

India Alliance for Child Rights (IACR)
**Review Note submitted to the 17th Sept 2004 Day of Discussion of the UN
Committee on the Rights of the Child on the issue of:
Implementing Child Rights in Early Childhood**

CRC Review Note #1:

India's Girl Child: Crisis of 'Early Disposal'
(Declining Juvenile Sex Ratio - 0 to 6 years)

Summary Text

India's Girl Child: Early Childhood -- or Early Disposal?

The authors of this note thank member-organisations of the India Alliance, and other NGOs and researchers for their contributions of information and insight, and for the provision of supporting documents.acknowledged.

The impetus given by activist and scholar Dr Vina Mazumdar to raise this issue with the UN Committee on the Rights of the Child as a key concern is recognised with deep appreciation.

Early childhood care and education rights - and all the underlying protections and entitlements needed for the first 5 years of life - begin with the assurance of three simple essentials: the right to be born, the right to survive birth, and the right to stay alive through infancy and to the fifth birthday. For half of India's children, this assurance is at grave risk, simply because they are girls -- and daughters are not wanted. The first early childhood right for them is to live - and both negative social attitudes and new technologies are conspiring to deny them this.

The 2001 National Census of India has revealed the worst-ever ratio of females to males in the 0-6 year age group. The overall female-male ratio for all ages rose slightly from the 1991 figures of 927/1000 to 933/1000 in 2001 (in itself no measure of better status, but certainly better survival) - but the juvenile sex ratio in the 0-6 range fell from 945/1000 in 1991 to 927/1000 in 2001. This is a decline of 18 points. There was a similar trend in 1981-91, with a decline of 17 points.

Data on the 0-4 age group, from 961/1000 in 1981 to 955/1000 in 1991, had already told the same grim story. Defying the normal male-female balance, and the higher survival capacity of girl babies and greater life expectancy of women to men prevalent in human populations, the female to male balance in India has been adverse to females for at least the past 100 years. The 1901 National Census recorded a female to male ratio of 972 to 1000, for all ages. Virtually every subsequent census showed a worsening decline. The last three decadal census counts began to show where the disparities focused. Researchers and NGOs have been raising this concern ever since the 1971 Census, when the 1961 - 71 data comparison showed a slump from 976/1000 to 964/1000 in the 0-6 female to male ratio. The rate of decline has sharpened since 1981. Sex determination technologies were introduced in India in the 1970s, with amniocentesis (meant to detect congenital defects and abnormalities) , and it was soon being marketed as a way to

detect unwanted daughters in the womb. It is now commonly known as a sex determination test. In 1986, the press published reports of 78,000 female fetuses aborted in a five-year period – with 15,914 of these abortions carried out in a single clinic (Times of India, June 1986). **Clearly, being female is a congenital defect!**

The National Population Policy promotes a two-child norm, but is gender blind in what it proposes. The result in family planning acceptors is that amnio-centesis and ultra-sound tests are used to find out the sex of the unborn child, and female foetuses are increasingly aborted. The small family 'norm' is disposing of daughters. The unborn girl child is most at risk in northern states of India, with both foeticide and infanticide in use to get rid of her. The Punjab state 0-6 F/M ratio is 793/1000, while in neighbouring Haryana state it is 820/1000.

Given this known climate of 'son preference,' should the State not have been more clear-eyed about its population policy and family planning (re-named 'family welfare') programme? The rearing of a daughter is seen as an unnecessary expenditure, and the illegal but persisting dowry system sends parents into debt. If State policy discourages more than two children, how logical it seems to families to 'choose' to have only sons, and meet the Government's norm. In insisting that Indian couples should accept and adopt the two-child norm, the State has failed to see that this.

The State itself must take a share of the blame, as the records of two premier national health institutions show. In 1971, the Indian Council of Medical Research undertook a study of the use of amniocentesis, and reported that it was a potent technology for sex detection, and thus useful for population control. Thereafter, the amniocentesis test was made available in government health centres. Some years later, the All India Institute for Medical Sciences made a sample survey of 11,000 pregnant women and found that sex detection motivated women to opt for sex selective abortion. India's Health Ministry then banned the use of amniocentesis and other tests in government hospitals and clinics for sex determination.

The private sector meanwhile has gone to town marketing and providing the detection technology, and the abortions. The advent of ultra-sound testing has made the detect-and-dispose action more affordable. ('Declining Sex Ratio: a case for public advocacy' - Action India) .

In reporting F/M sex ratios in its 2001 Periodic Report on CRC, India did not cite data for the 0-6 age group. NGO recommendations for national development for the 2002-2007 period had flagged the 0-6 sex ratio decline as a national crisis. The Govt of India report on CRC merely said "Every year, 12 million girls are born – three million of whom do not survive to see their 15th birthday. **About one-third of these deaths occur in the first year of life and it is estimated that every sixth female death is directly due to gender discrimination.**" It went on to add that "son preference results in female foeticide, infanticide and neglect. Foeticide although largely invisible, is commonly practiced in Maharashtra, Rajasthan, Tamil Nadu, Haryana and Punjab (states)." The Census had shown clearly that the early disposal trend is hardly "invisible," and spot checks of where girl children might be reveal that they are just not there. The National

Crime Records Bureau's 2000 report shows a 56.8 per cent rise in female foeticide cases in the five years since 1995. The Government also reported in 2001 that '3.34 million girls in the 0-19 age bracket were "missing" in India in 1991, but provided no update, and gave no age-wise breakdown to show where the 0-6 group stood. This is a sad comment on its sense of priorities in ensuring early childhood care.

CRC Cttee Concluding Observations of January 2000:

32, 33:

Expressed concern at discriminatory social attitudes and harmful traditional practices towards girls. It called for national effort to combat these.

The India official report (SPR 2001) said the Government had taken several initiatives, and cited the 'Meena' cartoon TV series portraying girls in a positive light,

The 2003 Citizens' Alternate Report said:

2.24.1 The Government's response is superficial, and incomplete. There is more to the struggle for gender justice in childhood than cartoon films can achieve. The most serious challenge India faces today is the steady decline in the female/male ratio in the 0-6 age group. The 2001 National Census has revealed a juvenile sex ratio of 927/1000 for this age group, an alarming widening of the gender gap in infant survival (including in the womb), to the worst level yet recorded. **The NGO expert committee proposing priorities on social empowerment for the Tenth Five-Year Plan period singled out this trend as the single most urgent national development challenge, and urged top priority for action to address it.**

There is concern that the national population policy, and family planning programme's emphasis on reducing numbers by preventing births, does not recognise whose births are most likely to be prevented. The law against pre-natal sex determination tests (PNDT Act) has not arrested the trend to add female foeticide to the already entrenched neglect of female infants. It is of concern that the draft National Plan of Action for Children does not provide for any pro-active affirmative action to arrest this trend. The SPR sets out various statistics in a 10-point list to illustrate gender imbalance – but does not include the 0-6 juvenile sex ratio in that list (Pages 58-59). Can this be excused as an oversight in a report about children?

In January 2004, the Committee again urged India to take more steps to address and prevent the worsening child sex ratio in the 0-6 age group.

The fallout of the growing female/male imbalance in the youngest age group is not just on the child, but on India's demographic viability. It is also already showing its impact on the social setting where the imbalance is large. As the treasured boy children grow up, who can they marry? One negative spin-off is the trafficking of girls and young women from other parts of the country; assessments indicate they are treated more as sex objects than as wives or companions. Rather than replacing the 'missing' local girls, they are often re-trafficked. This trend needs to be monitored and arrested.

The slide is not the same all over India. Northern states' data for the northern states shows the most drastic decline. Foeticide, and what appears to be a re-emergence of infanticide, are taking a rising toll, while neglect of the 'survivors' of this weeding out also persists. The 2001 Census count in the state of Punjab (traditionally the farming 'granary' area of India, with a comparatively better economic level) revealed a record fall of 82 points in the 0-6 juvenile sex ratio trend for the decade assessed.

Rampant in northern and north-western India, sex selective abortion has also crossed into peninsular India. Sex determination clinics emerged in the southern states a decade

later than in the north, but are also registering falling F/M 0-6 ratios (Sabu M George: 2002). The urban decline is twice that of rural areas. But girls – born and un-born -- are increasingly unsafe almost everywhere, except in some tribal and south-west coastal areas.

Infanticide was mistakenly believed to have died out; it has not. Crime records of several states contain reports of infanticide, with figures from Madhya Pradesh state accounting for 30 per cent of all reported cases of infanticide deaths, and Maharashtra state accounting for 19.2 per cent. Cases of midwives being paid to kill the newborn infant girl have been reported from the developmentally-challenged state of Bihar. Some customary folk justifications of first-day killing of girl babies say it is to demonstrate mercy to the infant. Seeing her reality, perhaps it is.

Girl children who escape foeticide, infanticide, or neo-natal denial are still in the 0-6 high-risk frame for early disposal. She is less fed, less encouraged to explore the world, more likely to be handed jobs to do, given less health care and medical attention, socialised not to ask. A shocking 75 per cent of Indian children aged below 3 years suffer from anaemia; no one has cared to investigate whether girls predominate among these under-nourished children, but chances are that they do. Out-patient data from hospitals in northern cities shows lower admissions of girl children, and girls in more serious condition than boys when brought for treatment. An August 2004 spot-check at one hospital showed 25,538 boy children and 12,645 girl children on OPD records, 3,822 boy babies as against 3160 girl babies born in hospital deliveries, and 1954 boy children admitted to a pediatric ward as compared to 1,091 girls.

Domestic sexual abuse is a hidden reality; available data indicates that it does not spare the very young in the household, and the offenders are most often brothers, uncles, cousins, fathers/step-fathers, even grandfathers. Child rape is increasingly reported – and the National Crime Research Bureau reports that rapes of children below 10 years registered an increase of 22.4 per cent between 1996 and 2000. The news media increasingly reports horrifying cases of below-5 and even infant girl children being raped – by neighbours, relatives, people with a grouse against the family. Part of this ongoing tragedy is that the younger the child victim, the less possible it is for her to complain – or even know that she has grounds for complaint.

Child marriage of girls, and boys, below six persists. In many cases, the girl child-bride is married to a much older boy or man. In the state of Rajasthan in particular, the festival of Akha Teej sees tens of thousands of infant and toddler girl children married off in mass ceremonies. Dowry costs are saved – or deferred. The legal age of marriage for girls is 18 years, but the law is easily dodged. VIPs – politicians and officials – regularly attend Teej festivities. Indian law can intervene to ‘rescue’ the child bride, but her marriage remains valid. This validity clause is designed to protect a wife’s maintenance rights; in the very young girl child’s case, it closes the door to what she might have chosen to be and do. Even returned to her parental home, she is a married person. Why has the State failed to curb this visible practice?

Access to education is another site of inequity. The State has amended its Constitution to legally recognise the right to education as a fundamental right. But it leaves the below-6 age group out, confining its new guarantee of free and compulsory schooling to the 6-14 group. The proposed Right to Education Bill is thus in dispute. Girls are targeted beneficiaries of current education policy, but lack of early supports as a right deprives them of State help to get a good start. Meanwhile, an August 2004 spot-check of early access to learning opportunity produced data like this:

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| 1. Dev Samaj School Chandigarh (serving working/lower middle class families) | Enrolment Year 2004-05 | Checked by Punjab Child Welfare Council |
| Pre-Nursery level | Boys: 8 | Girls: 21 |
| Nursery | Boys: 18 | Girls: 8 |
| Kindergarten | Boys: 20 | Girls: 11 |
| 2. Private schools, Chandigarh (overall, serving middle / upper class families) | | |
| Ratio in Class I (1 st grade) | Boys: 60 | Girls: 40 |

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| 1. Govt Model School, Panchkula (with entry for disabled) | Enrolment Year 2003-2004 | Checked by Punjab Child Welfare Council |
| Nursery class | Boys: 8 | Girls: 5 |
| Class I (1 st grade) | Boys: 24 | Girls: 14 |
| | Enrolment Year 2004-2005 | |
| Nursery class | Boys: 13 | Girls: 3 |
| Class I (1 st grade) | Boys: 21 | Girls: 12 |

Some Census projections forecasting possible sex ratios for 2011 and 2021 see a declining percentage of the 0-14 segment in the total numbers. Within that, the 0-1 group falls from 2.14 % to 2.06%, while the 1-2 year group falls from 4.26 % to 4.09 per cent. The projected fall in the 3-5 year group is 6.53 % to 5.94 per cent. The big question is of another percentage : how many of these children will be girls ?

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