

Missing Women in Kashmir Valley: Government Initiatives; Success or Failure

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ABSTRACT

The girl child's discrimination begins before birth in the form of female foeticide. Sex selection has been argued as the consequence of technology. But simply because it is a consequence it does not excuse the fact that between the years 1981-1991 a whopping 11 million girls joined India's missing women a group of 35 and 40 million. According to Amartya Sen there are more than a hundred million women missing in the world of which India has 37 million missing women by 1986.

Researchers for the (Lancet journal 2011) based in Canada and India stated that 500,000 girls were being lost annually through sex-selective abortions. A district by district study of sex trends in India derived from comparing census results from 2011 and 2001 shows that sex selective abortion continues to spread in untouched communities and regions. The census 2011 results shows that among children up to the age of six years, the number of girls per 1000 boys has reduced to 914, a drop from 927 in 2001. In a disturbing trend, Jammu and Kashmir has also shown a decline in the child sex ratio in 2011 census and the overall sex ratio of the state has also declined from 892 in 2001 to 883 as per census 2011. The reasons for high number of incidence of female foeticide in India especially in Jammu and Kashmir include a deep rooted traditional son preference, continued practice of dowry and concern for safety of the girl child and exploitation and abuse of women and girl children.

Three major prenatal diagnostic tests that are being used as sex determination tests are: amniocentesis (normally performed after 15-17 weeks of pregnancy); chorionic villa sampling (more expensive and normally performed around the tenth week of pregnancy); and ultrasound (least expensive and normally performed around the tenth week of pregnancy). To check female foeticide, the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 was enacted. The Act came into force in 1996. By itself it is a comprehensive legislation which lays down the situations in which the use of pre-natal diagnostic techniques is prohibited as also where it is regulated.

Various initiatives have been taken by government in this regard e.g. SukanyaSamridhhi scheme, Balika SamridhhiYojana, KishorishaktiYojana, BetiPadhawoBetiBachawo scheme etc. However, on grounds how much these schemes are workable, is a debatable issue.

Keywords: *Female Foeticide, Sex Determination, Sex Selective Abortions, Technology.*

I.METHODOLOGY

The study relies on secondary data including books, research journals, newspapers and opinions generated therein by the relevant experts and officials. The study has also focused the reports of various international organizations regarding women empowerment. The study is also based on the conceptual and theoretical framework regarding different issues and aspects including feminism, gender, sex, and women empowerment. Historical, analytical, interpretative and descriptive methods have been followed to reach to the conclusion.

I.INTRODUCTION

In the name of Gender the women have been discriminated throughout the world. This can be estimated by the fact that although females represent half of the world's people, women and girls make up 70 percent of the world's poor and two-thirds of the world's illiterate population.ⁱ

Because of her Gender women have been subjugated by many ways as Women throughout the globe lack support for fundamental functions of a human life. They are under nourished than men, less healthy, more susceptible to physical cruelty and sexual abuse. They are much less likely than men to be literate, and still less likely to have paraprofessional or technological education. They face great hurdles, including pressure from family or spouse, sex intolerance in hiring, and sexual aggravation in the workplace without effective legal recourse.ⁱⁱ One of the most inhuman practices faced by women's in some regions of the world is *Female Infanticide*.

The fact is substantiated by the famous economist Amartya Sen who wrote a ground-breaking article in the New York Review of Books entitled "More than 100 million women are missing", in which he summarized and publicized his thesis that world-wide, and especially in Asia, women were "missing" in their millions from the population totals of its many societies. He compared the ratios of women to men in Europe (1.06) and North America (1.05) with those in South Asia (0.93), West Asia (0.94) and China (0.94) and argued that the lower rates in Asia were due to excessive female mortality (Sen, 1990, pp. 61–66). Sen estimated that the "missing women" numbered close to 100 million in the regions suffering from excess female mortality. By doing so he demonstrated that the gender bias in mortality was not a minor issue but one of the worst human catastrophes of modern times. For example, the number of 'missing women' in the early-1990s is larger than the combined deaths from all famines in the twentieth century and also exceeds the combined death toll of the two world wars (Sen 2003).ⁱⁱⁱ

Thus, in many countries, women fall victim to traditional practices that violate their human rights. The persistence of the problem has much to do with the fact that most of these physically and psychologically harmful customs are deeply rooted in the tradition and culture of society. Son preference affects women in many countries, particularly in Asia. Its consequences can be anything from foetal or female infanticide to neglect of the girl child over her brother in terms of such essential needs as nutrition, basic health care and education. In China and India, some women choose to terminate their pregnancies when expecting daughters but carry their

pregnancies to term when expecting sons. According to reports from India, genetic testing for sex selection has become a booming business, especially in the country's northern regions. Indian gender-detection clinics drew protests from women's groups after the appearance of advertisements suggesting that it was better to spend \$38 now to terminate a female fetus than \$3,800 later on her dowry. A study of amniocentesis procedures conducted in a large Bombay hospital found that 95.5 per cent of fetuses identified as female were aborted compared with a far smaller percentage of male fetuses. The problem of son preference is present in many other countries as well.^{iv}

III.CONTEXTUAL UNDERSTANDING

In the Indian society the Gender discrimination continues to be an enormous problem. The women have been relegated to the secondary status both within the household and workplaces due to the presence of Traditional patriarchal norms.^v The patriarchal structure of society in India is responsible for the gender inequality. In the words of famous sociologists Sylvia Walby, patriarchy is “a system of social structure and practices in which men dominate, oppress and exploit women”. Discrimination against women in Indian society is an age old phenomena. The religious beliefs, whether it is Hindu, Muslim or any other religion gives legitimacy to the system of patriarchy. For example, as per ancient Hindu law giver Manu: “Women are supposed to be in the custody of their father when they are children, they must be under the custody of their husband when married and under the custody of her son in old age or as widows. In no circumstances she should be allowed to assert herself independently”. In the contemporary Indian society the above description of Manu is still relevant in some cases. Except certain section were women are independent and they can take part their decision by own. In Muslims also the situation is same and there too sanction for discrimination or subordination is provided by religious texts and Islamic traditions. Similarly in other religious beliefs also women are being discriminated against in one way or other.^{vi}

Thus, for India, it was the low ratio of females to males, the lowest in the world throughout the 20th Century, which drew attention to the number of “missing females” in the population. In 1901 the ratio of females to males was 972 to 1000, but in 1971 it had decreased to 930; in the 1981 census the figure rose to 934, but the increase was short-lived for, in the census of 1991, the ratio reached its lowest recorded level of 927 females to 1000 males. On the basis of these ratios, Agnihotri estimated that the females missing from India's population between 1961 and 1991 showed a rise from 12 to 32 million, with the steepest increase between 1981 and 1991^{vii}. More detailed studies suggest that females are particularly at risk before birth, at birth and towards the end of the latter part of the first year of life, after which female death rates are higher throughout infancy and childhood than their male equivalents. In 1991, 56 districts had 0–6 year sex ratios below 900 in 1991, with their geographic distribution similar to that of sex ratios for all ages^{viii}.

If the risk to female infants and children has increased, females before birth are also at greater risk as a result of the widespread and increasing use of sex-selective abortion. In the 1990s demographers began to argue that it is important to take into account sex ratios at birth as a factor contributing to the high masculinity ratios in India as a whole. They speculate that, although better health conditions and consequent falls in intrauterine mortality

may increase naturally the number of live male births, it is more likely that pre-natal sex identification may newly skew sex ratios at birth^{ix}. Local studies and surveys show that the use of new techniques to detect the sex of the foetus followed by the termination of a female pregnancy has become common among educated and less educated, rich and poor and in rural and urban locations^x. Indeed, the wider distribution, privatization and commercialization of sex identification and abortion facilities, a greater awareness and use of facilities in clinics and hospitals and the absence or partial absence of regulation have allowed sex identification facilities to mushroom, leading to “an intensification effect”^{xi}.

IV.KASHMIR CONTEXT

Like in other parts of India the women in Kashmir were treated as unequal in all in family and out family situations. They were dominated, subjugated, abused, maltreated and discriminated formally as well as informally. They remained dependent throughout their lifespan as daughters as wives and as mothers. While they were considered unequal in most fields of human life, they were denied many basic rights too.^{xii}

So, this unequal treatment of women in Jammu and Kashmir makes it a patriarchal society in which a cultural bias against women has contributed to frequent cases of female infanticide with an unfortunate and dismaying trend from the last decade. Sex ratio is an important indicator of socioeconomic health of every society, and it is worrisome to see an increase in the skewed sex ratio of the state of J&K. In child sex ratio, J&K was healthier with 963 females in 1981. It steadily dropped to 941 females in 2001, plunging further to 862 females in 2011.^{xiii}

V.LEGISLATIVE MEASURES

Until 1970 the provisions contained in the Indian Penal Code (IPC) governed the law on abortion. The Indian Penal Code 1860 permitted ‘legal abortions’ did without criminal intent and in good faith for the express purpose of saving the life of the mother. Liberalisation of abortion laws was also advocated as one of the measures of population control. With these considerations, the Medical Termination of Pregnancy Act was passed in July 1971, which came into force in April 1972. This law was conceived as a tool to let the pregnant women decide on the number and frequency of children. It further gave them the right to decide on having or not having the child. However, this good intentioned step was being used to force women to abort the female child. In order to do away with lacunae inherent in previous legislation, the Pre-Conception and Pre-Natal Diagnostics Act (PC &PNDT Act) had to be passed in 1994, which came into force in January 1996 was later amended in 2003. According to the act "Act to provide for the prohibition of sex selection, before or after conception, and for regulation of prenatal diagnostic techniques for the purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female foeticide; and, for matters connected therewith or incidental thereto". This essentially prohibits all types of sex determination techniques unless prescribed by the doctor on medical grounds. Following this act all persons associated with ultrasound centres or clinics indulging in such act can face imprisonment or fine. The act also says that in the absence of any evidence, if a pregnant woman has undergone sex determination with no prior medical reason, it

would be considered offensive and the guilty would be duly punished. All offences under this act will be cognizable, non-bail able and no compoundable (Ministry of Health and Family Welfare, 2006). The use of medical technologies to decide whether to abort a female foetus is illegal in India but the poor monitoring and implementation of the relevant laws have not improved the situation. More stringent monitoring of the practice is required by the authorities to bring about the law's effective enforcement to stop the practice and to bring relief to its innocent victims.

Empowerment Initiatives in India

- 100 days in MGNREGA in the economic scenario
- women reservation (Constitution 108th amendment bill to provide 33% in Parliament)
- Schemes like National Programme for Education of Girls at the Elementary level (NPEGEL)
- *Kasturba Gandhi Balika Vidyalaya*(KGBV)
- *Mahila Samakhya* (MS)
- Modi impact like Beti PadaoBatiBachao Scheme^{xiv}

Assessing the Achievements in India

- In Southern Asia, only 74 girls were enrolled in primary school for every 100 boys in 1990. Today, 103 girls are enrolled for every 100 boys.
- In Southern Asia, maternal mortality ratio declined by 65% between 1990 and 2013.
- In 2015 report of MDGS(MILLENIUM DEVELOPMENT GOALS) the most substantial progress was made in Southern Asia, where the gender parity Index has increased from .74% in 1990 to 1.03 in 2015
- In case of proportion of women in lower or single parliament house of national parliament .It is increasing from 7% in 2000 to 18% in 2015
- In case of women in wage employment in the non-agricultural sector, it is increasing from 14% to 21% in 2015.^{xv}

VI.ACCESSING THE ACHIEVEMENTS IN JAMMU AND KASHMIR

The number of educational institutions has increased over the years, resulting into maximum area coverage besides decreasing the average distance per school. The improvement in the statistics reflect the seriousness of the J & K Government towards the development of women in state, however, the fact remains that despite the progress made, the female literacy has remained very low in the state as compared to men. Various factors like peculiar topography of Jammu And Kashmir State, the sparse network of schools in rural areas, the majority of populace living in far flung and inaccessible areas, lack of easy access to institutions, lack of infrastructure, weather vagaries, conflict situations etc. create hindrance in achieving the desired goal of universalization of literacy in the violence-hit state Women and rural education in J&K. Though both the centre and the State Governments are committed to provide education to the children in Jammu and Kashmir, there are still many challenges before the universalization of education in the state which is faced with a conflict since past 26 years. The female literacy rate in J&K, as per Census 2011, is only 58 %. There is a large gap in the male female literacy. The literacy rate of district Ramban is the lowest with 56.90%, the male literacy rate being 71.97% and

female literacy rate 40.04% only. Jammu district has the highest literacy rate of 83.98% with 89.77% in males and 77.41% in females.^{xvi}

VII.CONCLUSION

On the basis of Gender, women are being denied of their rights, opportunities or resources. Throughout the Globe, Women are being treated unequally and also less value is placed on their lives as compared to men because of their Gender. Women's degree of difference, right to use to power and control of possessions is central to this discrimination in all institutional spheres, i.e. the family circle, community, market, and state.

Jammu and Kashmir a state in the Republic of India is generally considered being elapsed region of the world. Gender is considered to be at subordinate position. However, despite these legal and policy provisions women empowerment is still a serious problem and progress is still uneven on in many sectors. Still Jammu and Kashmir faces many challenges in overcoming the problems which women are facing. It is observed that Gender empowerment is a concern of research. The region starts and still passing through stages of Gender Empowerment and the cause is lack of knowledge .It has been deduced that in many regions of Jammu and Kashmir the problem is still prevailing where in this kind of discrimination has various dimensions. In order to solve this issue following suggestions can go long way in bringing about a change in entire belt.

VIII.SUGGESTIONS

- 1 Nothing has changed since. This barbaric practice goes on unchecked to this day, and I believe legal intervention is necessary as soon as possible. Establishment of sufficient number of courts in the state to deal with the cases related to women and to resolve chronic as well as fresh cases of discrimination.
- 2 Develop among women awareness about their rights and obligations in all the fields of life. While this process may be carried out in the schools, Families and education system.
- 3 The need to widen the circle and strengthen our alliance: In the last decade, it has become increasingly apparent that the involvement of younger generation in women's rights, development and social justice works is absolutely necessity. Many activists and professionals are reaching the last stretches of their carriers, making it essential to foster the transfer of knowledge between generations and regions in order to sustain and built upon efforts to date.
- 4 Marketing feminism: In many parts of the world, there is a negative stigma associated with feminism: some say, for example, it is too angry and anti-male, it is about victims and complaints, or worse, it is irrelevant. This image problem inhabits our success. We need to broaden the movement by attracting new alliance from all sectors, ages and identities.
- 5 To make lasting change for girls, first, governments need the political will to match their words with action. Enactment of laws against Female Infanticide is only the first step.

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^{xv} The Millennium Development Goals Report 2015, United Nations, available at [www.un.org/millenniumgoals/2015_MDG_Report/.../MDG%202015%20rev%20\(Jul....](http://www.un.org/millenniumgoals/2015_MDG_Report/.../MDG%202015%20rev%20(Jul....) accessed on 3 november, 2015, p.5-6

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