10 years



Source: NCRB

The TIP report states that one of the big reasons why trafficking goes on unabated is the involvement of the law enforcement agencies (police, railways etc.) who close their eyes to large scale trafficking as they are bribed by traffickers. “Officials facilitated trafficking by taking bribes, warning traffickers about raids, helping traffickers destroy evidence, handing victims back to traffickers, and physically and sexually assaulting victims. Lack of political will and sensitivity to victims’ trauma continued, with one senior official stating that victims choose “that lifestyle;” another politician stated that victims were better off exploited than they would be otherwise”.

Exact numbers of trafficked children are a challenge to come by. What data is available belongs to studies done by organisations working on the issue, and international estimations. The only government source of data on trafficking is the NCRB, which maintains annual data on trafficking under heads such as procurement, buying and selling of minor girls (Fig. 4.1).

There has been a drastic increase in the number of cases being reported for the procurement of minor girls. The number of girls being sold for prostitution shows a sudden increase from 2002 (5) to 2012 (108). However, the number of girls bought for prostitution shows a meagre increase from 9 to 15. Other studies claim that although nearly 40% children are to be found in difficult circumstances, almost half the girls become invisible as they grow older. This is because girls may be trafficked, married off or pushed into exploitative relationships.²¹⁴

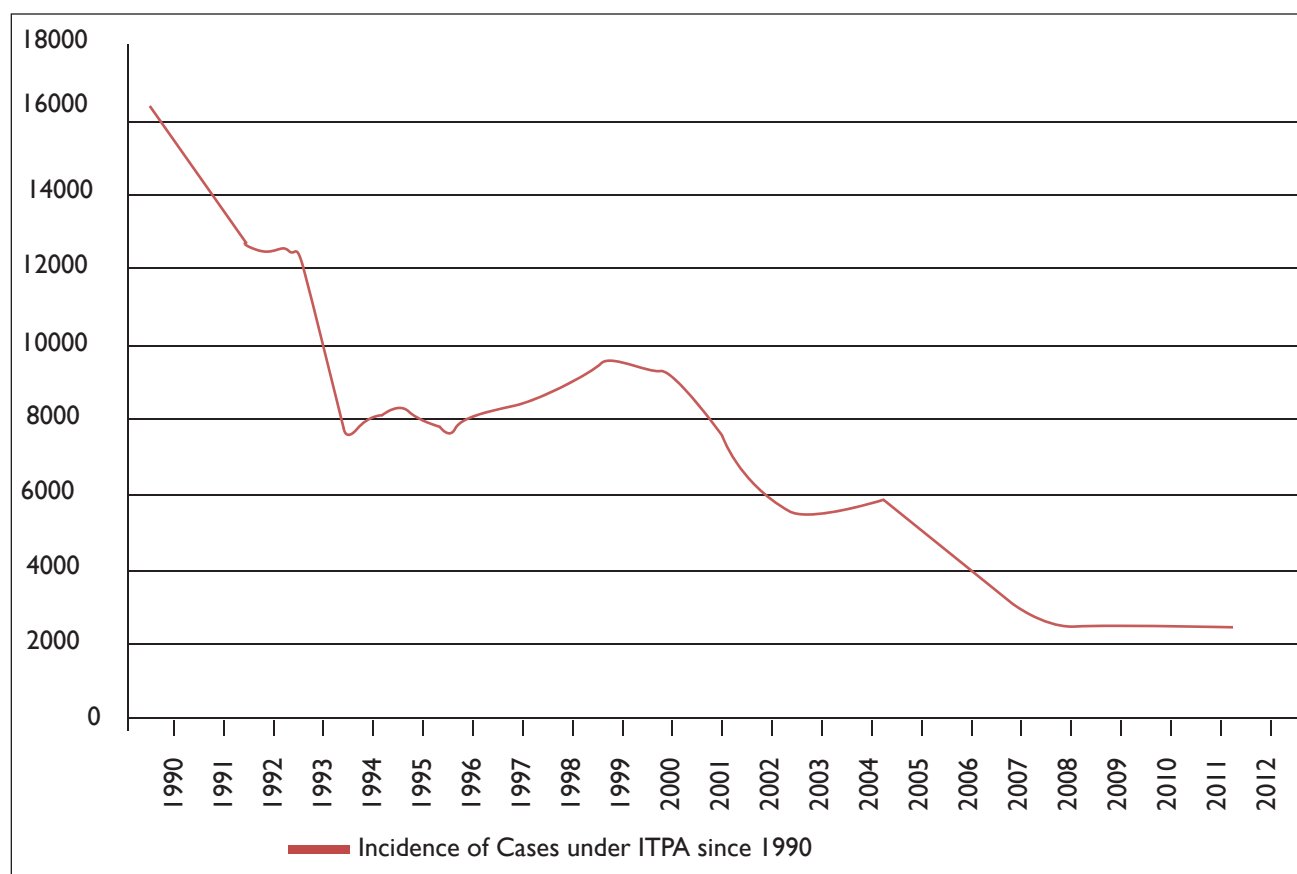
The NCRB data shows a consistent decline in the number of cases filed since 1990 under Immoral Trafficking Prevention Act, 1986 (ITPA) (see the following graph). Significant declines show since 2002 (61.2%). During 2011-12, the decline was 5.2%. Of the number of cases filed in 2012, Tamil Nadu recorded the highest amounting to 19.4%, followed by Andhra Pradesh at 18.4%. However, the highest crime rate was in Goa (2.2%) as against the national average (0.2%). There appears to be no data disaggregated by age and gender in this category of crimes.

An International Development Law Organization report in 2011 stated that there were as many as 378 districts in India that are affected by trafficking, where in most instances lead to forced labour. The report quotes an ECPAT international estimate and states that nearly 150000 women and children are trafficked within India and nearly 500-1000 girls are trafficked into India annually.

Since there are no countrywide studies available, let us examine the case of West Bengal to understand the dynamics of trafficking. The IDLO study points out that there are districts like Jalpaiguri, Darjeeling, North 24 Parganas and South 24 Parganas where trafficking occurs. Kolkata on the other hand is the transit point from where girls are sent to work in brothels in Mumbai and Delhi.

IDLO report quotes a study conducted by SANLAAP in 4 villages in North 24 Parganas, from where about 100 girls were trafficked to brothels in Mumbai in the year 2004 and 2005. Sending the girl away works well for the family, as

Incidence of Cases under ITPA since 1990



it means that they do not have to invest in getting her married and also have one mouth less to feed. There are many reasons why girls are trafficked. Traffickers often feed into the vulnerabilities that girls themselves have or the problems that families are facing. Thus the study quotes, “Frequently, trafficking is accomplished through the deception of girls and their families. In many villages in West Bengal it is reported that traffickers have obtained access to girls by pretending to be grooms without dowry demands. In other cases, trafficking has been facilitated by relatives or friends of the victims, as well as teachers and placement agencies. Girls who have been exploited are also commonly used to lure girls from source areas”²¹⁵.

It has been pointed out that vulnerability of girls to being trafficked for domestic work is greater. Traffickers lure parents of young girls by saying that their daughter will have an easier life with a good job and possibly education. Once girls reach their destination they become most vulnerable in absence of identification papers, money or a social network they can rely on²¹⁶.

In case of trafficking for sex work, the abuse becomes more stark and telling. Girls trafficked for prostitution can be as young as 9 or 10 years old and are preferred by customers who believe that having sex with “virgins” would help them avoid HIV or other sexually transmitted infections. Young girls are kept locked up and are forced to service up to 7 customers in a day. Given the lack of access to condoms, they are vulnerable STIs and HIV. A third of sex workers contacted for the study by SANLAAP were HIV positive.

Trafficking often is a vicious circle. The only escape route that girls have sometimes is to go back to their native village and lure another girl into the ring as a replacement for them in the brothel. Trafficked girls who succeed in escaping from the brothels are often not accepted back in their families and in absence of proper shelter services, again become vulnerable to trafficking or sex work.

There is therefore the need to rethink the current response to trafficking, which presently consists of rescuing the girls and ‘restoring’ them to their families. Other non-institutional solutions,

Law-speak

Major legal provisions addressing the issue of trafficking amongst women and children include the IPC, ITPA and the recent Criminal Law Amendment Act 2013. The ITPA for a very long time was the only regulation that addressed trafficking in India. However it addresses trafficking only in the context of commercial sexual exploitation. It does not define trafficking *per se* but stated that displacing a person for commercial sex work and exploitation of trafficked person in a brothel set up or commercial sex work through massage parlours, dance bars etc. is a criminal offence. However the clause about earning from commercial sex work has often been used by police to nab sex workers who themselves may have been trafficked.

There are the provisions under the Indian Penal Code, especially Sections 366A (Procuration of Minor Girls), 366B (Importation from Foreign Country a girl under the age of 21 years), 372 (Buying Girls for Prostitution) and 373 (Selling Girls for Prostitution) that directly deal with child trafficking. There is also a provision regarding kidnapping (Section 363) but it makes only kidnapping of minors (girls below 18 years and boys under 16 years of age) an offence. Other kidnappings are considered under this Section, only if the purpose is to force a woman to enter into a marriage or have illicit intercourse (Section 366).

Trafficking *per se* was not an offence in India until the passing of the Criminal Law Amendment Act of 2013 which amended Section 370 of the Indian Penal Code to bring it in consonance with the definition of trafficking

under the PALERMO Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000) which India had signed in 2002 and ratified on 5th May 2011. Section 370 of IPC makes trafficking an offence and expands its definition to include 'recruiting, transporting, harbouring, transferring or receiving a person for purpose of exploitation by using threats, force or other form of coercion, abduction, practising fraud or deception, abuse of power or inducement'. The term exploitation has been defined to include any act or form of physical or sexual exploitation, slavery, servitude or forced removal of organs and makes the consent of the victim immaterial. It also provides for enhanced penalty in case the offence is committed against a minor with ten years to lifetime imprisonment.

This amendment along with the establishment of Anti-Human Trafficking Units (AHTU) by the Ministry of Home Affairs and UNODC should be seen as the most positive move by the government to address the problem of trafficking in India. Under this programme, police personnel have been trained to deal with victims of trafficking in the most humane manner (preventing the re-victimization of victims), standard operational procedures have been developed and attempts are made to deal with trafficking in a comprehensive manner by maintaining a database of traffickers and NGOs that provide rehabilitation services etc. (Comprehensive Scheme for Establishment of integrated AHTUs and capacity building of responders, including Training of Trainers for strengthening the law enforcement response to human trafficking in India Plan).

including adoption and foster care need to be explored as alternatives.

Over the last couple of decades, the HIV-AIDS epidemic across the globe has led to policy and action by involving affected groups of people in the prevention efforts. In India, one of the things this has led to is the organizing of sex workers on human rights issues. From here, the argument

has emerged that organization and regulation of sex work would make trafficking of children for sexual exploitation more difficult because adequate control measures could be implemented by the participation of all those involved. The sex workers' groups and their advocates also argue that if there is decriminalisation of sex work, they can help in the prevention of trafficking of minors. An example comes from the Sonagachi Project in

‘I can tease/touch a girl if I want to’: A Study of Boys’ attitudes

A recent study conducted by Save the Children in 30 villages across two blocks of Sitamarhi District (Bihar) shows how stereotypical gender norms and practices are deeply entrenched in the minds of men and boys as young as 13 years. For this study the gender equitable measurement (GEM) scale was adapted to the Indian context and used. A total of 150 boys from Belsand Block and 5 girls were interviewed with the help of a structured questionnaire. Similarly 150 boys and 5 girls were selected from Runnisaidpur block. There were also FGDs with boys, girls, parents, leaders and community based organization (CBO) members from both blocks.

The GEM Scale emerges out of a social constructionist perspective of gender identity where responses are along a 4-point scale. “According to this overarching conceptual framework, any given cultural setting provides a version, or multiple versions, of appropriate behaviour for men and women. These gender norms, passed on to boys/men by their families/society are interpreted and internalized by individual men. Individuals add a “subjective spin” to these gender norms around them (Barker 2001), and as members of society, these individuals also influence broader norms. Furthermore, this framework recognizes gender as based in power relations and as “created and reinforced through ongoing interactions between men and women” (p.18, Study Report).

Key Findings: 44% of the men/boys in Belsand and 54% of men/boys in RunniSaidpur “strongly agree” that they can tease girls who travel by public transport (women they don’t know). Close to 50% agree that the onus of keeping the family together is on the women and for that she must put up with domestic violence. Almost 45% agree that aggression is an important trait in men.

Kolkata, India, where women sex workers have organized and negotiated condom use to prevent the spread of HIV-AIDS, formed a microcredit cooperative and attempted to combat the trafficking of underage girls.²¹⁸

B. SITES OF VIOLATION

This section of the report looks at the different settings in which the girls are likely to face abuse: home, institutions, public spaces and in zones of conflict.

THE HOME

The Home emerges most consistently as the epicentre in all narratives of child abuse. This becomes plausible in light of the fact that the home is a place where gender-based inequalities are perpetuated: boys are taught to be aggressive and dominant while girls are told to be passive and docile caregivers. “The gender-based stereotypes support use of violence and coercion that perpetuate gender inequalities”²¹⁹.

It is estimated that at least as many as 275 million children worldwide are exposed to violence at

home²²⁰. India reports 27.1 to 69 million children exposed to domestic violence.²²¹ Much of this domestic violence is explained away as a way of ‘disciplining’, ‘punishing’ the child. Only 2% of children globally are protected by law from corporal punishment within homes and India is not one of them.²²² The proposed amendment to the Juvenile Justice Act 2006, corporal punishment has for the first time been defined and includes within it repeated verbal abuse. In India, a majority of children reported being physically abused at home. The data is the same for girl children.²²³

However, corporal punishment at home is slowly being delegitimized from policy discourse in countries like Canada, where a study “found that 59% of people believed that spanking is harmful and 86% that it is ineffective.”²²⁴ Yet in the USA, research found that 84% agreed “that it is sometimes necessary to discipline a child with a good hard spanking.”²²⁵ About 90% children in Yemen confessed “that physical and humiliating punishment is the main method of discipline in the family, with the most common form being beating.”²²⁶

In India, there has been recognition of the harm caused by corporal punishment in schools. It

Early Marriage: Abuse and Domestic Violence

Marriage in India means a complete transfer from natal to marital home for the girl. The family and the spouse have complete control over her productivity and sexuality. This makes her vulnerable to both physical and sexual abuse, more so if she is married off at a young age. NFHS-3 showed that nearly 39% of ever married women and girls have experienced physical, emotional or sexual abuse in marriage. Out of the 35% girls and women who reported physical abuse 97% reported that they have been slapped. 13% reported that they have pushed or shook or something was thrown at them, while 13% reported that their arms were twisted or their hair was pulled. What is significant is that 81% of women and girls who reported to any form of violence at the hands of their husband stated that it happened during the first 5 years of marriage. Given the trends of early marriage in India, most of the domestic violence then affects girls in the age group of 15 to 18 years. Given the traditional patriarchal norm these girls do not have the option of moving back to their natal family as they have no place there once they are married off. Infact, they might experience more abuse at their natal home if they return back. One of the major reasons for marital violence is also dowry as cultural practices. Reporting trends in NCRB data shows that dowry related abuse is on the rise:

Crime Head (IPC Section)	2008	2009	2010	2011	2012	Percentage variation from 2011 to 2012
Dowry death (302 / 304)	8,172	8,383	8,391	8,618	8,233	-4.5
Cruelty by husband & relatives (498-A)	81,344	89,546	94,041	99,135	106,527	7.5
Dowry Prohibition Act, 1961	5,555	5,650	5,182	6,619	9,038	36.5

has been delegitimized in the Right to Education Act. However, the law in India is silent about the occurrence of corporal punishment at home. The legislation on domestic violence does not talk about domestic violence against children (for more details, refer to section on Law and Policy). It also does not address the impact of witnessing domestic violence on children and their need for counselling as a result.

In a survey of 4,022 parents in 10 cities in India, 65% of respondents said they had “spanked” their children. Mothers were more likely than fathers to hit their children, with 77% of mothers having done so.²²⁷ The MWCD study reveals that 68.99% (12,447 in total) of children interviewed from 13 different states said that they had experienced physical abuse. Of them, 45.3% were girls.²²⁸ In the box below we talk about domestic violence within marriage and marital home that affect girls when they marry early. Home as a site of violence is reiterated as girls are subject to stark physical violence there.

THE INSTITUTION

Most institutions that care for vulnerable children are ironically, also spaces for the playing out of

extreme violence. Some studies estimate that 20 million Indian children end up in institutional residential care.²²⁹ They are the most vulnerable of children, who have no home to go, who might be in conflict with law or who are “rescued” from the street.

In 2007, Protective Homes (rescue and rehabilitation homes) were set up under the Ujjawala Scheme specifically for victims of trafficking for commercial sexual exploitation. From the inception of the Ujjawala scheme in 2007 till 2013, 273 projects with 151 rehabilitation homes were sanctioned in 23 states.²³⁰ In 2013 116 new projects were sanctioned and 63 approved for which Rs.149.7 million were released. In 2012, 94 rehabilitation centres were set up, the highest being in Karnataka (24), followed by Maharashtra (14), Assam (12), Odisha (11) and AP (10).²³¹

Despite sanction of new projects to NGOs to set up homes across the country, there have been reports of poor maintenance on account of which girls have attempted and run away from these homes.²³² Studies and reports have indicated the extremely poor living conditions at these homes.²³³ While the shelter homes are supposed to be spaces of rehabilitation and repatriation of

Law-Speak

In *Upendra Baxi vs. State of U.P.*²³⁴, the inhuman and degrading conditions in the Protective Home at Agra established under the Suppression of Immoral Traffic in Women and Girls Act 1956²³⁵ was brought to the notice of the Supreme Court via a Public Interest Litigation. The petitioners claimed that the inmates' right to live with dignity that is enshrined in Article 21 was violated. The court noted that "there were a number of inmates in the Home who had become insane or were in a deranged state of mind". To ameliorate the situation the court directed the Superintendent to abide by the Rules under the U.P. Suppression of Immoral Traffic in Women and Girls Rules 1961 to ensure that the treatment meted to the women and girls is humane and that the same is monitored by a properly constituted Visitors Board.

(This was probably one of the first cases that brought to light the plight of women and girls in care homes. The case was filed in 1981.)

women and girl victims offering safe spaces of protection, often what happens is that the women and girls are subject to violence and uninhabitable conditions of existence that prompt them to escape and go back to their earlier life which seems more tolerable in comparison.

"At the end of the financial year 2011-2012, about 733 juvenile justice homes in India had received grants under the Integrated Child Protection Scheme (ICPS) of the Ministry of Women and Child Development."²³⁶ Thirty nine emblematic cases are discussed in the report by Asian Council for Human Rights on child sexual abuse in juvenile justice homes (See Box 4.4). They trace the systematic disappearance of many children, especially girls, from these homes as connected to the child sexual abuse and trials of children to escape these places as well as trafficking.²³⁷

THE PUBLIC SPACE

While home is proven to be unsafe for the girl

They'll come and stand at the crossroads, suddenly saying look she's going here, look she's going there. They pass comments and I get enraged. Feel like bashing them up. In fact, I did beat up a boy, near the Azadpur flyover.

– Rachna, 15, Jahangirpuri.

There's a man in Lal Bagh who always stands on the way to the public toilet. He passes comments to the girls, in fact, once even inappropriately touched a girl. He stands holding a knife, so you can't even say anything to him.

– Bhavna, 13, Jahangirpuri

child, the public spaces are no safer. In recent years, several efforts have been made by civil society groups to highlight this issue. Akshara Resource Centre for Women has done a city level Safety Walk Project mapping the spaces in the city of Mumbai that are unsafe for women and girls.²³⁹

A report by *Jagori* on safety issues faces by women and girls in the cities is also a case in point. The report quotes a survey undertaken by Delhi Police which showed that half of the cases of molestation in public spaces happen in buses and a quarter of them take place on roads. The social audit of public spaces done by *Jagori* found that women in Delhi feel most unsafe in spaces which are poorly lit, e.g. dark roads, public parks, places with debris etc. Public toilets were also seen as unsafe spaces by women, as in remote areas they are often without an attendant and lack doors and latches thus depriving women of privacy. Girls and women also avoid male dominated spaces such as dhabas, taxi stands, parks, etc. where they might face verbal and physical harassment at the hands of men. It is worth noting that in a positive development, sexual harassment has been recognized as a punishable offence in 2013 and will hopefully act a deterrent against molestation of women and girls in public spaces.

THE CONFLICT ZONES

Across the globe, in 2006, an estimated 18.1 million children were among populations living with the effects of displacement, including 5.8 million who were refugees and 8.8 million who were internally

Multiple Cases of Abuse in Institutional Spaces

On May 7, 2012 three teenage residents sneaked out through the front door of Rohtak's Apna Ghar to make their escape to New Delhi. According to Human Rights Watch: "Girls of all ages told them (NCPCR team) they had been made to have sex with strangers for money, that the son-in-law of the director had molested them, that they had been stripped naked, and beaten on their vaginas. Others said that the staff had tied them up and suspended them from ceiling fans as punishment. "They made us do such disgusting things," one said. "I felt so dirty that even the water I drank afterwards tasted like it had been contaminated."²³⁸

displaced.²⁴⁰ Over the last 20 years, conflicts in India have assumed geographical, community and caste dimensions. It must be recognized that even in the absence of a violent event, many areas are characterized by a simmering conflict that compounds the anxiety for safety of girls. In December 1992 and January 1993, Bombay, Surat, Ahmedabad, Delhi were among the cities where attacks on Muslims, murder, rapes of women and girls took place.²⁴¹ During the 2002 Gujarat massacre, the plight of children affected by mass violence and conflict came into sharp focus, when mass marriages of girls took place in the relief camps and children, especially girls, were assaulted sexually, brutally maimed and murdered.²⁴² In the states of the North-East of India, or Chhattisgarh, conflict has aggravated the lives of girls who have dropped out of school. Many girls have joined the underground movement because it was able to address critical needs that the government was unwilling or unable to engage with.²⁴³

The challenges of living in an area of conflict go well beyond dealing with the conflict itself. In relief camps, usually at least one third of the population is under the age of 18. Work with victims has revealed the double-edged nature of relief work with those who also suffer sexual violations. One activist voiced her deep regret about having disclosed such information in the initial days of relief work, for if the word spread, or reached the media, the young women of the entire neighbourhood would be stigmatized. "I keep thinking of Kupwara (Kashmir) now," she said, "for years nobody would marry a young woman from that village..." This kind of fear prevents things as simple as appearing for board exams – in Kashmir, most students who do not venture out even to write their exams, are girls.²⁴⁴ Very recently, in 2013, the heightened vulnerability of children caught in the crossfire

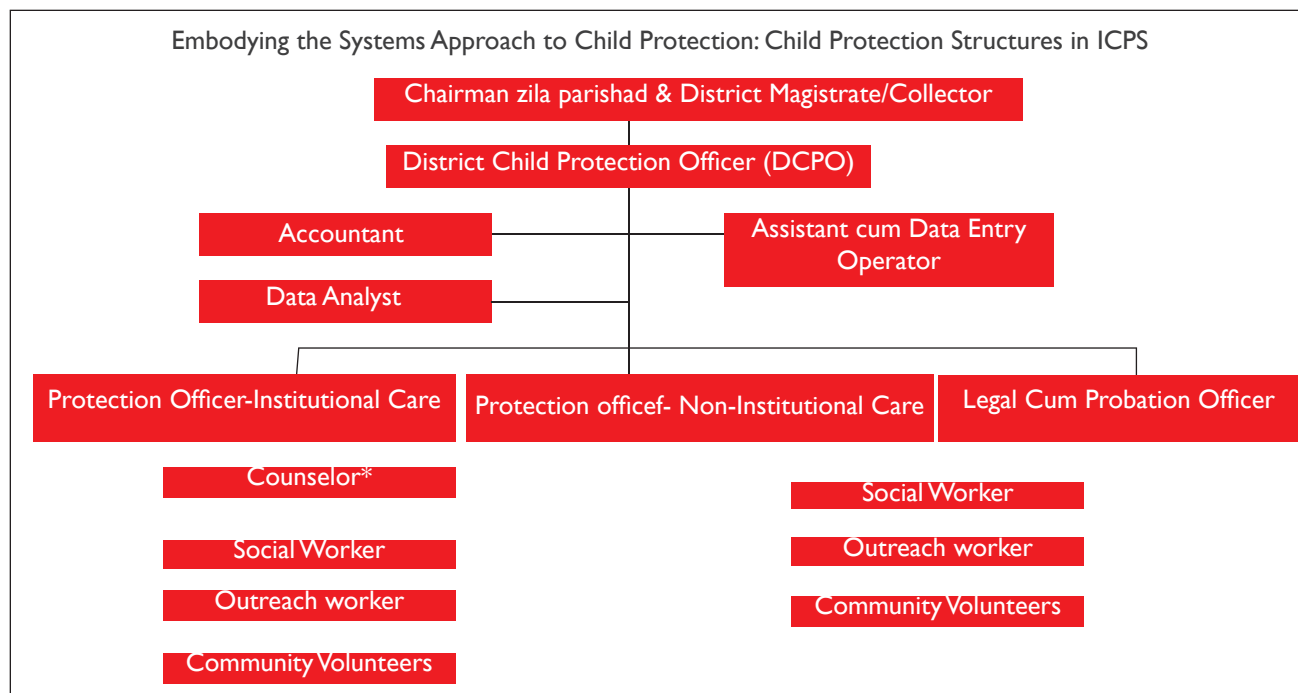
of communal conflict was seen in Uttar Pradesh in Muzaffarnagar, with mass deaths of children in the relief camps alongside the mass marriages of young girls as a means of securing their safety.²⁴⁵ What is common in these instances of minority girls is the total abandonment of responsibility by the concerned state governments of Maharashtra, Gujarat and Uttar Pradesh. In place of the State, it was NGOs and community organisations who took responsibility for sustained relief and protection, especially of women and girls.

As with communal violence, caste violence too gets inscribed onto the bodies of women. In 2008, Kandhamal in Odisha, the mass attacks in 2007-8 were on Dalits, mostly women and girls, who were targeted with sexual violence, humiliation, brutal physical assaults or threats thereof. Reports record the silence that prevails in matters of sexual assault, at various levels including documenting, reporting, investigating, charging and prosecuting cases.²⁴⁶

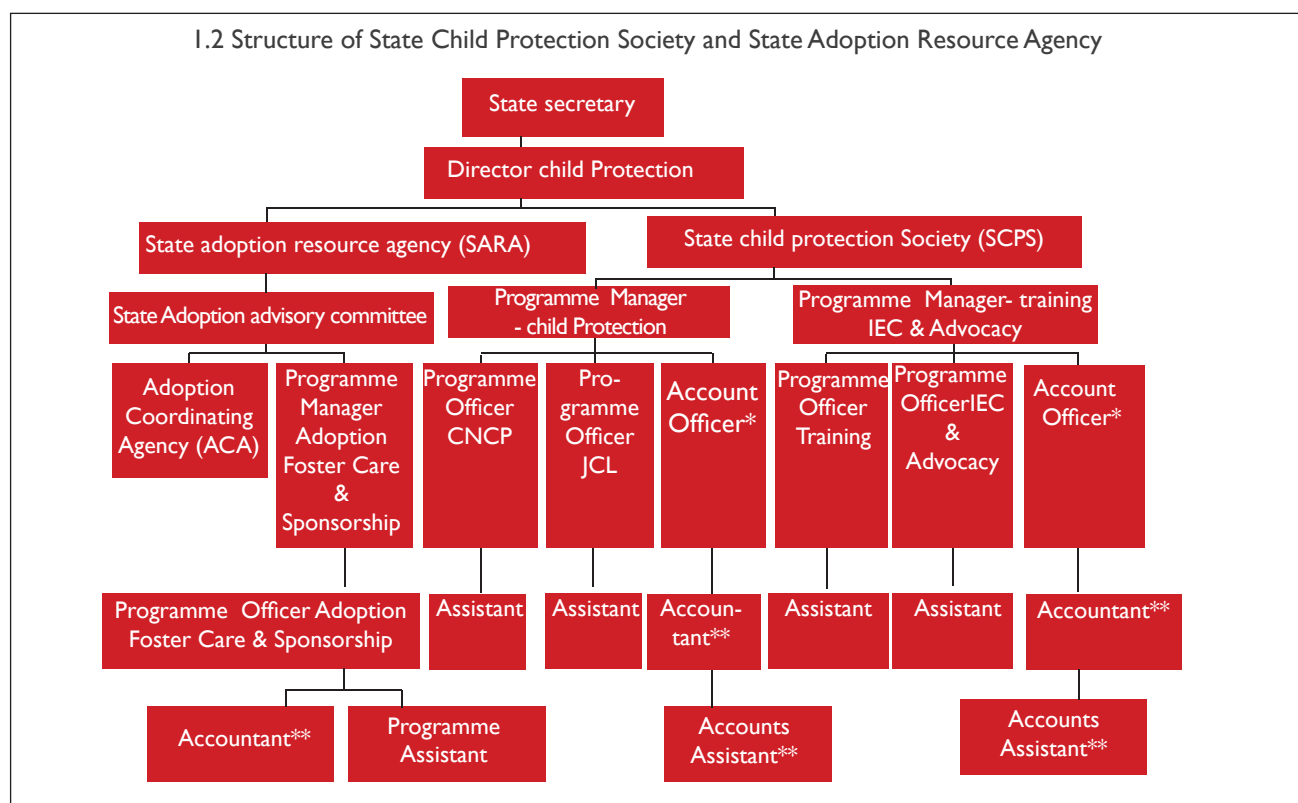
C. SAFETY NETS

CHILD PROTECTION MECHANISMS IN POLICY

With the formation of the Ministry of Women and Child Development in 2006, and the NCPCR in 2007, attempts at convergence of programmes began in right earnest and declared in the XIth and XIIth Five Year Plans. At present the ICPS (Integrated Child Protection Scheme), which was conceived in 2007 but approved only in 2009, attempts the convergence of services such as juvenile justice, and protective services such as those for street children, working children (through NCLP), as well as crèches for working mothers, and the Childline services



State and District Level Child Protection Systems; Reproduced from scheme document titled: Integrated Child Protection Scheme: Centrally Sponsored Scheme of Government- Civil Society partnership, MWCD)



*Same Person One Accounts Officer for the State Child Person Society.

*Same Person One Accountant and one Accounts Asst. For the Child Protection Society.

Note:

1. Except State secretary and Director dealing with child related with service all other Staff members to the society shall be engaged on contractual basis the scheme same allow the flexibility to increase the number of staff on the basis of the geographical spread of population of the state
2. At district level the state adoption resource agency shall coordinate with the DCPO and Protection officer.
3. Program Manager (Training IEC & advocacy) Shall be Responsible for training and capacity building of all personal including those working in adoption System.
4. While selecting the contractual staff in the SARA and members for the state adoption advisory committee, preference would be given to the members/functionaries of existing adoption coordinating agencies (ACAs)

for emergency relief. It has also included a pilot project for combating trafficking of women and children for commercial sexual exploitation, through networking with enforcement agencies, rescue operations, temporary shelter for victims, repatriation and legal services.²⁴⁷

The following box describes the structures set up under the ICPS. The scheme has in its mandate the formation of child protection units at block, village and ward level also. At the block/ward level the committee consists of members of District Level Child Protection functionaries, ICDS functionaries, representatives of education and health department, chairperson of village level child protection committees and representatives of civil society, etc. at the village level additionally has two child representatives as its member, along with school teachers, ANM etc.

Under the scheme an integrated child tracking system is also being developed at the district, state and national level. This system will have a live database of all children in need of care and protection and greatly help in identifying “missing” children especially girls who are vulnerable to trafficking and forced labour.

These efforts should not just be viewed at the national level but at the state level as well. For instance, the state of Tamil Nadu has been an example of taking preliminary strides in several instances of child survival and protection. The mid-day meal programme started in the 1980s has been one such; in the 1990s, there have been efforts to eliminate female infanticide through the cradle baby scheme, followed by other financial incentive schemes which in the 2000s have been followed by several other states through the cash transfer/ cash incentive schemes.²⁴⁸

Although there has been a fillip in the manner in which the government has prioritised child protection after 2005, through an upgrading of the Ministry and convergence of its programmes, what in effect has come to pass is that increasingly NGO or civil-society or public-private partnerships are the mechanisms for the outsourcing of the State’s protective functions.

CONDITIONAL CASH TRANSFERS

Since the turn of the century, many states across the country began financial incentive schemes to ensure girl child survival, assured school enrolment and retention, and delaying age at marriage through a system of Conditional Cash Transfers (CCTs). Many states including Tamil Nadu recast their existing schemes with enhanced cash benefits, with the belief that financial benefits can effect behavioral changes. These programmes were implemented through ICDS/ anganwadi and implemented through the departments of Women & Child Development, or the Ministry of Health and Family Welfare. However evaluation of these schemes indicates that conditionalities imposed, including parents having undertaken family planning measures, still act as deterrents and serve as exclusionary features and it is unclear if the overall objective of enhancing the value of the girl child is achieved.²⁴⁹

ADOPTION AS A MODE OF ALTERNATIVE CARE

Where the family is, for some reason unable to take responsibility for the care and safety of a child, the State is duty-bound to step in with provisions and facilities. In India, adoption is recognized as a way of helping children grow up in healthy family environments.

The statistics with regards to sex-wise in-country adoption seem encouraging: the number of girls adopted is almost double that of boys. In 2012 (April 2012 to March 2013), 1848 males and 2846 females were given in in-country adoption (Table 4.7). However, what is unclear is whether the number of girls abandoned or surrendered for adoption is also double that of boys. If yes, that would only confirm the phenomenon of son preference. The success of the Cradle Baby Scheme (refer to the chapter on Survival) indicates that girls are readily abandoned when they are not eliminated through sex selective abortion.

Table 4.6: Sex-wise Number of adoptions for 2012-13

Nature of Adoption	Male	Female	Total
In-country	1848	2846	4694
Inter-country	104	204	308
Total	1952	3050	5002

Source: Ministry of Women and Child Development

Law-speak

The Hindu Adoption and Maintenance Act 1956 is the only law relating to adoption in India; it applies to persons being Hindu by religion in any of its forms or developments, a Buddhist, Jain or Sikh²⁵⁰. The personal law applicable to Muslims, Christians and Parsis does not deal with adoption and till a few years back, there was no secular law on adoption. Therefore, the Guardians and Wards Act 1890 applied for cases of adoption of children by parents from these communities.

The Juvenile Justice [Care and Protection of Children] Act 2000²⁵¹ under its chapter, "Rehabilitation and Social Reintegration" deals, *inter alia*, with adoption²⁵². This Act is a secular law enabling any person, irrespective of the religion he professes, to take a juvenile child in adoption. Currently, the Juvenile Justice [Care and Protection of Children] Act 2000 and the CARA Guidelines 2011 govern the field of secular adoption in India, and the same has been upheld by the Supreme Court, in 2014, in *Shabnam Hashmi vs. Union of India*²⁵³.

While adoption is recognized by many as a desirable solution for the care of a child, there is a serious lack of measures to better monitor the continued access to supportive environment for adopted children as well as children outside home and family environment.

CONCLUSION

The need to protect girls is urgent and pervasive whether it is in public spaces or in child care institutions or in family spaces. The hidden nature of violence against girls especially in situation of labour in domestic service and in early marriage needs to be highlighted. What emerges clearly is that the adolescent girl faces a whole new gamut of protection issues like domestic violence as a wife, sexual abuse in domestic service and a whole gamut of unwanted sexual advances in streets and public spaces.

The efforts of the government to bring about an independent authority such as the National Commission for Protection of Child Rights supported by state-level commissions and recent legislations that have expanded the definitions of sexual assault deserve a positive mention. Protecting the girl child requires greater seriousness at the level of communities where community-level vigilance might ensure that girls are abused less or are not married off early or sent off to work in cities as domestic helps. Perhaps the need of the hour is to make the "invisible" visible so as to ensure that the girl is more secure in her home, community and ultimately in the country.

V BACKING INDIA'S GIRL CHILD: TRENDS IN BUDGETARY ALLOCATIONS

“The economic benefits of investing in children have been extensively documented. Investing fully in children today will ensure the well-being and productivity of future generations for decades to come. By contrast, the physical, emotional and intellectual impairment that poverty inflicts on children can mean a lifetime of suffering and want – and a legacy of poverty for the next generation...” — Carol Bellamy²⁵⁴

A nation's budgetary commitments are often a reflection of the relative importance of a particular issue in the larger context. To therefore understand the Indian State's commitment to the girl child, this report therefore analyzes the budgetary allocations made in India to invest in the survival, protection and development of the girl child.

This section talks about the visibly-low public investment in social sector in India and, within that, the trends in child budgeting. Finally, it examines how gender budgeting has been initiated in India and the difference it has made to the availability of funds for children's issues.

BROAD NATIONAL TRENDS

Investment in Social Sector

In India, the total public investment (budgeted estimates) in the social sector has not risen above 5-6% of the GDP in 1998-99 and 2007-08²⁵⁵ period. According to another analysis, during the last two decades, the share of Health and Education in total social sector expenditure by all states fell from 16% and 52.2% (in 1990-91) to 11.7% and 45.8% (2006-07) respectively. As a result, the per capita Health expenditure in India (Rs96) is much lower than that in other countries such as China and USA (Rs261 and Rs5274 respectively)²⁵⁶.

This low investment gets reflected in a poor ranking for India in the social protection index. According to Asian Development Bank's social protection index released in 2013, India's index number is 0.051 (rank: 23), with social sector spending at 1.7% of GDP, which compares poorly with other Asian nations such as Japan (19.2%, rank: 1), Singapore (6.1%, rank: 6) Malaysia (3.7%, rank: 8) and China (5.2 %, rank: 12).²⁵⁷ Comparison with neighboring Bangladesh, a country that faces similar developmental challenges, shows that the average percentage of central government expenditure allocated to Health and Education in Bangladesh (1993-2004) was 7% and 18% respectively, while India's expenditure during this period (1993-2004) was on an average 2% each in these sectors. The Indian Government's level of expenditure on social sector is also below the average for developing countries as a whole, which is 4% and 11% for Health and Education respectively²⁵⁸.

Budgeting for Children

Within this larger context of social sector investment, children are given a meagre allocation of 4-5%. The Government of India admittedly realized the need for child-centric budgeting more than a decade back. The Ministry of Women and Child Development took a step in this direction in 2002-03.²⁵⁹ Child Budgeting introduced in the Union Budget for 2008-09 aims at providing for Schemes for the Welfare of Children. Initially it covered the “Demands

Table 5.1 - Percentage Share of Sector Allocation on Children in Union Budget

Year	% share of child development (a)	% share of child health (b)	% share of child education (c)	% share of child protection (d)	% share of total child budget in union budget (a+b+c+d)
2004-05	0.42	0.42	1.57	0.03	2.45
2005-06	0.66	0.53	2.64	0.03	3.86
2006-07	0.83	0.56	3.49	0.03	4.91
2010-11	0.9	0.4	3.6	0.1	5.03
2012-13	1.3	0.5	3.6	0.04	5.3*
2013-14	1.1	0.16	3.34	0.04	4.64

Source: Report of the Sub-Group on Child Protection in the Eleventh Five Year Plan (2007-2012), New Delhi: Ministry of Women and Child Development, GOI, p.171; HAQ: Centre for Child Rights, Budget for Children in the Union Budget: 2011-12, 2012-13, 2013-14, Delhi, 2011, 2013, 2014.

* to be adjusted for inflation

for Grants²⁶⁰ with child-specific schemes from Ministries of Women and Child Development, Human Resource Development, Health and Family Welfare, Labor and Employment, Social Justice & Empowerment, Tribal Affairs, Minority Affairs, Youth Affairs and Sports. Now, its scope is much wider; the 'Child Budgeting' statement now covers 18 "Demands for Grants" from Union Ministries/Departments of Atomic Energy, Industrial Policy, Posts, Telecommunication, and Information and Broadcasting among others), marking a significant increase from an initial Budget.

This along with the Gender Budgeting is expected to improve the opportunities for girl child to survive and succeed in India²⁶¹. However, the figures do not prove that the child-focused budgeting has really taken off.

As the following table shows, in percentage terms, the share of child-related services has either stagnated (as in the case of child development or protection), or fallen (e.g. child health) the only exception being Education where the allocations have almost doubled in percentage terms. Overall, the allocations reached a peak of 5.3% (revised estimate: 4.76%) in 2012-13 before again falling to 4.64% the next year²⁶². It is within these restricted resources that the infrastructure and delivery systems set up by the state are expected to ensure the health, education and protection of children.

It is argued that on account of the weak fiscal situation of most state governments, especially since the 1990s, there have been forced cuts in the budgets of programmes that promote the well-being of children. This makes the demand for higher allocations for children a priority issue, while also being conscious that norms of allocation are sensitive to the different contexts of children's lives.²⁶³

While the total Union Budget has gone up by 11.7% from 2012-13 to 2013-14, the increase in allocations for children is only 8.7% with the BfC allocations rising from Rs.71028.11 Crore (2012-13) to Rs.77236 Crore (2013-14). The rate of increase is thus not proportionate.

Sector-wise Allocations for Children

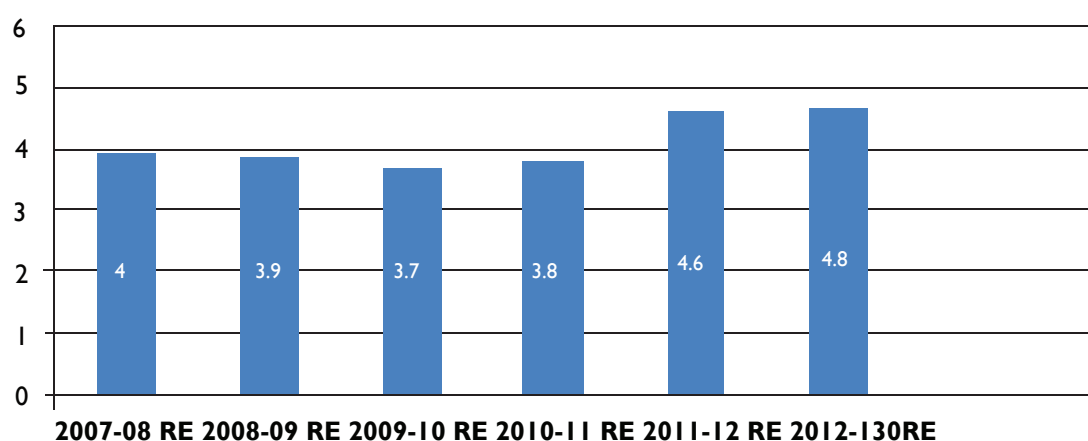
If the Central Budget for children is split by sector, we find that out of every Rs100, Rs72 of the budget is assigned for Education and Rs27; Rs 24 is for Child Development and Survival, leaving just above one rupee for Child Labor prevention, and other child protection measures.

Let us now look at how the budgets for children have increased in each sector.

HEALTH AND NUTRITION

As stated before, the Budget for Children (BfC) provided in 2013-14 was 4.64% of the total budget. Out of this, child health (0.16%) accounts for a

Fig 5.1 Outlays for Child Specific Schemes as a Proportion of Union Budget (in %)



Source: CBGA, Response to Union Budget, 2012-13, compiled from Expenditure Budget vol. I, GOI, various years, p.65. Accessed: 25 March 2014 at http://www.cbgaindia.org/union_budget_india_response_to_union_budget.php

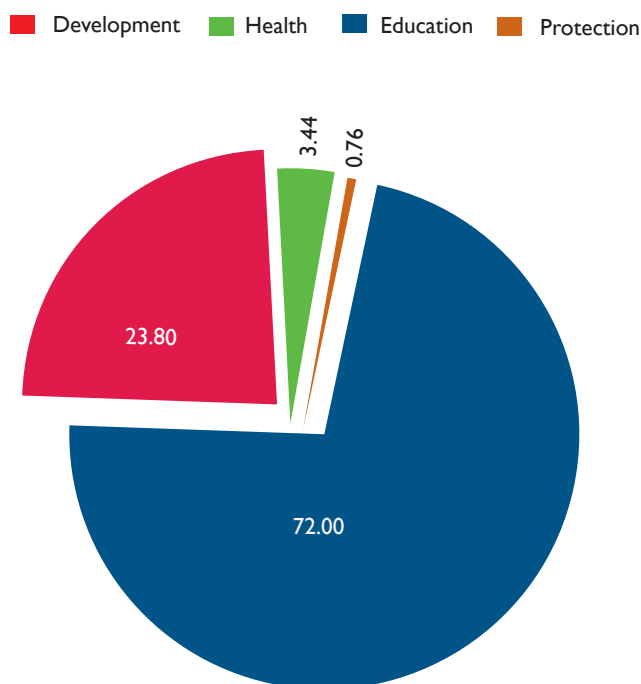
(Figures are revised estimates and may vary from the percentages given in the previous table)

miniscule 0.16%, ahead of only child protection (0.04%) whereas the rest of the budget has gone into financing education (3.34%) and Child Development (1.10%).²⁶⁴ In comparison to 2012-13, there has been a decline of 0.02 percentage points in the child health sector. This cutback has come even as universal immunization, one of India's long-awaited health goals, remained far from achieved. In 2009, nearly 8% children of the children aged 12-23 months did not receive even a single vaccine and only 47.3% from the lowest quintile were fully immunized²⁶⁵. Though a flexi pool has been created to cover RCH projects and immunization programmes, it is not meant exclusively for child health.

The requirement for the ICDS as per the recommendations of the working group of Child Rights under the current five year plan is around Rs 36600 crore but the current allocations stand at a total of Rs 15850 crore. The government has only allocated half of the actual money required to ensure the effective coverage of ICDS. The budgetary allocation for the Mid-day Meal Scheme was also hiked nominally from Rs 10380 crore to Rs 11937 crore for the year 2012-13.

An allocation of Rs 750 crore has been proposed for Rajiv Gandhi Scheme for Empowerment of Adolescent Girls, SABLA. This figure again does not come close to the recommendation of the

Figure 3: Sectoral Share in BFC (2013-14) in %

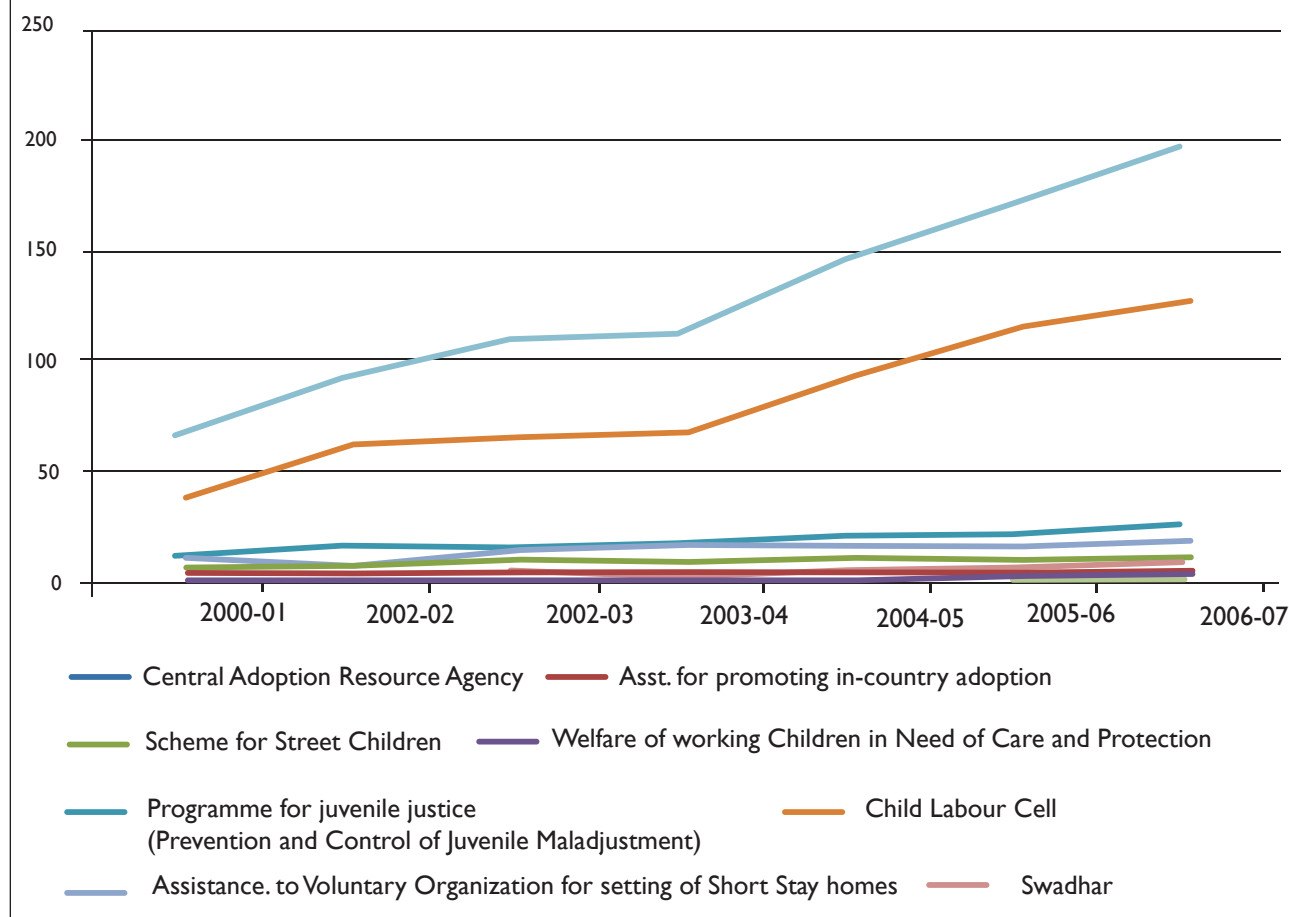


Working Group which recommends an average annual amount of Rs 6400 crore.

PROTECTION

The Union budget 2013-14 saw a 25% decline in the allocation for the ICPS, the flagship scheme for child protection, over the previous year where it was Rs 400 crore. This is much below the annual

Fig 5.2 Budget Allocations for Child Protection 2001-2007 (Rs. in Crore)



Source: Report of the Sub-Group on Child Protection in the Eleventh Five Year Plan (2007-2012)
New Delhi: Ministry of Women and Child Development, GOI, p. 170

projection of Rs.1060 crore given by the 12th Five Year Plan.

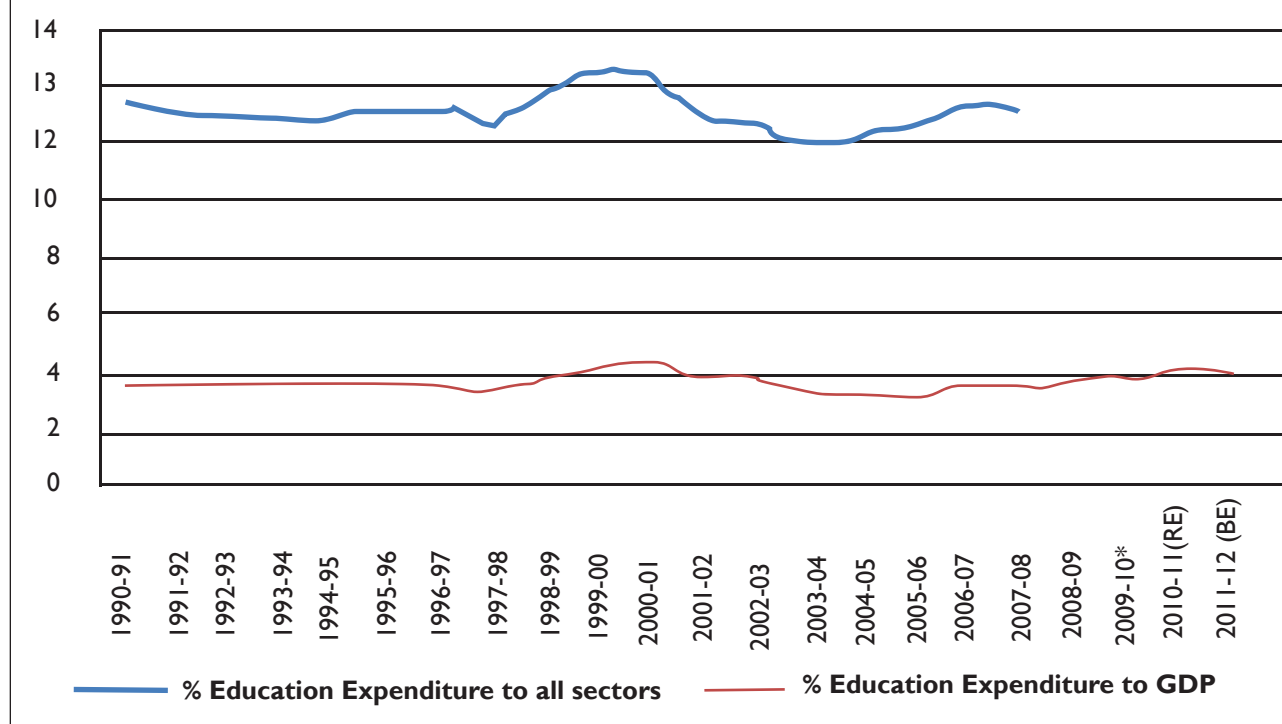
Within the Child Protection Budget, the child labour cell gets the maximum allocation of nearly 65% in 2007 which has steadily increased (see Fig 5) from 2001 to 2007. This is followed by allocation for programmes of juvenile justice which is about 13%, followed by relief and rehabilitation for children being trafficked which gets about 12%.²⁶⁶

Let us look at these allocations in the perspective of the estimated number of child workers in the country. The Government of India's expenditure for mainstreaming one child worker in regular school education is Rs3569 in 2005-06. This means that to mainstream all 1,25,91,667 child workers according to the 2001 Census, India will need Rs4,49,300 lakh per year @ Rs3569 per child per year. However, in the Budget Estimates of 2005-06, the total allocation for the three child labour programmes amounts to only Rs12,835

lakh (i.e. Rs128.35 crore) and covers just 3,59,650 children, leaving a huge gap of Rs4,36,465 lakh between the need and allocation for elimination of child labour.²⁶⁷ When this is the dwindling nature of commitment of the sector which gets a huge allocation, it can be imagined what the other sectors for child protection will endure.

The report has referred to the low allocations for child protection in the central budget. The scenario is not too different at the state level. States, including the EAG states spent about 13-15 % of their budget allocations for programmes and schemes focusing on children. Here too Child Protection appears to be the last priority as 85 % of the child budget across states is spent on education. The lack of state focus on Child Protection issues seems to indicate a focus on the indicators of HDI, without an overall strategy to actually improve the lives of children in vulnerable circumstances. The lack of political will for the protection of children is evident.²⁶⁸

Fig 5.4 Public Expenditure on Education as compared to GDP and Expenditure on all Sectors (1990-91-2010-11)



Source: www.indiastat.com – Ministry of Statistics and Programme Implementation, Government of India (ON296 and Ministry of Human Resource Development, Government of India (ON340) and (ON404); Data for percentage of Education Expenditure to all sectors for years 2008-09 to 2011-12 is unavailable.

EDUCATION

Although, as a percentage of the total Union Budget 2013-14, Education's share is mere 3.34%, it is still the highest among all sectors for children. Within the Budget for Children, Education showed an increase of 8.43% in 2013-14. A major push has been for the RMSA (Rashtriya Madhyamik Shiksha Abhiyan) with an increase in allocations of 27.5% as well as for the Mid-day Meal Scheme that has seen a 10% increase over the previous budget allocations. While for some of the under-privileged groups, namely SC boys and girls and disabled children, the allocations have fallen (for SC hostels, by 47-48% and for Inclusive Education for the Disabled at Secondary Stage (IEDSS), by 28.57%), the allocations for ST students have risen with Pre-Matric Scholarship going up by 146% and hostel allocations going up by 60%²⁶⁹.

As per the above figure, the expenditure on education hovers around 4% of GDP, which is nowhere near the Kothari Commission recommendations of 1966, which had pushed for raising the public spending on Education to 6% of the GDP. The total public spending on Education

(including the spending by not just Education departments at the Centre and in the states but also by other related departments) works out to a mere 3.39% of GDP (2008-09). This decline indicates the progressively decreasing priority of education for the Union government. Comparing spending on Education as a proportion of total budget at the level of states, the priority for education comes to 16.2% of the total State budget. Per capita spending on Education at state levels are lowest in states such as Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Rajasthan, UP and West Bengal²⁷⁰.

A related area of concern is the lack of fund utilization of already meagre allocations. In the case of SSA for instance there are marked variations in patterns across states but average utilization as proportion of approved budgets remains less than 80%.²⁷¹

Budgeting for the Girl Child

The budget analysis given above makes it very clear that issues related to children's rights do not figure in the list of spending priorities of our

Table 5.2 - 11th Plan Recommended Outlays vs. Union Budget
Allocations Made in the Plan Period (Rs. Crore)

Scheme	Proposed Outlay for 11 th Plan	Plan Allocation made in Union Budget					Total Union Budget Allocation in 11 th Plan	Budget Allocations as % of proposed outlay
		2007-08 (RE)	2008-09 (RE)	2009-10 (RE)	2010-11 (RE)	2011-12 (RE)		
SSA	71000	11295.6	12639.2	12825.4	15000	21000	72760.2	102.5
MDM	48000	5632.23	6530.48	6931.73	9440	10380	38914.4	81.1
Teacher Training	4000	312	307	325	375	500	1819	45.5
RMSA	22620	1	511	550	1500	2424	4985.9	22.0
ICDS	42400	5193.21	6932.74	8154.52	8700	10330	39310.5	92.7

Source: Compiled by CGBA from 11th Five year plan, Planning Commission, Govt. of India; and Union Budget, Govt. of India, various years.

government. When it comes to the issues of the girl child, is the picture any different?

One of the ways of looking at 'investment in girl child' is to analyze the national and state budgets from the lens of gender budgeting, an approach that has gained importance in India over the last decade. In one of the earliest examples of emphasis on gender budgeting in India, a study carried out by NIPFP (National Institute of Public Finance and Policy), New Delhi in 2007 highlighted the need for it based on the empirical evidence that women and men were at asymmetric levels of socio-economic development in India especially in the field of Health, Education and Work Participation. This study warned that the existing gender neutrality of budgets could lead to many unintentional negative consequences, translating the gender neutrality of budgets into gender blindness²⁷².

The Government of India has over the last few years become increasingly conscious of the pitfalls of gender-neutral budgets and has adopted the idea of gender budgeting that would ensure a fairer share for girls and women in the process of budgeting. The plan is to institutionalize Gender Budgeting as a part of the standard process of budgeting. The Finance Minister in his budget for 2004-05 mandated the setting up of Gender Budget Cells (GBCs) in all Ministries and Departments and highlighted the need for budget data to be presented in a manner that brought out the gender sensitivity of the budgetary

allocations. This was followed by a more emphatic commitment in the budget speech of 2005-06, where budgetary allocations under 10 demands for grants, estimated to be Rs14379 crore, were shown in a separate budget statement. The Budget Speech of 2006-07 revealed an estimated allocation of Rs28737 crore for the benefit of women under 24 demands for grants in 18 Ministries and Departments. In 2007-08, this statement included 33 demands for grants of 27 Ministries and Departments. These gender budget statements covered allocations that were 100% targeted at women and girls and those where at least 30% of the funds were targeted at women and girls.

In March 2007, the Department of Expenditure, Ministry of Finance, Government of India, drew up a charter for the GBCs for the guidance and implementation by all Ministries and Departments. The Charter described the composition and functions of the GBCs. By May 2007, as many as 51 Ministries and Departments had set up such cells. In October in the same year, the Government of India came out with a Gender Budgeting Handbook for its Ministries and Departments, which was put together by a number of national and international institutions including the Ministry of Women and Child Development, UN Development Fund for Women (now UNWOMEN), United Nations Development Programme, Indian Institute for Public Administration, etc.²⁷³

Table 5.3 - Budget Allocation and Expenditure for Education Sector by MHRD (in Rs. Crore)

Year	Allocation			Expenditure			Total Expenditure as % of Total Allocation
	Plan	Non Plan	Total	Plan	Non Plan	Total	
2009-10	36400	8132.21	44532.21	31502.28	8779.67	40723.68	91.45
2010-11	46036	7872	53908	43497.47	8384.94	51882.41	96.24
2011-12	52060	11306	63366	50732.99	9477.40	60210.39	95.02
2012-13	61427	12649	74046	-	-	-	-

Source: indiastat.com – Lok Sabha Unstarred Question No. 4285 dated 02/05/2012

Let us see whether these commitments expressed in Budget Speeches and Charters have actually translated into substantial financing for the girl child.

We analyzed the allocations made for three girl-specific schemes over the last three financial years by the Ministry of Women & Child Development (see table above). These are: Conditional Cash Transfer Scheme for the Girl Child with Insurance cover (Dhanalakshmi), Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (or SABLA) and Girl Child Specific District Plan of Action. In a total annual outlay of Rs15000-17000 crore, the total share of these schemes ranged between Rs477 crore to Rs681 crore (or 3.1-4.4% of the total). In fact, even this small share is almost entirely accounted for by SABLA scheme, as the conditional cash transfers are only being run on a pilot basis in 11 blocks of seven States. The third scheme is at a very early stage and what is barely clear is that the districts where it would be launched are going to be those with a Low Child Sex Ratio and High Child Marriage incidence.

Under Women Welfare, if we only focus on the schemes that mainly cater to girls and young women in difficult situations (i.e. leaving aside the programmes such as Rashtriya Mahila Kosh and Hostels for Working Women that typically cater to women above 18 years of age), we find that schemes such as Priyadarshini (aimed at prevention of trafficking and at providing

support for rescue, rehabilitation, reintegration and repatriation of victims) and Comprehensive Scheme for Combating Trafficking (Ujjawala) receive a pittance. In a total outlay of over Rs18000 crore, the share of these schemes is barely 0.1%.

Latest Developments

In a positive move, the Union Budget 2014-15 has allocated amounts, albeit small, to a number of schemes that are aimed at better protection and education of the girls and women²⁷⁴. The highlights are as follows:

- **Women's Safety:** The finance minister has provided an outlay of Rs.50 crore for the safety of women in public transport. The Finance Minister has allocated Rs.150 crore in larger cities.
- **Healthcare:** The budget allocates Rs.100 crore for 'Beti Bachao, Beti Padhao Yojana', a scheme to protect the girl child and her future.
- **Livelihoods and Poverty Alleviation:** The government offers concessional loans to women in rural India at 4% in some districts and 7% in other for women self-help groups under a scheme called Aajeevika.
- **Drinking Water and Sanitation:** Government would strive to provide toilets and drinking water in all the girls' schools in first phase. As mentioned

Table 5.4

Component	2011-12 Actual	2012-13 Budgeted	2012-13 Revised	2013-14 Budgeted
Child Development				
Budget for girl-specific schemes	593.75	681	477	608.5
Total budget	15186.04	15604.38	15169.82	17167.68
% of total	3.9	4.4	3.1	3.5
Women Welfare				
Budget for girl-specific schemes	10.13	25.8	20.66	26.7
Total budget	15,638.67	16,463.06	15,420.66	18,082.46
% of total	0.1	0.2	0.1	0.1

(All amounts in Rs. Crore) Source: Ministry of Women and Child Development, Demand No.105

elsewhere in this report, absence of toilets is an important reason for Indian girls to drop out of school after attaining puberty.

- Incentives for Education: A special small savings instrument to cater to the requirements of educating and marriage of the girl child will soon be introduced. This would be like other savings schemes like KisanVikasPatra or National Saving Certificate.

CONCLUSION

It is obvious that the budgetary allocations for girls fall way short of what is actually required. However, in the form of Gender Budget Cells, we already have the necessary frameworks and enabling mechanisms in place. Also, the latest Budget has made a small beginning in the right direction. In a first-of-its-kind gesture, the newly elected Prime Minister voiced his commitment to provide toilets in all girls' schools in his maiden Independence Day speech raising hopes for bigger budgetary allocations to this and other similar initiatives related to girls.

VI INDIAN LAW AND POLICY: TRENDS SINCE 1991

In the past two decades, the Government of India has often enacted fresh laws or amended the existing ones in order to address long-ignored social issues (as in the case of PC&PNDT Act) or to add muscle to the punitive arm of the law (such as the revamped Juvenile Justice Act). In this chapter we will examine the laws legislated on issues related to the girl child. At the same time, the chapter also looks closely at the policy positions declared by the State on these issues. While doing so, we will examine questions such as: who is identified as the girl child; the precarious state of the girl, how does the state guarantee her right to survival, protection, development, and participation legally, and so on. The chapter, through an analysis of law and key policies will show how the importance given to the girl child has changed over the 20 year period in question.

The analysis attempted in this chapter is not exhaustive, but touches upon the themes we have focused on in the previous chapters.

In the following three sections, we look at the place of the girl child in the international regional and national policy scene, in that order.

GIRL CHILD AND INTERNATIONAL COMMITMENTS

The United Nations Convention on the Rights of the Child (UNCRC) is the first landmark event that one comes across when looking back at the Nineties. The Convention was adopted by the General Assembly on 20th November 1989 and came into force on 2nd September 1990.²⁷⁵ In an important policy move, India acceded to the UNCRC on 11th December, 1992.²⁷⁶ As a result, the Indian government is obligated to enact legislation for implementation of the

rights espoused by the Convention.²⁷⁷ While the UNCRC has no specific provision with regard to the girl child, it is very clear that children should not be discriminated against on any basis, including that of sex.

The Committee on the Rights of the Child has been given the task of examining the progress made by the State Parties for enforcement of the UNCRC within their respective territories²⁷⁸. For the purpose of such monitoring, State Parties submit Country Reports to the Committee about the measures adopted for realization of the rights contained in the UNCRC²⁷⁹. On perusal of the Initial/ Country Reports, the Committee publishes its Concluding Observations, including its concerns and recommendations. The Committee expects a State Party in its next Periodic Report to address these concerns.

In its Initial Report submitted in 1997 to the Committee, the Government of India admitted that “gender bias continues to manifest itself in Indian society”. It also stated that “the girl child does not always enjoy the rights of childhood for reasons extraneous to her. Till recently, education and health care was almost denied to her and she was confined to household work. In fact discrimination reaches such an extent that in certain areas and communities the female child is aborted and not allowed to be born.”

In 2000, the Concluding Observations of the Committee to India’s Initial Report²⁸⁰ says:

“32. The Committee notes the persistence of discriminatory social attitudes and harmful traditional practices towards girls...

33. In accordance with Article 2 of the Convention, the Committee encourages the State party to ensure the enforcement of protective laws. The Committee encourages the State party to

continue its efforts to carry out comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family. To assist in these efforts, political, religious and community leaders should be mobilized to support efforts to eradicate traditional practices and attitudes which discriminate against girls.”

In the Concluding Observations of 2004,²⁸¹ the Committee regretted that clause 33 of the earlier document had not been sufficiently addressed. “...(T)he Committee is greatly concerned at the widely disparate levels of enjoyment of the rights in the Convention by girls....is deeply concerned at the persistence of discriminatory social attitudes and harmful traditional practices towards girls, including low school enrolment and high dropout rates, early and forced marriages, and religion-based personal status laws that perpetuate gender inequalities in areas such as marriage, divorce, custody and guardianship of infants, and inheritance.” The Committee recommended among other solutions, the implementation of the National Plan of Action for the girl child.

In response to the concerns expressed by the committee from time to time, the Government of India in its Periodic Reports submitted in 2003 and 2011 wrote of several initiatives taken to prevent discrimination of the girl child, and attempted to show that the situation had improved, while admitting that the continued discrimination against the girl child persisted. Some of the initiatives taken by the government and influenced by the committee include: changes in the child marriage legislation, formulation of a Ministry of Women and Child development, and establishment of Childline in all districts.

In keeping with the principles of transparency and public accountability, the Periodic Reports submitted by the Government of India to the Committee should be put to test by non-governmental parties, particularly those who submit Shadow Reports/ Alternative Reports on the actual state of the girl child.

The World Conference on Human Rights (WCHR) in Vienna, 1993 was another important global event related to the girl child.

The Vienna Declaration and Programme Action recognized²⁸² that “the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights.”

The International Conference on Population and Development (ICPD), 1994 had an influence on the population policies in India. It turned the focus towards the issues of sexuality and reproductive rights and the action plan particularly directed the State and non-State agencies to pay attention to the special needs of adolescents. ICPD articulated that the equality and empowerment of women is a global priority. The ICPD Programme of Action was formulated and signed by 179 governments. Of its four aims, the second was to deliver gender equality, empowerment of women and equal access to education for girls. The ICPD POA laid the ground for the UN Millennium Development Goals (MDGs).

The Fourth World Conference on Women, 1995 held in Beijing was the first conference with a specific focus on the girl child. Besides focusing on health, nutrition and education needs of the girl child, the objectives also included:

Elimination of negative cultural attitudes and practices against the girl-child.

Promoting awareness and participation of the girl child in the nation's social, economic and political life.

The subsequent conferences in 2000, 2005 and 2010, reiterated the relevance of these objectives. The BFWCW urged the UN Secretary-General to appoint more women as special representatives/envoys so as to expand the role and contribution of women in UN field-based operations, especially among the military. It further stressed on all parties to armed conflict, to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict. It emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible from amnesty provisions.

The Millennium Development Goals (MDGs), 2000 crystallised the milestones to be achieved in the global social scenario. In the list of MDGs, the goal of promoting gender equality and empowering women finds place as Goal 4. Other goals include achieving universal primary education, reducing child mortality rates, improving maternal health, ensuring environmental sustainability and developing a global partnership for development, all by 2015.

GIRL CHILD IN THE REGIONAL POLICY DIALOGUE

In the South Asian region, India is a founder member of SAARC, which at the start of the decade of 1990s brought the girl child into focus by declaring it the decade of the girl child. The member countries have taken up various aspects of pervasive gender discrimination and tried to address it through policies in their own countries. In India, this commitment to SAARC translated into the National Plan of Action for Children during the Eighth Five Year Plan where the needs of the adolescent girl were a key focus (which will be detailed in the latter part of this chapter). Various commitments that these countries have made include promoting women's empowerment, promoting health initiatives for women, promoting affirmative action plus other legislative measures, and addressing regional issues of trafficking.

In 2007, the SAARC development goals were constituted along the lines of MDGs. The SAARC Goals unlike the MDGs focus more on women's political participation in local government, civil services and gender budgeting. However, SAARC's focus on empowerment of women and the girl child has not led significantly to the reduction of gender-based violence in the South Asian region in spite of reiterations²⁸³.

GIRL CHILD IN NATIONAL POLICY

Public policy in India is articulated in a number of ways through policy announcements often accompany a change of regime at the Centre, or through Plan documents produced by the Planning Commission, the key advisory body that has guided the economic and social decision-making in India since the Nehruvian era. In this section, we look at how both these instruments have been used by the State to protect the interests of the girl child.

An Overview of National Policies

Formulated almost a quarter of a century after Independence, the National Policy on Children, (1973) was the first comprehensive policy document produced by India to articulate State direction to address the needs of its children. The Policy directs what is seen as a comprehensive programme covering child health, nutrition services and education covering children up to 14 years.

With the signing of the UNCRC, a significant shift in policies concerning children is seen. One is a clear mention of the girl child specifically, as a category that requires attention. The other is in terms of age – the NPC 2013 states that “a child is any person below the age of 18 years.” There is also a recognition and reiteration of children as a heterogeneous group with separate developmental needs, and that there is a need for targeted efforts to address the needs of different kinds of children.

The following table takes a quick look at the various policies pertaining to children that have been introduced since the late Eighties, in an attempt to understand the state's perception of the girl child and her needs. The table concisely mentions the strengths and weaknesses of these policy announcements in terms of new ground broken and old, continued biases.

Policy	View Taken with Regard to the Girl Child
National Policy on Education, 1986	Advocates education as an agent of basic change in women's status and conceptualises the need to redesign curricula, train teachers and other stakeholders to address stereotypes and discrimination against women. Specifies removing obstacles to primary education access for girls as an important focus. Also recognises the role of care duties girls undertake at home (usually of younger siblings) that keeps them out of school. Suggests establishing crèches as a solution.
National Policy on Child Labour, 1987	Does not specifically mention girls or the differential nature of labour between girls and boys, including unpaid home-based labour – including sibling care — that girls engage in. Interestingly, its predecessor the National Education Policy was more sensitive to the girl child's situation.
National Nutrition Policy, 1993	<p>Focuses specifically on tackling the high risk of malnutrition that girls/women face in all three phases, infancy and childhood, adolescence and reproductive phases. It further advocates strategies like implementing Equal Remuneration Act and legislation to provide 60 days leave to women agricultural labourers during their third trimester of pregnancy.</p> <p>Inclusion of adolescent girls in ICDS is specifically aimed at making them ready for safe motherhood. This approach — an example of the 'questionable continuity' discussed in Chapter I — reveals a flaw in the policy which attaches merely an instrumental value to the nutrition needs of girls and women (so that they go on to bear healthy children) instead of addressing nutrition of the girl child as an end in itself.</p>
National Population Policy, 2000	Sees maternal mortality as more than just a health issue; it interprets maternal deaths as a crisis of social justice. Responding to the problem of declining Child Sex Ratio, it also includes provisions for encouraging the birth of girls by associating a monetary value to it (BalikaSamriddhiYojana).
National Policy for the Empowerment of Women, 2001	Sees social and economic structures as causing gender inequality manifested as declining CSR and violence against women/girl child. However the policy does not mention the girl child at all, and is written as a list of ideals rather than as a directional document.
National Health Policy, 2002	<p>Highlights macro and micro-nutrient deficiency among women and children as a "grave concern" and sees the sub-category of women and girl child as particularly vulnerable. The rationale for this is the harmful effect it has on the birth of LBW (low birth weight) babies.</p> <p>It also acknowledges that the inadequacy of public health system specifically affects women and children as well as other disadvantaged groups. The policy has a separate section addressing women's health issues. It highlights the social, cultural and economic factors as factors determining women's lack of access to health care, within the already limited public health sector.</p> <p>However, in line with the earlier National Nutrition Policy, this policy too views the health of the female child in terms of its instrumental value, describing future women as playing a "catalytic role in the overall health standards of the community".</p>

<p>National Charter for Child Rights, 2003</p>	<p>Marks a remarkable shift when compared to the NPC, 1973 in terms of its focus on the girl child. It specifies:</p> <ol style="list-style-type: none"> 1. Her right to survive with dignity, 2. Protection from crimes and atrocities committed specifically against the girl child including discriminatory practices, 3. The need to ensure that education is sensitive to the healthy development of the girl child, 4. The need for measures to ensure greater respect for the girl child in the family and society, and 5. The need for special programmes for improving the health and nutritional status of adolescent girls. <p>The charter also has a separate sub-section on the girl child that takes note of the growing insecurity of and violence against girls. It specifies a need for hostels with subsidized lodging/boarding to address the problem of post-primary dropout. Most significantly, it talks about the “deep neglect of the physical and cultural development of girls, with no provisions for sports, healthy entertainment and reading facilities”, an aspect that has gone unmentioned in all earlier policy documents. The issue of restriction on mobility and play is mentioned specifically for those in the age groups of 6-11 and 11-18 years.</p> <p>Further it takes note of domestic labour, a form of employment in which the workers are mostly girls. Citing high risk of exploitation and abuse, the charter suggests that domestic labour be considered a ‘hazardous industry’.</p>
<p>National Plan of Action for Children, 2005</p>	<p>States as one of its guiding principle is a need to address the issues of discrimination emanating from biases of gender, class, caste, race, religion and legal status, thus acknowledging structural causes responsible for the status of the girl child.</p> <p>The Plan consists of a separate section on the girl child. Goals include “assurance of equality of status for girl child as an individual and a citizen in her own right through promotion of special opportunities for her growth and development.” The section further adds the need to protect girl children from any treatment which undermines their self-esteem and causes their exclusion from the social mainstream.</p> <p>Significantly, this is the first document that mentions the situations of riot in the list of difficult circumstances. It also lists children affected by armed conflict and displaced and evicted children. However, these are dealt with together in a long list of children in difficult circumstances.</p> <p>The section on adolescents in the plan emphasizes the importance of sports, recreation, artistic and cultural expression but fails to underscore the need for special focus on the girl child due to her gendered exclusion.</p>

Planning Commission Sub-group on girl child in the 11 th Plan	It also conceptualises the National Commission for Protection of Child Rights (established in 2007) and formation of State Commissions that would address the child rights violation in the states. It emphasizes the need for bridge courses, residential facilities, mobile schools for migrant population among others etc thus illustrating an acknowledgement of different needs of different children based on their context.
National Policy for Children, 2013	This most recent policy declaration pertaining to children does mentioning girl child in terms of her participation needs and nutrition but surprisingly enough, does not sustain the focus on the direction identified by the 11 th plan sub-group mentioned earlier.

Girl Child through Five Year Plans (the 8th to the 12th)

Planned interventions in the area of girl child development have seen a repertoire of changes. The reference period for this report coincides with the time span of 5 Five Year Plans (from the Eighth to the Twelfth Plan). The following table takes a quick look at the major recommendations made by the Planning Commission during each of these Plans:

Five Year Plan Period	Provisions for the girl child
Eighth Plan	<ul style="list-style-type: none"> Adhering to the SAARC Decade of the Girl Child, India developed the National Plan of Action for SAARC Decade of the Girl Child (1991-2000). The National Plan of Action also envisioned programmes for adolescent girls. This included improving their health and nutritional status, providing literacy and numeracy skills through non-formal means <i>“to stipulate a desire for more social exposure and knowledge and to help them improve their decision making capabilities, especially on issues regarding their future²⁸⁴.”</i> It also focused on training to upgrade home-based skills and promotion of awareness of <i>“health, hygiene, nutrition and family welfare, home management and child care, to take all other measures as would facilitate their marrying only after attaining the age of 18 and, if possible, even later.”</i> Though this is progressive, it ratifies the instrumentalist approach. The Plan also propagated the participatory approach by encouraging monitoring of nutrition care and social support measures by women’s organisations and adolescent girls. The Plan suggested that providing school uniforms/other incentives would improve the enrolment of girls in rural areas, particularly in educationally-backward states, betraying a superficial understanding of the role played by socio-cultural factors such as patriarchy, child marriage in the context of girls’ education.
	<ul style="list-style-type: none"> The Plan saw retention of girls in school up to elementary stage as an important objective and correctly diagnosed long distance as a hindrance to girls’ education. Therefore, it encouraged non-formal centres, flexible modules for education and condensed courses for rural girls and women and mentions the need to increase the number of female teachers.

Ninth Plan	<ul style="list-style-type: none"> • It sets the objective of placing the young child at the top of the Country's Developmental Agenda with a Special Focus on the Girl Child. With respect to the latter, it adopted strategies such as arresting the declining sex ratio and curbing female foeticide and female infanticide to ensure 'Survival, Protection and Development of Children' through the two National Plans of Action - one for the Children and the other for the Girl Child. It also focused on universalising the Nutrition Supplementary Feeding Programmes to fill the existing gaps in respect of both pre-school and school children and expectant and nursing mothers with a special focus on the Girl Child and the Adolescent Girl. It viewed girls' education as a major intervention for breaking the vicious inter-generational cycle of gender and socio-economic disadvantages and expands the support services of crèche/ day care services. It talked of developing linkages between the primary schools and the child care services to promote educational opportunities for the Girl Child, firmly establishing ICDS as an important cornerstone of the Ninth Plan. • It recognized the female population in five distinct groups: i) young girls (0-14), ii) adolescent girls (15-18), iii) women in the reproductive age group (15-44), iv) women in the economically active age group (15-59) and v) the elderly women (60+). Thus, this Plan continued with the instrumentalist approach of recognizing adolescent girls for their 'preparatory' role. • The Special Action Plan (1998) envisaged total eradication of illiteracy and elimination of gender discrimination in the admissions, in the curricula, text books and learning material, creation of a gender-sensitive educational system, gender sensitization of teachers; and appointment of more women teachers at primary level (at least 50%). It also emphasized reducing drop-out rates and increasing the enrolment and retention rates of girl children through special incentives like free supply of uniforms and text books, mid-day meals, scholarships, flexible school timings and attached hostels and crèches and improving the quality of education, facilitating life-long learning through the correspondence courses, distance learning and self-study programmes for women and girls who fall out of the formal system of schooling. • The special package announced for the Girl Child on 15 August, 1997 also revolved around the very same theme of educating and empowering the girl child living below the poverty line with adequate financial support till she completes higher secondary education or gets the necessary skills to earn her livelihood.
	<ul style="list-style-type: none"> • The Plan recognized the special health needs of women and the girl child, saying, "There are many indicators to point out that the neglect of health needs of women especially that of the pregnant women, adolescent girls and girl-babies, is responsible for the present high rates of IMR/CMR/MMR. Therefore, a holistic approach with Reproductive Child Health (RCH) measures will be adopted in improving the health status of women by focussing on their age-specific needs."

	<ul style="list-style-type: none"> The strategy for Media in the Ninth Plan was a combination of efforts to end the negative and stereotyped portrayal and depiction of women and girls, besides using all types of mass media and communication resources to change the attitudes and behaviours of people through information, advocacy and analysis. It recognized the need for a media policy in support of the constitutional guarantee of upholding women's dignity. The Ninth Plan showed progress from its predecessor in that it recognized adolescent girls for their <i>"reproductive roles as confident individuals not only in family-building but also in nation-building"</i>. However, it remains vague in its implementation approach. For instance, it seeks to equip adolescent girls with 'decision-making capabilities' but it is not clear how this can be done when the right to take decisions is not given to them in the familial and social space.
Tenth Plan	<ul style="list-style-type: none"> The Tenth Plan recognized the 'girl' category in the section for the disabled. It mentioned the objective of <i>"expand(ing) Special Schools and Vocational Training opportunities...especially for the disabled women and adolescent girls"</i>. The Nutrition Programme for Adolescent Girls was launched by the Planning Commission in 51 districts, on a pilot basis in 2002–03 and later transferred to MWCD. It envisaged that all adolescent girls (10–19 years) will be weighed four times a year and families of girls weighing less than 35 kg will be given 6 kg of food grain/month for three months. The Kishori Shakti Yojana was launched with a focus on self-development, nutrition, health care, literacy, numerical skills, and vocational skills for adolescent girls between 11 and 18 years of age. This Plan also focused on adoption of orphaned and abandoned girl children by promoting in-country adoption of the girl child and the mildly disabled; and strengthening the existing monitoring mechanism for the well-being of children already placed in adoption, within the country and abroad. It recognized protection of the girl child as a vulnerable category in the crime prevention strategies that should be built into socio-economic development programmes.
Eleventh Plan	<ul style="list-style-type: none"> For the first time, the planners broke out of the instrumental approach of viewing adolescent girls. <i>"Until recently, they were being addressed as prospective mothers rather than individuals with human rights. Such restricted understanding of our schemes and programmes has further affected the growth, development and protection of the 11-18 year olds."</i> The Eleventh Plan stated, <i>"(it) will address child rights through the lens of gender justice. It will set out the pro-active, affirmative approaches and actions necessary for girl children in India to realise their rights and equality of opportunity."</i>

	<ul style="list-style-type: none"> • The Plan recognized the need to track progress of girls within the ICDS programme. It envisaged the involvement of panchayats, gram sabhas and local self-government bodies and the district magistrates/collectors in this process. • A pilot scheme on Conditional Cash and Non-Cash Transfers by the Ministry of Women and Child development was recommended. Echoing the intent expressed in the Tenth Plan for the 'protection of the girl child as a vulnerable category', the Plan also stated enabling legislations such as the Integrated Child Protection Scheme (ICPS) of the MWCD and the Offences Against Children Bill. • It recognized the need for public participation. It mentioned, <i>"Public discourse on abuse, exploitation and violence against the girl child should be promoted to break the silence around these issues. At the same time, we need well-conceived 'rehabilitation packages' with specific modules for specific types of abuse/ violence perpetuated so that the victim is properly rehabilitated and successfully reintegrated into society."</i> • The Plan set out a multi-pronged approach to combat trafficking. • The Plan also admitted that, <i>"Child marriage is a violation of human rights whether it happens to a girl or a boy, but it represents perhaps the most prevalent form of sexual abuse and exploitation of girls"</i> and recommended that the government should implement the Child Marriage Act, 2006 and the MWCD should mobilize, develop and promote community initiatives to support delayed marriage and registration of marriages.
Twelfth Plan	<ul style="list-style-type: none"> • This Plan takes note of severe malnutrition and under-nutrition. • The Plan envisions the scaling up of SABLA running in 200 districts. Adolescent girls have been specifically targeted for micro-nutrient supplementing and nutrition education. The Kishori cards give data inputs on body mass index and Iron Folic Acid tablets on adolescent girls. • The Plan recommends launching of the Girl Child Specific District Plan of Action in 100 non-SABLA districts with low CSR and high Child Marriage. It lays down measurable targets of increased CSR and age of marriage. Rs.1 crore has been assigned to each district totaling to a 100-crore project. • The Plan recommends education shivirs (camps) to encourage former school dropouts to go back to school. Its other recommendations include work on dowry and marriage, son preference, etc. For adolescents, it recommends strengthening of vocational education. • The Plan commits that each girl should have access to education and would be a primary target for literacy camps, would have access to health services (including reproductive health) and would have full say in the size of the family. Young men will be oriented to respect girls' rights and status and efforts made to remove gender discrimination.

GIRL CHILD AND THE LAW

In this section we first examine whether the legal provisions are clear and consistent with respect to the girl child and how the inconsistencies or gaps in law affect the girl child. Subsequently, we see how effectively the law protects the interests of the girl child.

Inconsistencies in the definitions of 'child' as per Indian Law

Asha Bajpai in “Legislative and institutional framework for protection of children in India” notes, “The trouble with child rights begins with the very definition of child under the law. There are several grey areas here. Who is a child? When does childhood cease? These simple questions have complex answers. Age limits are a formal reflection of society’s judgment about evolution of children’s capabilities and responsibilities. Almost everywhere, age limits formally regulate children’s activities: when they can leave school; when they can marry; when they can vote; when they can be treated as adult by criminal justice system; when they can join the armed forces, and when they can work. But age limits differ from activity to activity and from country to country, and in India, from legislation to legislation”²⁸⁵.

According to the UNCRC, “... a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.” In India, the Representation of Peoples Act 1951 gives voting rights to every citizen who has completed 18 years of age. From this viewpoint, anyone below the age of 18 years is a child. However, the laws related to child care and welfare respond to various special situations that may involve determining the culpability of a child accused of a crime or protecting a girl from child marriage, etc. Hence, different laws define ‘the child’ differently.

- **Juvenile Justice (Care and Protection of Children) Act 2000** refers to a “child” as a person who is yet to complete 18 years of age²⁸⁶, and also refers to the term “working child”²⁸⁷.
- **Child Labour (Prohibition and Regulation) Act 1986** refers to “child” as a person who has not completed fourteen years of age
- **Goa Children’s Act 2003** defines “child” to mean any person who has not completed 18 years of age unless any other law in force specifies otherwise. Insofar as a victim in an offence of rape is concerned, ‘child’ shall mean any person who has not completed 16 years of age.²⁸⁸
- **Sections 82 and 83 of the Indian Penal Code**²⁸⁹ exempt children below the age of seven and 12 respectively, from understanding the ‘nature and consequences of his (sic) conduct on that occasion’. Seven is the minimum age of criminal responsibility. In comparison, in Philippines and Sweden, the minimum age of criminal responsibility is 15 years; in Germany, it is 14 years and in Brazil, 12 years. A child between seven and 12 years of age can only be prosecuted if the Juvenile Justice Board holds that (s) he is aware of the consequences of her act.
- **Section 90 of the Indian Penal Code** states that ‘true consent’ cannot be given by a person under the age of 12. It is assumed that for those below this age, any ‘consent’ is vitiated by their ‘immaturity’.
- **The Immoral (Traffic) Prevention Act 1986** uses a three-way distribution. In this Act, a “child” is a person who has not completed the age of 16²⁹⁰, “minor” means a person who has completed the age of 16 but has not completed the age of 18²⁹¹, and “major” means a person who has completed the age of 18.²⁹²
- “Child”, under the **Prohibition of Child Marriage Act 2005**, means a person, who if male, has not completed 21 years of age, and if female, has not completed 18 years of age.

Adding insult to injury: the two finger test to determine rape

The “two finger” test has for long been used as a procedure to establish rape. It is an archaic test which involves “a practice where the examining doctor notes the presence or absence of the hymen and the size and so-called laxity of the vagina of the rape survivor. The finger test is supposed to assess whether girls and women are “virgins” or “habituated to sexual intercourse.” The Justice Verma Committee recommended the discontinuation of the two finger test which has for long been condemned by activists working for child rights and women’s rights. The Supreme Court through various judgments as quoted in the Justice Verma report states, “the two-finger test must not be conducted and that previous sexual experience of victim should not be relied upon for determining the consent and the quality of consent given by the victim”.

The test also negates the therapeutic role played by the health service providers. Human Rights Watch contends that health service providers focus on “collection of forensic evidence” and “filing of police complaint as soon as the survivor approaches them for medical care”. The report states even though, “Indian criminal law does not require corroboration by forensic evidence to secure conviction for rape, yet in practice such evidence plays a critical role”

- **Article 24** of the Constitution prohibits a child below 14 years of age from working in factories, mines and hazardous occupations. In keeping with the same, The Factories Act 1948 prohibits the employment of a child under 14 years in a factory; a child between 14-15 years may be employed on submission of a fitness certificate prescribed by a medical practitioner. No child under 18 years can be employed in a mine as per the **Mines Act 1952**.
- “Child” referred to under the **Protection of Women from Domestic Violence Act 2005**, means any person below the age of 18 years. **Personal laws**, as also the secular law, have provisions to ensure that a minor child is properly cared for on breakdown of marriage. Minority of the child is to be determined as per the Indian Majority Act 1875.
- **The Indian Contract Act 1876** does not find a person below 18 years of age competent to sign a contract.
- Under the **Motor Vehicles Act 1988**, no person under 18 years is eligible to drive a motor vehicle in any public place.

Inconsistencies in Definition and the Girl Child

The differing conceptions of age specifically affect the girl child and her protection needs. We examine here, legislations around rape, marriage and trafficking which have in them differing definitions of age, consent and sexual maturity.

In the case of child marriage, The Prohibition of Child Marriage Act clearly states that the legal age at which children can get married is 18 years for girls and 21 years for boys. However if child marriage has already taken place then the onus of declaring the marriage void lies with the child. In the patriarchal set up, it is questionable that girls will really come forward to declare the marriage void.

The confusion with regard to voidability of marriage is further deepened by personal laws for different religious groups. The Muslim personal law states that the age of marriage for both boys and girls corresponds to the attainment of puberty (Bajpai 2010). Since the Hindu marriage laws recognize 18 years as age of marriage for girls, consensual elopement for marriage has been brought to courts and used as a means to curb freedom of movement of girls (as detailed in the

section on Child Marriage in Chapter Four). Bajpai (2010) notes that courts in Delhi and Andhra Pradesh recognized on occasions, 15 years as the age of discretion for girl child and marriage at this age cannot be annulled without the girl's consent. Consent on the part of the girl child also means that her partner cannot be accused of rape for having consensual sex. However, the agency of the girl child needs to be examined vis-à-vis her tender age and the fact that clauses like this have been used to traffic underage girls under the garb of marriage.

The section 375 of Indian Penal Code (IPC) which is used for establishing rape adds another dimension with regard to age, consent and sexuality when it comes to the girl child. This section states that a person cannot be charged for rape if he forces his wife who is a minor (i.e. in the age group of 16-18 years) to have sexual intercourse with him. The IPC further creates confusion by stating that a girl can have sexual intercourse with consent after the age of 15 years, but at this age she cannot marry without the consent of her parents. Her parents still have control over her as her guardians till she attains 18 years of age. In the ongoing discussion and the 84th law commission attempted to bring uniformity by raising the age of consent to 18 years in all laws but this did not find widespread acceptance.

With respect to trafficking - an offence that the girl child is most vulnerable to - the ITPA (Immoral Traffic Prevention Act 1986) states that a child means a person who has not completed 16 years of age and a minor is a person between 16 and 18 years of age. The ITPA does not define trafficking very clearly, as a result of which there are problems in prosecuting the traffickers of underage girls trafficked for sex work. It though metes out stricter punishment for child trafficking. Since traffickers are in the know of this provision, they try their best to prove that girls are not underage. Also law enforcement agencies often do not resort to medical test to determine the age of the girls, as the age determination test is not mandatory but can be used at "will" by the authorities in case they "feel" that the girl is underage. Bajpai notes, 'there are plenty of police records where in the age of the girl is recorded as "appears to be 18-19 years of age"'. Further since, "solicitation and seduction for purpose of

prostitution are all punishable offences, underage girls who cannot prove their identity as a child are victimized for practicing sex work".

Thus, certain weaknesses in law such as putting the onus of declaring the marriage void on the child bride herself, 'exemption' to a husband of a minor girl from rape charges in the event of having sex by force, lack of gathering of conclusive evidence of age of trafficked girls, etc. place the girl child in a vulnerable situation. This report argues for a comprehensive revision of these laws from the standpoint of protecting the girls.

Girl child and legal protection from sexual abuse

Before the passing of "Protection of Children from Sexual Offences (POCSO) Act 2012", child sexual abuse was treated under various sections of IPC - such as Section 375 - that deal with rape or 376 which defines punishment for rape. Since there was no specific legislation for sexual assault against boys, section 377 which defines unnatural sexual acts was invoked.

Apart from widening the ambit of what constitutes sexual abuse, POCSO Act also has included within it provisions like child friendly investigation procedures in reporting, recording evidence, investigation and trails of offences. The onus of proving innocence lies on the offender and unlike IPC, penetrative and non-penetrative assault including involving children in pornography has been included. It also talks about protecting the identity of children in media reporting which makes them further vulnerable²⁹³.

Significantly for the girl child it makes way for the provision of female doctors during the process of medical examination. It states clearly that during the process of medical examination, parent or any other person that the child trusts needs to be around with the doctor²⁴.

Girl child and Laws focusing on rights of children

The one Act that seeks to protect the most fundamental right of a girl, namely her right to

take birth, is the Pre-Conception & Pre-natal Diagnostic Techniques Act (PC&PNDT Act). Originally enacted in 1994, the Act was amended in 2003 to further address the problems of sex selective abortions and infanticide, in the wake of the Census of 2001 that set the alarm bells ringing on the issue of dipping child sex ratio and the national debate on the possible role of female foeticide behind this phenomenon that ensued. (The chapter on Child Survival speaks about this Act in greater detail).

The other key laws that cover all children in India include Right to Education Act 2009 – a landmark Act that entitles every child to the free education, the Child Labour (Prohibition and Regulation) Act (CLPRA), 1986 that envisages a childhood free from work and drudgery, and laws relating to adoption that are supposed to guarantee to every child a right to grow up in a safe, caring family. These laws are universal and key in their coverage for the life chances that they provide to the girl child. They also are the key components of her right to survival, protection and development.

a. Child Labour (Prohibition and Regulation) Act (CLPRA), 1986:

Besides the fact that the conviction rates are very poor under the CLPRA, it also has been unable to reach children in the unorganized workforce where girls are usually employed. UNICEF reports, “In addition, nearly 85% of child labourers in India are hard-to-reach, invisible and excluded, as they work largely in the unorganised sector, both rural and urban, within the family or in household-based units, which are generally out of the purview of labour laws²⁹⁵”

The CLPRA also does not cover inter-country migration and trafficking of children especially girls from Bangladesh and Nepal. The girls migrating from these countries are absorbed into “invisible” sectors like domestic work, where they are vulnerable to sexual abuse, long hours of work and other in human conditions (Bajpai 2010).

In 2013 the Union Cabinet cleared a proposal to ban all forms of work for children upto 14 years and regulate employment for children upto

18 years of age. However this proposal though a welcome move has not been passed by the Parliament yet²⁹⁶.

b. Acts on Adoption:

Adoption becomes an important strategy for rehabilitation of the girl child as more girls are possibly given up for adoption as seen in the chapter on child protection. The gaps in adoption laws hence affect girl children languishing in institutional set ups more. Adoption laws are governed by different personal laws. The Hindu Adoption and Maintenance Act (1956) allows for full adoption of children, however this is not the case for Muslims, Christians and Parsis. They can only take on legal guardianship (under Guardianship and Ward Act 1890) of the foster children. It has been seen often that this dissuades them from adoption and denies children from growing up in a family environment (Bajpai, 2010).

c. Right to Education Act, 2009

We have looked at some of the key provisions of the Act in the chapter on education and explored how enrolment evidence (albeit scanty) show the positive relationship between access to education and delay of marriage or lesser involvement in child labor. It has also been argued strongly that RTE must extend the right to education principle up to 18 years of age, ensuring that children especially girls get to complete higher secondary education where the enrolment of girls is currently very low

CONCLUSION

We thus see that the girl child in relation to the law is caught up in the debate about sexuality and age of sexual maturity. In legal positioning of labour she has become invisible due to her confinement in the household and chores that keep her around the household. However, it is worth noting that whether in laws related to child marriage, sexual abuse or trafficking, there is a positive shift towards more child friendly provisions and towards her rights and dignity as an individual rather than just her development.

CONCLUSION

Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance. — Kofi Annan

The last 20 years have brought about several shifts in the socio-economic fabric of the subcontinent, and for better or worse, these have precipitated into all spheres of life including gender and the girl child. Our analysis so far has shown the all-pervasive nature of discrimination and neglect faced by a girl child in the context of these shifts. Discriminated against even before she is born, the girl child goes through her formative years struggling against several obstacles. By the time she is four-years-old, this neglect manifests by stripping her of the biological advantage over boys, in the early signs of malnourishment she starts developing. Although she does manage to get enrolled into primary school, her transition to higher levels of education remains limited. This is followed by the years of adolescence, when a new set of issues begin to flood her life. This is when her safety becomes a big concern, her education is shrugged off as unimportant, and if she is born in a poor household, then she either joins the invisible population of child domestic workers or is married off early. With marriage, the girl child – irrespective of age – also falls off the grid of the “person in making” into the *de facto* life of a worker/married woman, and becomes, ironically, more vulnerable becoming prone to all forms of abuse. By the time the girl child has reached adolescence, she has faced intense violence either in the form of sexual assault – including violence perpetrated by husbands — severe malnourishment accentuated by early pregnancies, and vulnerability due to her employment in the unorganized sector.

Against this backdrop, we conclude this report by documenting some of the positive steps taken to empower the girl child, some of the issues that need deeper thinking and the points of action.

POSITIVE RESPONSE

The response to gender based discrimination towards girls in the last 20 year period has brought

forth some very positive changes that need to be acknowledged. They include:

1. Shift in policy discourse from girl child as ‘mother-in-waiting’ to an individual with human rights: conceptually the shift from the lifecycle to the capability approach signifies recognition of the girl child beyond the roles that she is identified with. The tone of the 11th Plan, with regard to adolescent girls, recognising them as “individuals with human rights” rather than just as “prospective” mothers is a positive development in the policy discourse.
2. Legislative breakthroughs: Though in terms of legislative action in this area, the better part of the last two decades has largely been a ‘zone of silence’, in recent years, there have been attempts to make the legislations against sexual assault more stringent. The focus has been on making the definition of assault more expansive to include molestation, stalking, acid attacks etc. Legal processes have also been made more child friendly and gender sensitive. The ruling of Supreme Court against the use of the “two finger test” to establish rape is a clear instance in this regard. Also most importantly punishment has been made stringent in cases where the staff of law enforcement agencies such as police or child care institutions are found to be perpetrating abuse.
3. Unburdening the girl child of care duties: The identification of the need for child care facilities and recognition of the fact that girls lose out on developmental opportunities as they are involved in child care is a positive development. Partly this recognition has led to a proposal to set up pilot centers with enhanced human resources to make crèches available for children of working women under the ICDS structure.
4. Anti-Trafficking Units: The establishment

of anti-trafficking units and training police personnel on tracking the victims of trafficking in pockets where trafficking is prevalent will ensure that “missing” girls are brought home. Also recognition of the fact that trafficking is an organized crime will lead to “agencies” being brought to book.

5. Understanding the needs of girls in a school set up: Gender parity has been at the core of SSA framework. There has been a formulation of schemes like KGBV and NPEGEL that work towards ensuring that girls don't drop out and hold gender sensitization teacher trainings.
6. Provision of child marriage prevention officers at district level: The Child Marriage Act 2006 now provides for a Child Marriage Prohibition officer who is responsible to prevent child marriages at the district level. He/she is also responsible for creating awareness, collecting data etc. about child marriage at the district. If implemented strongly this legislation has the potential to track and prevent child marriages.
7. Right to Education Act: The past two decades has seen a steady rise in the enrolment of girls especially at the primary level. Passing of Right to Education Act provided the necessary legitimacy and acceleration to enrolment from which girls have benefited greatly.
8. The making of healthy citizens: Programs such as Rashtriya Kishore Swasthya Karyakram²⁹⁷ (RKSK) which focus on adolescent population of India to not only provide supplementary nutrition but also to address issues that adolescents face, are a step in the right direction. The focus on substance abuse, mental health, and providing information about sexual and reproductive health will empower girls and boys alike.

POINTS TO PONDER

In spite of positive interventions on the part of the State, the girl child is wrapped in a lifelong battle against discrimination. Gender-based discrimination is multi-dimensional, therefore complex to tackle at any one level. In the following section, we outline some of our key findings from across the report:

Struggle for Survival/Surviving Childhood:

Our findings show that survival of the girl child is under threat even before she is born. Even after she is (allowed to be) born, widespread neglect makes her survival precarious during early childhood. Together, these two factors ensure that we bear the tragic burden of being a nation of disappearing daughters. The census of 2011 shows that overall there are 38 million missing women. The boy-girl divide over the last few decades has widened to such an extent that today, in the age group of 0-6 years there are 7.1 million fewer girls than boys as against 4.2 million in 1991. This divide indicates a clear trend toward sex selection and strong son preference.

But what happens to girls who do manage to survive sex selection? Led by the economic view that considers sons as contributors to family wealth and daughters as a perceived drain through dowries, the Indian households traditionally neglect daughters. This manifests itself in malpractices around nutrition and health care.

If we look at nutritional parameters, we see that the gender-wise differences are not significant, but age-wise findings have a different story to tell. Thus even though at birth, the girl child has a biological advantage, she starts losing it swiftly. By the time she is four years of age, she is more likely to be stunted and underweight than boys her age. Further, early marriage and early pregnancy play havoc with her nutritional levels. NFHS-3 findings show that 56% women as against 24% men are anaemic. Findings also show that in states such as Bihar and Madhya Pradesh, girls represent up to 68% of the children admitted for treatment of severe malnutrition.

Our findings also show a link between nutritional status and birth order. The nutrition that a girl will receive within the household depends largely on sex composition of the living children that a couple has i.e. if the children preceding the girl child in the birth order are girls, then she is neglected, showing a clear leaning towards son preference.

Similar findings about childhood neglect are seen when we look at immunization patterns for girls versus boys. Thus, we see that rate of full

immunization amongst boys was four percentage points higher as amongst girls.

Adolescence, a minefield: Our analysis shows that the onset of adolescence brings a plethora of problems for girls. It is during this period that the girl is most vulnerable, bearing as she does now the double burden of childhood and sexuality. This phase is marked firstly by a halt in her schooling — due to various reasons such as poverty, prioritisation of brothers' education — and subsequently, involvement in various activities that put them at risk.

The dropout rates at various levels of schooling can be dramatic and telling. For instance, we see that in 2011, the dropout rate at Class 5 for girls was 24.4%, while the dropout rate at Class 8 was 41.3%. Overall, at the secondary level, the attendance rate for girls was 42.3% as against 52.7% for boys. We thus see that with increasing age, the environment within as well as outside schools affects the continuing education of girls. Some of the major factors within school as outlined in the report include lack of toilets, distance to school (primary level onwards), lack of female teachers etc. which point out to safety issues that girls face at school. Other factors that affect the participation of girls include the familial pressures of finishing household chores, taking care of siblings etc. which though understood well have not been documented sufficiently in India.

But what happens to girls when they drop out of school if they have been enrolled at all in the first place? We see that marrying off the adolescent girls is a common practice across India, so much so that India bears yet another unflattering distinction: of being 40% contributor of the child brides²⁹⁸ to the world. The other option that the family exercises for them is to send them to work or make them work in family farms.

Thus our analysis shows 72% of the women from lowest income quintile reportedly got married by the age of 18 years. Early marriage means that girls lose agency and social network; they drop out of school and are subject to widespread domestic violence. It is worth noting that our attitude towards early marriage and its consequences has focused more on maternal mortality and

undernourishment rather than the day-to-day violence that girls face, whereas it must be noted that there has been a steady increase in the number of dowry-related cases and a 36% increase in reported cases from 2011 to 2012. This increase in number of reported cases, — although there haven't yet been any studies to say so definitively — possibly reveals that more girls are now coming out in the open to report cases due to a changed economic, social and media landscape that has visibly created more room for discussions on sexual abuse and discrimination. As opposed to earlier, when these cases would go unreported, and thus not reflecting in official statistics.

For girls who have not been married at this age, the vulnerability to trafficking, labour or sex work is manifold. As far as involvement of girls in labour is concerned, the participation of girls in rural workforce especially in agriculture is 2.4% as against 1.5% for boys. In situations where families migrate to work in agricultural fields, like we see in the sugarcane belt in Maharashtra, migration makes girls vulnerable to child labour and the unsafe habitation of work site makes them vulnerable to sexual abuse. Domestic work is a major area where there is an increased demand for girl. This poses greater problems as the girls tread a thin line between labour and trafficking. As a single child migrant, girls, as in the study of domestic workers in West Bengal, often lose contact with their families for long stretches of time. Without a protective social network, girls in domestic service go through severe sexual and physical abuse. In the study, 70% of the domestic workers reported physical abuse in the form of slapping, kicking, burning etc., while 32.2% reported that their private parts were touched by an adult.

Some reports document that seven out of every 10 trafficked children are girls. Girls are trafficked by a network of agencies who promise jobs, marriage and a life in the city for impoverished families. While the reporting of trafficking cases has been falling from 16,426 cases in 1990 to 2563 cases in 2012, IDLO quotes ECPAT International in a 2011 report and estimates that nearly 150,000 are trafficked within India annually. In fact, the report states that 100 girls were trafficked from four villages in 24 Parganas over a period of

two years. But what are the implications of ‘being trafficked’? The study reveals that if girls are trafficked for sex work they are often kept locked up and made to service up to seven customers in a day. If a girl manages to escape the dark hole of trafficking, notions of family dignity stops their families from accepting them back.

Concerns for safety: Concerns for safety emerged as a major motif as we tried to understand why girls were confined to households or were restricted from going to places like markets or made to stay at home when schools were far away. Exercising masculinity through sexual assault is so deeply rooted that a Save the Children study in Sitamarhi district showed that a majority of male respondents strongly agreed that they can tease girls they do not know in public transport.

In a situation of conflict in the community this leads families to marry their daughters off early as in the case of Muzaffarnagar where a fact finding team found that 50 girls were married off in the camps citing threat to the honour of girls.

POINTS FOR ACTION

Under Indian law, a child is a person who has not completed 18 years of age. Children of different ages do not require to be treated in the same manner in all circumstances. Therefore child-related laws have been enacted for diverse purposes, such as, to protect the child, to grant the child certain entitlements, to make the child less culpable. It is thus important to recognize that the child is not a homogenous category and that children have different needs and abilities in conjunction with the objective of the law.

The focus on girl child as a category with specific needs started taking shape from the Eighth Five Year Plan. There has been a steady shift from an instrumental understanding of girl children to recognising them as individuals with rights. However, there is much that remains to be addressed in terms of gaps and inconsistencies:

1. We recommend that a National Policy for Girl Child be formulated to guide and inform all laws, policies, plans and programmes directed at the girl child. At present, there are several

policies and programmes at national and state level, but in order to have a comprehensive and coordinated action, it is critical to have a National Policy; else, all efforts would remain standalone.

2. The need to operationalize the capability approach in subsequent policies and plans: The recommendation for adopting a capability approach to address the needs of the girl child in the 11th Five Year Plan, focuses on what a girl child is entitled to in order to access and exercise her rights fully. It also recognizes differential needs based on different age groups, thus retaining the positive aspects of the life-cycle approach. Finally, it suggests “[w]hile the indicator of child impact must be established as a core indicator of the 11th Plan interventions across all sectors of development, the status and condition of the girl child should be used to gauge the effectiveness of development measures in reaching out to all children.” This underscores the need and basis for pushing for more sex-disaggregated data on all indicators, a significant weakness highlighted in the other sections of this report, in evaluating and planning for the girl child. This focus however, is not reflected adequately in the National Policy for Children (NPC), 2013.
3. Recognition of caste-based and communal violence resulting in greater violation of girls’ rights: The chapter on Protection amply highlights the specific impact of conflict situations on the girl child. It has been noted from examples like that of Gujarat (2002), Khairlanji (2006), and Muzaffarnagar (2013), that it is not just exceptional physical and sexual violence that girls and young women face. There is a long-term impact on their right to development, protection and participation due to increased restrictions, poor living conditions, loss of educational opportunities and early marriages as well. The frequency and magnitude of conflict situations in India require that it is recognised as a critical area for policies addressing the situation of the girl child in India. The National Plan of Action for Children, 2005 recognises this as an area requiring attention but as an undifferentiated category among a

list of other difficult circumstances. There are no known programmes or schemes that sustain this focus. Again NPC, 2013 is found short in this regard too.

4. CCT (Conditional Cash Transfers) as a strategy to address discrimination: Conditional Cash Transfer schemes have emerged as a major strategy to address survival of the girl child. They have also been celebrated widely by both state and central governments. However these schemes themselves have several “design” issues. We thus see that instead of reaching out to all vulnerable girls, these schemes are often strangely associated with family planning and the participation is capped at two older girls in the family. We recommend equal access of all girls to CCTs.
5. Also CCT programmes do not have the space for involvement of the civil society which can help track families where girls are vulnerable to malnutrition or are working to support their families. BPL families have often found it challenging to meet the requirements of the documentation needed for the scheme like producing a birth certificate. These schemes are often implemented through ICDS centers and Anganwadi Workers find it challenging to track beneficiaries and enroll them in the scheme after fulfilling their other work commitments. There is a great need at this point of time to evaluate public investment in CCT programmes to see how far they have met the objective of ensuring survival of girls, retention in schools, delays in marriage etc.²⁹⁹
6. The elimination of child marriage should be a time-bound and measurable goal. The legislation against child marriage has not been able to make a significant dent into the custom of marrying girls. There is a need to prioritize and make concerted effort to campaign against the social acceptance of child marriage. A step in the direction could be extensive promotion of use of the Childline as a tool to alert and prevent child marriages.
7. Safety of girls in child care institutions: Recent instances of sexual abuse in child care institutions in the media probably are just the tip of the iceberg. The magnitude and prevalence of such abuse faced by girls needs to be investigated. Like other legislations on sexual assault, the punishment for crimes perpetrated by staff in child care institutions established under the Juvenile Justice Act 2000 must be made more severe and must be spelt out clearly. Also, the mechanisms available to inmates for reporting of such abuse should be strengthened.
8. Stronger implementation of PC&PNDT Act with better conviction rates will act as a deterrent to sex selective abortions.
9. Safety of girls in schools: Assault by school teachers in school and by boys and men on the way to school needs greater attention as they contribute to the reason why girls drop out of school. The involvement of village education committees in ensuring safety of girls in schools can be a good measure. Violence in schools is not properly documented and needs further research.
10. In order to understand the extent of involvement of girls in work, time use surveys must be conducted on a wide scale. Only through such nuanced surveys will it be possible to understand how far girls are involved in child care, household chores, and homestead activities.
11. In order to combat trafficking for sex work, domestic service etc. village/ ward level child protection committees formulated under Integrated Child Protection Scheme can be trained to track vulnerable girls and ensure their safety. These committees can also inform Special Juvenile Police Units and Child Welfare Committees to ensure that a trafficked girl does not go missing for long.
12. Tracking and reporting of child abuse: Given the proportion of abuse against the girl child and that girls are more likely to be trafficked; not having a strong and integrated mechanism for tracking and reporting missing girls at the level of Child Protection Committee in wards and villages is a great miss. It was in the ICPS that such an integrated system of tracking

and monitoring was first initiated, but has not been operationalized completely. The tracking system needs to be operationalized to ensure the protection of girls.

In the past two decades, the girl child has been a subject of both rhetoric and action. Many positive steps have been taken to secure her rights. While increased participation and enrolment of girls in schools is a positive step, we do see an increased

backlash which runs parallel to her progress/ aspirations in the public sphere such as education or employment and is expressed in the form of rise in cases of rapes, harassment for dowry, female foeticide etc. Government and civil society must renew their commitment to child rights by securing the right of girls - particularly her right to be born and to live in a secure world as an equal citizen.



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GLOSSARY

Anganwadi Centre: This is the basic unit of the government-run child care and development system in India. Anganwadis were started by the Indian government in 1975 as part of the Integrated Child Development Services program to combat hunger and malnutrition among all children below the age of 6 years. Each Anganwadi covers a population of 1000 and is run by a female Anganwadi Worker.

Antenatal Care (ANC): This care package comprises of a series of steps taken during pregnancy for maternal care, including three or more ANC visits during pregnancy by a health worker, two or more TT injections, consumption of IFA for at least 90 days and consumption of an intestinal parasite drug.

Child Budgeting: This helps track development investments made by the State towards children. It helps identify gaps in resource investment leads to making real constitutional and national policy commitments.

Child Marriage: Under the Indian law, this refers to a marriage in which either party is a child i.e. a girl below 18 years and a boy below 21 years of age.

Conditional Cash Transfer (CCT): In a CCT, money is disbursed to the beneficiaries in return for fulfilling specific behavioural conditions. These conditions include for example children's school attendance, up-to-date vaccinations or regular visits to a health care facility by pregnant women. The idea is to incentivize the recipient to make a choice that will positively affect the objective of the CCT programme, e.g. increased school attendance.

Contractualization of teaching: These teachers are not professionally trained, have fixed-term or renewable contracts, and are paid much lower salaries than regular teachers.

Decentralization: It refers to the process of transfer or delegation of decision-making powers authorizing units/bodies/individuals at all levels of organization. In the context of governance, decentralization can be understood by the devolution of powers on part of the Centre and state governments to various sub-state, district, village-level organizations such as panchayats.

Dropout: A school leaver (i.e. a student who has left the school and his/her name has been struck off from the school roster) or pass-out is counted as a dropout if she/he does not pursue studies in another school during the following academic session. The percentage of school leavers or pass-outs out of total enrolment who do not pursue studies in the same or some other school during the following academic session gives the dropout rate.

Exclusive Breastfeeding: It refers to feeding of only breast milk to the infant for the first six months of life, with special emphasis on the advice that nothing be given to children other than breast milk in the first three days when the milk has not begun to flow regularly, so that the infant benefits from the highly nutritious first milk (colostrum) and the antibodies it contains.

Female Foeticide: This is the act of aborting/terminating a foetus in the womb on account of it being female. Foeticide can be committed after determining the sex of the child before birth through ultrasound equipment. It is a punishable offence under PC&PNDT Act 1994.

Full Immunization: According to the 1998 World Health Organization (WHO) guideline, full immunization among children is defined as receipt of one dose of BCG vaccine, three doses of DPT and OPV vaccines, and one dose of measles vaccine by infants in the age group 12-23 completed months.

Gender-based Discrimination: This refers to discrimination based on gender, especially discrimination against women. Such discrimination is expressed through attitudes, conditions, or behaviours that promote stereotyping of social roles based on gender.

Gender Budget Cell: Gender Budget Cells in various Ministries were set up with the intention of implementation and committing to various Gender Responsive Budgeting (GRB) initiatives with the objective of influencing and effecting a change in the Ministry's policies, programmes in a way that could tackle gender imbalances, promote gender equality and development and ensure that public resources through the Ministry budget are allocated and managed accordingly.

Gender Parity Index: It reflects females' level of access to education compared to that of males. It is calculated for each school phase.

Gender Inequality Index: An index for measurement of gender disparity that was introduced in the 2010 Human Development Report 20th anniversary edition by the United Nations Development Programme (UNDP). According to UNDP, this index is a composite measure which captures the loss of achievement within a country due to gender inequality. It uses three dimensions to do so: reproductive health, empowerment, and labour market participation.

Gender Responsive Budgeting: Gender Responsive Budgeting is a tool for government planning, programming and budgeting that contributes to the advancement of gender equality and the fulfillment of women's rights. It entails identifying and reflecting needed interventions to address gender gaps in sector and local government policies, plans and budgets. It acknowledges the discriminatory nature of gender dynamics and allocates funds to support programmes and policies that work towards reversing/fighting these gender dynamics.

Gross Enrolment Ratio: This is defined as total enrolment in a specific level of education, regardless of age, expressed as a percentage of the eligible official school-age population corresponding to the same level of education in a given school-year.

Immunization Coverage: It is measured in terms of % of children under-3 years who have received the stated vaccine (e.g. BCG, DPT-3, MCV or Polio-3).

Integrated Child Protection Scheme (ICPS): The ICPS is a centrally sponsored scheme aimed at building a protective environment for children in difficult circumstances, as well as other vulnerable children, through Government-Civil Society partnership.

Low Fee Private School: Schools of this type have grown as a result of high demand for quality and English medium education. They are mostly unrecognized and do not follow norms for quality, infrastructure etc. thus keeping the cost of operations lower.

Malnutrition among Children: It is measured in terms of three standard anthropometric indicators, i.e. weight-for-age for "undernourished", height-for-age for "stunted", weight-for-height for "wasted". The ICDS system of Government of India captures the details of undernourished children, wherein the weight of children brought to the Anganwadi Centre is plotted against their age (as on date of visit) on a Growth Monitoring Chart.

Millennium Development Goal (MDG): The MDGs are the world's time-bound and quantified targets for addressing extreme poverty in its many dimensions-income poverty, hunger, disease, lack of adequate shelter, and exclusion-while promoting gender equality, education, and environmental sustainability. They are also basic human rights-the rights of each person on the planet to health, education, shelter, and security.

Mortality Rate: The key mortality rates (viz. Neonatal Mortality Rate, Infant Mortality Rate, and Under-5 Mortality Rate) are defined as no. of deaths per 1000 live births in the age categories of 0-28 days, 0-1 year, and 0-5 years respectively. The maternal mortality ratio is the number of women who die as a result of complications of pregnancy or childbearing in a given year per 100,000 live births in that year. Deaths due to complications of spontaneous or induced abortions are included.

National Family Health Survey: This is a large-scale, multi-round survey conducted in a

representative sample of households throughout India. Three rounds of the survey have been conducted since the first survey in 1992-93. The survey provides state and national information for India on fertility, infant and child mortality, the practice of family planning, maternal and child health, reproductive health, nutrition, anaemia, utilization and quality of health and family planning services.

Nirbhaya: The name given by Indian media to the 23-year old girl gang-raped in Delhi in December 2012. The gruesome incident attracted worldwide attention and provoked mass protests and outrage in many parts of India leading the government to appoint Justice J.S. Verma Committee tasked with recommending amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for those committing sexual assault against women.

Public-Private Partnership (PPP): This is an arrangement between a government/statutory/government-owned entity and a private entity for the provision of public assets and/or public services from the public sector entity being complemented by investments and/or management for a specific period of time. There is a well-defined allocation of risk between the private sector and the public entity and the private entity receives performance linked payments that conform (or are benchmarked) to specified and pre-determined performance standards, measurable by the public entity or its representative.

Pupil Teacher Ratio: It represents the average number of pupils per teacher in primary education in a given school year.

Retention Rate: A measure of the rate at which students persist in their education at various levels.

Rights-Based Approach: This is a way of going about human development/governance by focusing on the state's role as a duty-bearer and citizens as rights-holders, whose rights need to be protected. It is based on the principle that people's voices are heard when decisions which affect their lives are made.

SAARC: This is an economic and geo-political coalition of South Asian countries of Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

School-age Population: Population of the age group which officially corresponds to the relevant

level of education.

Sex Ratio at Birth (SRB): This is defined by NFHS in terms of the no. of females born in the five years preceding the survey per 1000 males. It is important to understand that it is different from Sex Ratio (number of females per thousand males in the population at a point in time) and Child Sex Ratio (the number of females per thousand males in the age group 0–6 years).

Social Sector: The Union Budget of India includes in the purview of social sector the following services and developmental activities: Education, Sports, Youth Affairs, Health & Family Welfare, Water Supply, Housing, Information & Broadcasting, Welfare of SC/ST and OBC, Labour & Employment, Social Welfare & Nutrition, and development of North-Eastern States. **Son Preference:** It is measured in terms of percentage of women and men age 15-49, who want more sons than daughters, as compared to the percentage who want more daughters than sons, percentage who want at least one son, and percentage who want at least one daughter (Source: NFHS)

Teenage Pregnancy and motherhood: It is measured in terms of the percentage of women age 15-19 years, who have had a live birth or are pregnant with their first child, and percentage of women, who have begun childbearing.

Trafficking in Persons: This crime includes the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Universalization of Education:

Universalization of education refers to universalization of provision, enrolment, retention, participation and achievement of education.

The following terms occur in the report at various places and have been defined therein:

- i. Capability Approach
- ii. Child Labour
- iii. Educationally Backward Block
- iv. Systems Approach.



METHODOLOGY NOTE

The purpose of this note is to describe Save the Children's approach to preparing this report. It details out the secondary and primary research conducted to acquire the necessary data for the report as well as the structure put in place to manage the process of report preparation.

SECONDARY RESEARCH

In the process of writing this report, we have referred to a large number of secondary sources (see Endnotes). Mainly published literature and government sources of data were used. The objective of secondary research was to develop an understanding of the macro-level scenario – global and national - on each theme. Use of official secondary sources of data and standard definitions also lends credibility to the report. While using news items, only the leading newspapers were referred to. Most of the secondary sources were accessed online.

PRIMARY RESEARCH

This report is mainly based on the analysis of secondary data. However, Save the Children also did primary research on a small scale and used various channels of collecting the views and perceptions of individuals. These channels were as follows: (a) Focus Group Discussions (FGDs) with children, (b) Consultation workshops and (c) Interactions with Advisory Group members and other resource persons.

FGDs with Children:

Researchers from Save the Children conducted 21 discussions in the states of West Bengal, Bihar, Delhi, Odisha and Rajasthan with children in groups of 8-10 each in order to collect real

stories. Discussions were held with boys and girls separately. Each discussion took approx. 2 hours. Discussions were activity-based and chart paper, markers and worksheets were used.

i. FGDs with Girls (10-14 years and 15-18 years):

Among girls, discussions and Force Field Analysis were conducted with three categories: school-going girls, working and out-of-school girls. Girls in the age group of 10-14 years and those in the age group of 15-18 years were in separate groups. The idea behind discussions with girls was to capture their aspirations and the facilitating and debilitating factors they encounter on the way (e.g. people who constantly tell them that what they have set out to achieve is impossible to achieve 'because they are girls', circumstances such as being in a city or having a supportive brother etc. and structures such as an active panchayat or provisions like free books etc.). These factors were presented through a balloons-and-stones exercise. Before this exercise girls were engaged in a discussion on what they would really want to accomplish if given the freedom and opportunity. The discussions were held in schools, communities, clubs etc.

School-going girls were first asked to visualize a normal day and talk about their daily routine, the chores they perform, the people in their lives, their life in school, any special circumstances in their life like a recent calamity or introduction of a scholarship program etc. Then they were asked to describe what they aspired to be when they grew up. The Out of School working girls were asked, in addition to the above, about the times which they get to spend with family and friends when there is no work to do.

ii. FGDs with Boys (10-14 years and 15-18 years):

The gender debates have always focused on girls and their problem. Hence programmes to empower women and girls have only had them at its centre. However, often when girls aspire to be more than what their traditional roles are there is a backlash from the community where boys and men resist it. Hence, we thought it was important to conduct some FGDs with boys as well.

The boys were encouraged to express themselves freely and were asked about the extent of their interactions with girls, whether they were in school or go to work and whether they were married. One of them was asked to volunteer to draw the picture of a 14-15 years old girl from their community and name her, with other boys helping to detail her appearance. The group was then asked to give her an identity, in terms of caste, marital status, her household work, schooling, hobbies, expectations of her family, whether there is parity between boys and girls in terms of household responsibilities and expectations of elders, etc. They were then asked to draw the results in pictorial form.

The boys were also asked to comment on the desirable behaviours of girls and define an 'acchi ladki' (good girl). They were probed about whether it is right for girls to play with boys, ask questions, go out alone, go to school, make eye contact while talking, attend community meetings, etc. and the amount of freedom the parents should give to the girls. Next, the boys' perceptions about girls at the age of 14-15 years were discussed. They were asked to comment on change in her physique, her dress, things she should stop doing, changes in the way others treat/ should treat her, etc. While discussing the aspirations of girls, the boys were asked to comment on what is really possible for a

girl to achieve, given the traditional expectations, and what problems she may face if she chooses an alternative role. At each step, boys were asked to answer similar questions about themselves too.

Consultation Workshops

Two consultation workshops were led by the team from TISS in Guwahati (6th Feb. 2014) and Mumbai (14-15 Feb. 2014). The workshop at Guwahati was held under the banner of XIV Indian Association of Women's Studies Conference 2014. This occasion helped open up conversations with multiple women's studies centres as well as field-based organizations.

Meetings with Advisory Group members and other Resource Persons

Save the Children set up an 11-member Advisory Group consisting of eminent persons from the research community and development sector. The group met 3 times in Delhi during the period of July 2013-July 2014. In addition, Save the Children facilitated the discussions of a few other resource persons with the team from TISS.

MANAGEMENT STRUCTURE

Within Save the Children, a 3-member Core Team under the leadership of the Director-Knowledge Management was formed to lead the process of preparation of the report. The core team managed the preparation of the report by maintaining a continuous dialogue with the team of authors, providing the secondary data and links to data sources, facilitating the meetings of authors with key resource persons, moderating the meetings of Advisory Group and reviewing the drafts received from TISS.

ACRONYMS

AHTU	Anti-Human Trafficking Unit
AIDS	Acquired Immunodeficiency Syndrome
AIIMS	All India Institute of Medical Sciences
ARI	Acute Respiratory Infection
AWC	Anganwadi Center
BCG	Bacille de Calmette et Guérin
BfC	Budget for Children
BMC	Brihan Mumbai Municipal Corporation
BMI	Body Mass Index
CCT	Conditional Cash Transfer
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CES	Coverage Evaluation Survey
CSR	Child Sex Ratio
DPEP	District Primary Education Programme
EBB	Educationally Backward Blocks
CLPRA	Child Labour (Prohibition and Regulation) Act, 1986
CrPC	Code of Criminal Procedure
CWSN	Children with Special Needs
DISE	District Information System for Education
DLHS	District Level Health Surveys
DPEP	District Primary Education Programme
DPT	Diphtheria, Pertussis, and Tetanus
EAG	Empowered Action Group
GBC	Gender Budgeting Cell
GDP	Gross Domestic Product
GER	Gross Enrolment Ratio
GGI	Gender Gap Index
GII	Gender Inequality Index
GOI	Government of India
GPI	Gender Parity Index
HIV	Human Immunodeficiency Virus
ICDS	Integrated Child Development Services

ICPS	Integrated Child Protection Scheme
IDLO	International Development Law Organization
IDP	Internally Displaced People
IED	Inclusive Education of the Disabled
IEDC (IED)	International Education of Disabled Children (or Inclusive Education for Disabled)
ILO	International Labour Organization
IMR	Infant Mortality Rate
INDUS	INDO-US Child Labour Project
IPC	Indian Penal Code
ITPA	Immoral Traffic (Prevention) Act 1956
KGBV	Kasturba Gandhi Balika Vidyalaya
KGBV	Kasturba Gandhi Balika Vidyalayas
KSY	Kishori Shakti Yojana
LBW	Low Birth Weight
LBW	Low Birth Weight
LFP	Low Fee Private Schools
LFP	Low Fee Private School
MDG	Millennium Development Goals
MHRD	Ministry of Human Resource Development
MSJE	Ministry of Social Justice and Empowerment
MUAC	Mid-Upper Arm Circumference
MWCD	Ministry of Women and Child Development
NCERT	National Council of Educational Research and Training
NCF	National Curriculum Framework
NCLP	National Child Labour Project
NCPCR	National Commission for Protection of Child Rights
NCRB	National Crime Records Bureau
NFHS	National Family Health Survey
NGO	Non-Government Organization
PC&PNDT	Pre-Conception and Pre-Natal Diagnostic Techniques
PNMR	Post Neonatal Mortality Rate
NPAG	Nutrition Programme for Adolescent Girls
NMR	Neonatal Mortality Rate
NPEGEL	National Programme for Education of Girls at Elementary Level
NPAG	Nutritional Programme for Adolescent Girls
WHO	World Health Organization
NPC	National Policy for Children
NPEGEL	National Programme for Education of Girls at Elementary Level
NREGS	Mahatma Gandhi National Rural Employment Guarantee Scheme

NSSO	National Sample Survey Organisation
ORS	Oral Rehydration Solution
ORT	Oral Rehydration Therapy
PHC	Primary Health Centre
POCSO	Protection of Children from Sexual Offences Act
PPP	Public Private Partnership
RCH	Reproductive and Child Health
RMSA	Rashtriya Madhyamik Shiksha Abhiyan
RTE	Right to Education (Act)
RTI	Reproductive Tract Infection
SAARC	South Asian Association for Regional Cooperation
SAIEVAC	South Asia Initiative to End Violence against Children
SC/ST	Scheduled Caste/ Scheduled Tribe
SMC	School Management Committee
SNA	System of National Accounts
SRB	Sex Ratio at Birth
SSA	Sarva Shiksha Abhiyan
STI	Sexually Transmitted Infection
TIP	Trafficking In Persons Report
UIP	Universal Immunization Programme
U5MR	Under-5 Mortality Rate
UNCRC	United Nations Convention on the Rights of the Child
UNODC	United Nations Office on Drugs and Crime
WASH	Water Sanitation and Hygiene
WCHR	World Conference on Human Rights