

A Critical Historical Study of the Rights of the Girl Child and her Childhood : 1947-1979

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Abstract

India has one of the fastest growing youth populations in the world. Girls below 19 years of age comprise one-quarter of India's rapidly growing population. But unfortunately most of the girl children specifically of the rural part of India are out of school and have limited choices available for their future. They are almost trapped in the vicious cycle of illiteracy, early marriage, repeated pregnancy, malnutrition, domestic violence, maltreatment, poverty and so on.

Though on the one hand the Government of India has taken several legislative measures relating to issues from female foeticide, practice of child marriage, widow re-marriage to women's right to property etc., which have impacted the Indian family system and society in many ways and on the other hand the twenty-first century witnessed huge changes in the Indian way of life under the influence of modernization, westernization, industrialization, technical advancement, and population mobility across the globe. Still however, the moment a baby is born in India, the first thing that comes to our mind is "boy or girl?" and the issue is beyond just the biological one. Therefore, it seems that gender is one of the most dominant variables that influence human development from conception to death, particularly in Indian society. Apart from class, race, age, religion, and ethnicity, gender is another vital dimension of social stratification, putting the female at a level of discrimination and disadvantage.

In this context my paper would use the critical tool of gender to tease out the question of the girl child if only to demonstrate that childhood was defined by the planners and policy makers in India since 1947 in a way that effectively made the girl child the second sex in India. The ground reality, however, was that the girl child, while sharing with the boy child similar forms of discrimination as a child, was additionally discriminated against as a female, thus even within the more universal picture of the violation of the rights of children, girl children constituted a special case.

This article would contain a crucial section that would probe the world of anti-colonial nationalism to identify the way in which the upper classes in India, in their reaction to the colonial discourse, perceived the girl child in its nationalist cultural project. The critical discussion of this section is essential because anti-colonial nationalism seems to have deeply determined post-colonial policy-making in India.

The overall thrust of this paper would be to examine whether the girl child emerged in policy-making as a rights-bearing entity from the post-independent era right from 1947 onwards or in later phases. Therefore, the girl child would be at the centre of our discussion. The article would try to act as a counterpoise against the silence about the girl's childhood in the male-authored discourse – whether governmental or historical – on childhood, child welfare and child rights.

Key words: Gender, girl child, childhood, child welfare, child rights, discrimination, legislative measures.

This paper uses the critical tool of gender to tease out the question of the girl child to demonstrate that childhood was defined by the planners and policy makers in India during 1947 (The year of India's Independence) to 1979 (International Year of the Child) in a way that effectively made the girl child the second sex. Thus the Indian state's attitude to child welfare during the period from 1947 to 1979 was based, as this paper will show, on the assumption that experience of childhood was shared between the sexes and that the generic use of the term child somehow equally included the girl child. The ground reality, however, was that the girl child, while sharing with the boy child similar forms of discrimination as a child, was additionally discriminated against as a female,

thus even within the more universal picture of the violation of the rights of children, girl children constituted a special case. The Indian nation-state's elision of this special, sex-specific discrimination against the girl child, made its child welfare policies gender-insensitive. If a rights perspective in relation to the child as such did not emerge from within state perspectives and initiatives as late as the 1970s, nor did one relating to special rights of the girl child, as analysed in this article. A consciousness about the plight of the girl child in India did start emerging particularly from the Second Five Year Plan onwards. But, as the subsequent sections will bring out, the perspective was merely welfarist; a rights perspective was as yet largely

missing from the official discourse on the child in post-colonial India up to 1979.

The present article contains a critical response to the ways in which the dominant discourse in a male-dominated society actually makes the special disempowerment of the girl child under the rubric of the child, which, however, is effectively a universalisation of condition of the male child. Thus the exclusive focus of this paper is a decided counter-discourse strategy meant to bring the girl child out of the discursive invisibility especially as in India for the average girl, childhood unlike in the case of the boy is a mere prelude to homemaking and childbearing.

The Girl Child in India: The Nationalist Counterpoise to the Colonial Discourse

This section probes the world of anti-colonial nationalism to identify the way in which the upper classes in India, in their reaction to the colonial discourse, perceived the girl child in its nationalist cultural project. This is essential because anti-colonial nationalism seems to have deeply determined post-colonial policy-making. As the post-colonial state needed to justify itself in terms of nationhood and as it also retained anti-colonial nationalism's stake in the biological and cultural reproduction of the 'nation', the policy-makers and legislators of the post-colonial period, especially in the aftermath of Independence, understandably drew upon the ideological world of anti-colonial nationalism. And anti-colonial nationalism had its own idealization of domesticity, conjugality, womanhood, motherhood, childhood and so on as integral components of an essentialised 'inner domain' of national culture. But, it is significant for the present study that this 'inner domain' was carefully withdrawn and guarded by anti-colonial nationalism from the reach of the state, which was a colonial state before 1947. The nationalists claimed that the community and the family were competent enough to handle this 'inner domain'; indeed this was how they claimed their right to self-rule. It is significant that the child, both the girl and boy, were claimed for this inner domain. Let us see, therefore, how anti-colonial nationalism ideologised the girl child question. It is important to register in this connection that anti-colonial nationalist discourse on the girl child was derivative of the colonial discourse on the girl child in India. One

of the primary tenets of the moral justification of the British rule in India was the barbaric treatment supposedly meted out to Indian women by the Indian men. Colonial critics invariably repeated a long list of atrocities perpetrated on Indian girls, not so much by men or certain classes of men, but by an entire body of scriptural canons and rural practices. Colonial histories have portrayed the 'civilizing' mission of the British as rescuing Indian girls from the clutches of the latter's own culture and society; especially from such social practices as female infanticide, child marriage, child widowhood and sati. And the British colonial government's measures to improve the condition of Indian girls were therefore pressed into service of legitimising its own rule over the colonized.

This focus in colonial discourse on the 'plight' of the girl child in India prompted the anti-colonial nationalism to earmark the girl child question as an aspect of the 'inner domain' of national culture to be urgently protected from intervention by the colonial state. Therefore from the 1870s, when anti-colonial nationalism had started crystallizing among the educated elites in India, questions regarding the position of the girl child stopped being brought by these elites into agendas of reform enforceable by the colonial state. Revivalist nationalism in particular regarded the household, of which the girl child was a part, as the last independent space left to the colonized Hindu; nineteenth century Hindu nationalism identified this space as the 'Hindu way of life.'

In this 'inner domain' the unmarried female child was situated and idealized as a pure vessel of virginity, whose sexuality was to be controlled, mind disciplined and chastity protected so that her womanhood could be ultimately justified through heterosexual marital union and motherhood. Thus nationalism justified womanhood in terms of motherhood, with the effect that the girl lived in the present only for the sake of a future when she would procreate sons for the nation. Thus anti-colonial nationalism erased childhood from the ontology of the girl; in nationalist discourse the childhood of the girl became invisible. The nationalist construct of the girl child as '*kbukurani*' meant that she must be committed to the domestic virtues for which her life is a long preparation. Her games and the literature produced specially for her consumption thus reflect the double

burden that she will have to take on as a '*bhadramahila*'.

The way in which nationalist patriarchy made the girl child a hostage to nationhood and denied childhood and agency to her is amply illustrated by the way in which revivalist nationalism opposed the Age of Consent Bill and decried the criminal proceedings against the thirty year old Hari Maity who had killed his ten year old child bride by forcing sexual union on her. Opposed to any further abridgement of the domination of Hindu patriarchy over the domestic arena Hindu revivalist nationalists in Bengal and Maharashtra opposed the Age of Consent Bill that proposed to raise the female age of marriage from ten to twelve. Thus the girl child's childhood was sought to be erased for the sake of the nationalist stake in the submission of women to community discipline which decreed non-consenting indissoluble marriage for girls.

In the last years of the century, however, cultural nationalists-or Hindu revivalists jealously earmarked the ritual sphere. It was particularly the Hindu woman's submission to community discipline, they said, that would ensure that last remnants of authenticity wherein also lay the promise of future nationhood. The autonomy of the Hindu man having been irrevocably colonized by alien culture and education, the Hindu woman's body became a deeply politicised matter; it alone could signify past freedom and future autonomy. This body became tied to a shastric and custom based regimen of non-consenting and indissoluble infant marriage.

The nationalist project of educating girls, too, had the effect of making the girls' childhood invisible. The project aimed at equipping girls to be the 'new woman' that the nation needed and, of course, above all to be 'good mothers' who would give birth to healthy sons and bring them up as ideal citizens of the nation. Kamini Roy, a noted author, while severely censuring the prevalent guidelines for girls' education, deplored the fact that its only aim appeared to be 'teaching them how to please the members of the joint family, be subservient to all and obliterate every trace of one's existence until one becomes the *ginni*.'

From the foregoing discussion it might seem that invisibility of the childhood of the girl characterized the nationalist discourse among the Hindus only. Despite religious and cultural

differences between the Hindus and the Muslims elites, the latter also, responded to the colonial civilisational discourse by recasting women in a way that made the childhood of the girl disappear from the agenda. The point is that the Muslims in colonial India, too, displayed in the late nineteenth century, the same anti-colonial nationalist propensity to secure an 'inner domain' of culture from intervention by the colonial state; the girl child was placed in this 'inner domain' under strict patriarchal control so that she could be immaculately groomed as a potential wife and mother. With the introduction of western education, like their Hindu counterparts, Muslim middle class took to western education. It was this western educated Muslim middle class which championed a reformist religious ideology and made the first move towards the girl child's education. Syed Ahmed Khan gave primacy to Muslim male education, but it was the Deobandis who broadened the subject of the girl child's education and its positive benefit. Syed Ahmed Khan maintained that education for women was premature and that it should be undertaken only after Muslim boys had been educated. He also said, 'The present state of education among Muhammadan females is, in my opinion, enough for domestic happiness...' Sir Sayyid, was a firm champion of *purdah*.

Thus the Muslim community in India, much like their Hindu counterpart, responded to the colonial impact and came to define the 'inner domain' of culture in contradistinction to the 'outer domain' of the colonial presence and colonial institutions. It is not surprising that the question of girl child became a central issue among the Indian Muslims, too. But what is important for this article is that whatever the extent of enthusiasm and acceptance of the girl child's education may have been among the Muslims at the turn of the century, women were viewed as the repositories of tradition, culture and morality for the Muslim ruling class of northern India (the *ashraf*), and traditional education was considered good for their morals. Thus, both the conservative and the modernist groups converged in giving girl children a central position in the construction, maintenance and preservation of community identity. Both favoured education for women, but segregated education that emphasized religious over secular content. Men of Muslim professional middle class

were increasingly in favour of women's education, though their motivation was somewhat different from that of the *ulema*. Some *ulemas* in order to advance their overall project of spreading religious knowledge championed girl child's education. The middle class too wanted their wives to be more knowledgeable about Islam, to raise their children in faith, and to lead pious, disciplined lives. Thus, they desired educated wives not for the wives' own sake but in order that they could be better wives, better mothers and better Muslims.

The condition of the girl child in India, as is evident from the official reports, at the end of the period under review is itself an indicator of the extent to which the state and the policy-makers had been practically insensitive to the special and specific discrimination against the girl child. The reports show that the girl child was discriminated against by the powers that be in every aspect of child welfare—sex ratio, education, nutrition, health, recreation, food security, immunization, girl child labour, child marriage and so on. The attempt here is not only to explain the official and social origin of this insensitivity, but also to bring out the inability of the ruling class of India to appreciate that this especial powerlessness of the girl child was indeed a question of a total denial of rights to the girl child as a child and a woman.

Throughout the period of 1947 to 1979, we find female children discriminated against and neglected. In this section we will also critically scrutinize the policies of the post-colonial Indian nation state towards improvement of the sex ratio as a whole and of the girl child in particular. The 1951 census shows that not only was the male-female ratio skewed, the magnitude of this inequality differed in different part of the country. Thus, when we look at the sex ratio for a given time at a given place, we need to remember that the result is a consequence of a long history of unequal numbers of male births and female births, at times correlated and at other times aggravated by unequal incidence of deaths, normal as well as abnormal.

Having discussed the plight of the girl child in our society and the unfortunate apathy that they have to face, we can come to the conclusion that the State policy makers failed to realise the gravity of the situation. The invisibility of the childhood of the girl child that persisted since the age of anti-colonial nationalism shaped the

insensitivity of the policy planners of independent India. There remained a tragic insensitivity on the part of the state towards the abused and exploited girl child. Unless the girl child is treated disjointedly, the ill-treatment, neglect and violence they have to undergo can never be addressed. The reason for the apathy displayed by the state lies in the lack of a deeper understanding. The larger point is that the girl child will be taken into account in the governmental discourse, only if the Government of India comes to realize their distinct existence. This realization is absolutely vital for the government to take adequate and exclusive measures for the girl child in India. The continued insensitiveness and ignorance on part of State towards the abused girl child is so pronounced that one cannot resist from commenting that the male dominated ruling strategy and the commitment of the post colonial state to the understanding of the girl child as constructed in the anti-colonial nationalist ideology, has led to the appalling degree of misery for the girl child.

Overall one can say that the state did not do as much as it should have to deal with child labour given the severity of the problem and paid even lesser attention to the specific predicaments of the girl child labour. The problems of girl child labour unfortunately did not receive any attention right from the beginning; since the immediate post-independence era to 1979 which was the International Year of the Child. This fact is evident from the parliamentary debates and the Five Year Plans. Point is even in 1979, in spite of it being the International Year of the Child, girl child labour did not get sufficient priority. Girl children also work as domestic labour within the four walls of the home. But the State has got no record of that labour. The problem lies in the fact that Social Welfare Policy of the State has always been community based and family based. 'Child' or 'Girl Child' was never conceived by the state as a separate entity or category deserving of welfare policies; the irony has been that they have always been related with one or other category.

State Policy and the Question of Girl Child Rights

The hangover of anti-colonial nationalism, the role of class, gender and other ideologies typical of an unequal society determined the State's

attitude of silence and gender-insensitiveness to the question of the girl child. However, we feel that given the central problematic of the article, separate discussion on the extent to which the state looked at the girl child from a rights perspective during this period is absolutely necessary. It is all the more so because the period from the mid-1960s to the mid-1970s constituted a radical decade during which various kinds of rights discourse specially women's rights movements emerged and proliferated throughout the world increasing general sensitivity about the question of rights. It is, therefore, important to see how far the women's rights movement talked about the girl child rights.

In the foreword of the book '*Social Welfare in India*', Nehru wrote 'the women of India have a background of history and tradition behind them which is inspiring. It is true, however, that they have suffered much from various kinds of suppression and all these have to go, so that they can play their full part in the life of the nation.' In the preface of the book, while defining the term 'Social Welfare', it was said that women, children, physically handicapped, mentally retarded, and even socially handicapped people need to be included, for whose benefit the state would arrange for special services. Surprisingly girl child was not mentioned either in the foreword or in the definition of Social Welfare. It points to the fact that the specific needs of the girl child was not taken into account by the Planning Commission from the very beginning of the formulations of Social Welfare Plans in India. Again in another publication, '*Plans and Prospects of Social Welfare in India 1951-61*', the girl child was not separately mentioned and no special attention was paid to their needs by the Planning Commission while describing 'child welfare'. Therefore a Right based approach was completely missing. But even within a welfarist approach, the girl child was not present in governments' discourse during the said period; she was taken up only in case of education, that too from the Second Five-Year Plan. Then again education of the girl child was given importance because it was one of the important ways by which the girl child could be duly trained to play the role of the home maker and child bearer. As has been mentioned earlier here we find the influence of the legacy of the anti-colonial nationalism, which was successfully continued by the post-colonial Indian nation-state, wherein

the girl child was considered destined to become a 'good wife' and a 'good mother'. This explains why the girl child in India has not been viewed as a right bearing person by the Indian nation-state.

The unfortunate reality is that the girl child was first discriminated as a child and at the same time further discriminated as a woman. And even within the more universal picture of the violation of the rights of children, violation of the girl child' right constituted a special case. For instance if we refer to the United Nations Declaration of the Rights of the Child in 1959, we see that it was promulgated for the child in general. No special safeguards were stated for the girl child. Though India readily signed this declaration, but we do not get to see any reflection of it, in terms of implementing schemes for ensuring child rights, in the official reaction to the child during 1947 to 1979. Given that in spite of being a signatory to the Declaration of the Rights of the Child, India did not consider the 'child' worthy of having rights, the question of girls- child rights remained a distant imagination. In case of the latter, the UN itself was silent until very recently.

The colonial liberation of the 1960s spawned the third generation of human rights which emphasised gender justice, minority rights, education, child and bonded labour, refugees, displaces persons and opposed all forms of torture, but it did not emphasise the rights of the girl child in particular. It can also be said that in the 1970s when some radical human rights movements took place, these movements did not talk about the girl child rights. Any possible demand from the civil society regarding girl child rights is not known. The main reason for this is that the emergency (1975-77) allowed Parliament to amend all aspects of the Constitution except for India's status as a federal democracy, which meant suspension of civil rights and censorship of the press and media.

In this connection we should analyse the Report of the Committee on the Status of Women in India (1974). The Committee gave a detailed report on marginalisation of woman in Indian society. But it completely ignored issues related to the girl child. It reveals the adult centric understanding of marginalisation.

We have seen that the welfarist approach of the post-independent India as articulated in the Five year plans, official reports and recommendations of different committees, was

not gender-sensitive. Moreover, in those official records and reports the word 'right' regarding the girl child was never mentioned. This is most evident, as we have seen, if one analyses the publications or studies done on the 'child'. This is true for governmental publications and otherwise. For instance the book written by Tara Ali Baig, titled, 'Our Children' had no chapter written exclusively on the girl child, although Tara Ali Baig remains to be one of the foremost exponents of the rights of child. But she, too, didn't seem to be sensitive towards the need of special rights for the girl child in India.

To conclude, it can be said that the post-colonial Indian nation-state treated children as a homogeneous category and pronounced policy measures and formulated programmes based on such an assumption. It is true that gender discrimination exists almost all over the world; India is among those nations where it is alarming. The girl child finds herself disadvantaged due to multiple factors working at the same time; her gender, her physical, economic, political and social situation combined make her one of the most vulnerable persons. If we take a glimpse of the plans and child welfare policies for the period 1947-79 it becomes clear that official attitude towards the girl child in India was gender-insensitive. It should be said that the attitude of the post-colonial Indian nation-state towards the girl child was largely determined by the legacy of the anti-colonial nationalism. It is also important to point out that a rights perspective in relation to the girl child did not develop during the period of our discussion.

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