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FEMALE FOETICIDE IN INDIA: PROBLEM AND PREVENTION

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ABSTRACT:

The problem of female foeticide is the out-put of the technological development in the medical science in India. Initially the technology to identify the sex of the foetus in the mother's womb was developed to know the medical complications. But unfortunately it was misused against the female foetus by the educated, urbanized and rich people of the society. Various legal provisions have been made to keep check on this problem. But it is still exist on the large scale especially in the North India. It requires changes in the mindset of the people which is possible through drastic changes at socio-economic and cultural levels in the society.



KEYWORDS: *technological development , educated, urbanized.*

INTRODUCTION:

Female foeticide is complex and inhuman problem of the civilized society in India. It is one of the worst forms of violence against women where a woman is denied her most basic and fundamental right, i.e., "the right to life". The selective elimination of the female foetus after prenatal sex determination or sex pre selection to avoid the birth of a girl child is emerging as a serious threat to the socio-economic, cultural and ethical structures and values of the Indian society. It is one of the important reasons for the imbalanced sex ratio in the country. It is strengthening gender discrimination and increasing the exploitation of women in the society. It is an extreme manifestation of violence against women and violation of their right to life.

In Europe, USA and Japan, the most economically developed regions of the world; the sex ratio is in the favour of the female. There are 95 to 97 males to 100 females. Regarding the skewed female ratio India and China are the highly affected countries in the world.¹ In India the roots of discriminations against women lie in the religious, cultural and social practices of the society. The status of women began to decline with the Smritis (esp. Manusmiriti) and the Islamic invasion of Babur and the Mughal Empire. It deteriorated more during the medieval period with the emergence of the customs of sati, child marriages and ban on widow remarriage. The Muslim conquest brought the purdah practice in the India society. It was practiced among the Rajputs and the Jauhar in Rajasthan.²

Some religions like Buddhism, Jainism, Sikhism or Islam have questioned some of the practices in Hinduism, but by and large, all religions have kept women in varying stages of confinement and restrictions.³ In fact, the girl children in India have been the most vulnerable for centuries and, are even

today, subjected to the insults of deprivation as well as discrimination. The natural biological laws of human reproduction always aimed at balancing its natural sex ratio, but these laws have been suppressed by the man-made laws, customs, traditions, religious beliefs and sophisticated medical technology, resulting in a lower status in society for girls as well as women.⁴ The process of industrialization, urbanization and materialization has further led to the decline of human values. These developments have converted the human being in a commodity.

Historically, female infanticide (the death of girl infant after the birth) has been in existence for a long time in India. Girl infants have been known to be killed by rubbing poison on mother's breast, by feeding infants with milk of errukam flower or oleander berries, by using sap of calotropis plant, paddy grains, giving sleeping tablets or by simply burying the girl infants alive.⁵

The latest advances in the fields of science and technology have led to the elimination of the female in the womb itself. The tests like amniocentesis and ultrasonography are designed for the detection of gender-related congenital abnormality of the foetus. Unfortunately, these tests are being misused to detect the sex of the foetus with the intention of getting it aborted if the foetus is female. It is the simplest way of eliminating the girl in the womb. It has resulted in the imbalance in the sex ratio. According to the census data from 1901 to 2001,⁶ it is declining on the large scale. Amartya Sen estimated that there were nearly 100 million women missing in the world around 2000 A D and nearly one third of them were missing in India.⁷ As per the 2011 data, India had 943 females per 1000 males, the highest girl deficit being reported from northern states of India. Chandigarh is at the top with a sex ratio of 818, Haryana 879, Punjab 895, and Delhi 868.⁸

The problem of female foeticide has serious socio-economic, cultural and religious causes in India. The social structure of the Indian society is an important cause of the problem. The traditions, customs, values and rituals in the society are playing negative role in this context. India is a patriarchal, feudal and conservative society. It is dominated by man-made traditions and customs, which were framed by male for his social and economic superiority. The social quotations prevailing in the society show the basic trends of the society such as, "Chhore Pe Thali, Chhori Pe Thekere Phoren" (announce the birth of a son by beating of brass plates, but at the birth of a daughter break earthen pots) "Astha Putra Sowbhagyavati Bhave" (may you be blessed with eight sons),⁹ Ladka Marey Kambahth Ka; Ladhki Marey Bhaagwaan Ki" (It's a fool who loses his male child and the fortunate one who loses a girl child). There is no scientific logic behind these quotations, but they still exist as important norms of the society. This order and societal pressure compels the woman for the death of female foetus. Woman as a mother plays an important role in the process of the socialization, which creates the social order in the society but as the social system and structure are dominated by males, even the female prefers a son to a daughter.

In all important social activities a son remains more important than a daughter. The process of socialization leads to the low status of the girls. Immediately after the birth of the child, discrimination starts on the basis of the sex of the infant. It makes the girl physically and psychologically weak and creates the psyche of insecurity in the mind of a girl child. All the customs and rituals of the society put limitations on girls than boys. The institutions of marriage and family further make her dependent on the male. The social identity (sur-name of female) gets eliminated with her marriage. She gets new identity of her husband after marriage. This dependence remains through out the life. Female foeticide is ultimately the outcome of the trend of gender discrimination and mindset in the patriarchal society.

On cultural grounds, the concept of son preference is dominating the society. Son is considered as a security in the old age of the parents. Daughters are unable to provide social and economic security to the parents. Even they create the psyche of fear and insecurity in the mind of the parents due to the insecure environment of the society. In ancient age; it was very much popular in the warrior communities. Sons were needed to defend the honour and more important the territories of the tribe. In agriculture dominated North India, there was always a demand for a son for battle and ploughing fields during peace.

In Hindu religion, the son is responsible for lighting his parents' pyre, so that the parents reach Nirvana, and having only girls in the family amounts to being condemned to a lower caste in the next

world.¹⁰ Even in today's scientific and technical age son preference exists in the educated and urbanized people. In Hindu religion, after conception, mantras from the Atharva Veda, one of the four most sacred books of Hinduism, are prescribed for chanting so that if the foetus is female it will be transformed in to a male.¹¹

At economic level, dowry is one of the curses for society. It is very much ironical for the civilized human society that the system of dowry exists as another form of human trafficking. Girls are considered liabilities on the parents. The level of dowry decides the fate and status of the married woman. It is estimated that the average dowry today is equivalent to five times the family's annual incomes and that the ever-rising cost of weddings and dowries may be considered one of the major causes of female foeticide. A 1997 report claimed that at least 5000 women perish each year because of dowry deaths and at least a dozen die each day in kitchen fires thought to be intentional.¹²

The misuse of scientific and technological development is another important dimension of the female foeticide. In fact the female foeticide took place with the origin of sex-selection tests like amniocentesis and ultrasonography. These advances in medical and scientific technologies have converted the female infanticide in to the female foeticide. This change has made the death of female infant easier than ever.

In fact, the psyche and the mindset of male dominance and superiority is the root of the problem. The social, economic, cultural and political structures of the Indian society are being dominated by this psyche. This leads to the gender discrimination and the customs, rituals, values and other systems based on gender discrimination in the society. It is the output of this mindset. The medical and technological developments provided means and fuel to practice this traditional and patriarchal psyche.

Beside this, the problem of female foeticide is a complex and contradictory phenomenon. The material conditions of the society determine the super structures of the society. The socio-economic backwardness, poverty, illiteracy, unemployment and starvation are responsible for the evils of the society but the problem of female foeticide presents the opposite scenario. It is very much in the northern states, which have high female literacy levels and are in the frontline of economic progress. In these prosperous states the private foetal sex determination clinics were first established and the practice of selective abortion became popular in the late 1970's.¹³

It is more ironical that the problem is more in the cities and metropolitan areas than the villages. The nexus of prosperity, technology and urbanization have led to this inhuman practice. According to 2001 census, in Haryana, the lowest sex ratio had been reported in Kurukshetra. In the urban area of Shabbad (Kurukshetra District), the sex ratio was 718 and in rural area it was 743. Same is in the case of Thanesar, (Kurukshetra) in urban it was 768 and in rural it was 771.¹⁴ According to 2011 census, in urban areas it is 873 and in rural areas it is 882. At central level, in the urban areas it is lower (900) than the rural area (946). The sex ratio is better in the backward communities than the advanced communities; it is 938 in SCs, 973 among STs and 947 in backward districts. Among other communities, Sikhs have lowest sex ratio at 893, followed by Jains 940, Hindus 931. Muslims 936 and Christians 1009.¹⁵ Besides this, the women have son complex which is related to their status in family, community and society. In the tribal dominated areas of Northeast India, the son complex does not dominate the social ethos, and girls are valued.

The medical tests used for sex selections are harmful for a pregnant woman and child. They may lead to pre-mature birth or abortion and foetus may suffer haemorrhage, bleeding or breathing problems. The pregnant woman's health may be affected adversely due to the use of the needle, ultrasound techniques and drugs. The complications may be so serious that they be the cause of kidney failure and tubal infections that may lead to infertility. If the foetus is terminated in a private clinic or in mobile ultrasound van or at home then it may lead to serious risks or threats to life also. In this condition women may suffer from psychological trauma as a result of forcibly undergoing repeated abortions.

The imbalanced sex ratio will lead to the organized and unorganized crime against women in the society. UNICEF has warned that, "The alarming decline in child sex ratio is likely to result in more

girls being married at a younger age, more girls dropping out of education, increased mortality as a result of early child bearing and an associate increase in acts of violence against girls and women such as rape, abduction, trafficking and forced polyandry.¹⁶ Women are easily bought just like commodities with a price range between 50 and 900 dollars; the younger the girl, the higher the price. According to UNIFEM, in Rs.45000 "Paros" (women from outside) have been sold in and around Haryana (India) in 2006 alone.¹⁷

It may also lead to the decline of social and cultural structures, norms and values in society. The lop-sided sex ratio will create the new parameters of social relations and values by replacing the existing system. The demographers warn that in the next twenty years there will be a shortage of brides in the marriage market mainly because of the adverse juvenile sex ratio combined with an overall decline in fertility. Fertility is declining more rapidly in urban and educated families.¹⁸ In the age of globalization, it may be more dangerous due to the materialistic way of living and decline in the human values. Moreover, it is unnatural, and such practices always affect the society adversely.

To avoid the problem of female foeticide the Government of India has passed the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) law in 1994.¹⁹ It became operational in 1996, putting a ban on using the sonogram to determine the sex of the foetus. It established the Supervisory board, Appropriate Authority and an Advisory Committee for monitoring, supervision, registration, investigation and recommendations regarding the cases of the female foeticide.²⁰ The Act was amended in 2002 and implemented on February 13, 2003.²¹

Recently the Central Supervisory Board has proposed to amend the Act to allow confiscation of equipment once and for all and take legal action against unregistered clinics as per the existing rules. It has further proposed to designate health secretary of the state as appellate authorities in place of chief medical officer. The Board has meanwhile also given in principle approval to the proposed amendment whereby any group B gazetted officer will have the authority for research and seizure under PNDT Act. All these proposed amendments to the PNDT Act would be sent to the Law Ministry for further action.²² Recently the Supreme Court of India in a case directed the centre and state government that The Central Supervisory Board and the State and Union Territory Supervisory Board, constituted under sections 7 and 16A of the PN&PNDT Act, would meet at least once in six months to supervise the implementation of the Act. The State Advisory Committees and the District Advisory Committees should gather information on the breach of the provisions of the Act and the rules and take steps to seize records, seal machines and institute legal proceedings in case of any violence.²³ But in fact, legal system is not much effective in this context due to various administrative, legal and other problems.²⁴ The first conviction with a prison term was ordered on March 28, 2006, when a doctor and his assistant were sentenced to two years in prison with Rs 5000 fine in Palwal, Haryana. Until this recent conviction, only few cases had resulted in successful prosecution, but even that person received an insignificant punishment.²⁵

Beside this, the scientific and technological developments have made the problem beyond the regulations (legal measures). The pre-implantation Genetic Diagnosis (PGD) helps to determine the sex of even an unrecognizable foetus. As early as three days after fertilization one or two cells are removed from an 8-10 celled embryo, this is re-implanted in the uterus. It costs Rs. 100000 per treatment cycle that is beyond the common man's pocket and is a deterrent.²⁶ The easy availability of the ultrasound machines in the remote areas and ineffectiveness of the concerned authorities have made the rules and regulations less effective.

Like Brazil, Nicaragua Columbia, Chile and Mexico the Central Government of India has launched various schemes²⁷ to protect the girl child. The basic object is to make the girl child independent on economic ground and secure her natural growth and dignity in the society. The Government in collaboration with the LIC (Life Insurance Corporation) is also working on an insurance cover for the girl child to encourage her survival and welfare.²⁸

The Constitution of India provides the right to equality under Article 14 and right to life under Article 21. Sex detection tests violate both these rights. Right to life is a well-established right and is recognized at national and international level. However, the important question is: does a foetus enjoy this right? The constitutions recognize the sanctity of life, yet have failed to protect the life of foetus. In

India, the concept of personhood complicates the position of legal status of the foetus. There is an urgent need to make the issue clear at judicial level.

The increasing political participation of women, effective role of media and NGOs, changing socio-economic order and other positive developments are changing the gender bias nesses in the favour of the women. With the educational development the women are earning well in the privatized economy. Governments at centre and state levels are working for the women empowerment by its policies and programme to change the mindset of the people but for the fundamental changes at the grass root level and in the social and economic order the following suggestions are of utmost importance:

- The concerned authorities at all levels should be made more effective and powerful by giving them more legal powers.
- Important changes should be made in the Medical Council of India's Code of Ethics and the doctors should be made more responsible to this cause.
- The guilty doctors, family members, pregnant women and other related people should be punished highly by stringent legal provisions.
- Regarding the issue of female foeticide people must be sensitized at grass root level to establish it as a social curse of society.
- The issue of female foeticide must be considered as an important part of the manifestos of the political parties.
- More financial incentives should be given to the parents having girl child. The method of the complaint registration should be made more simple and accessible to the poorest and in rural areas also.
- Special agencies should be established for the awareness and investigation of the cases of female foeticide.

At the grass root level, the urban and rural local bodies (Municipalities and Panchayats) should be made responsible and it should be attached as a condition to their financial grants.

Female foeticide is a multi-dimensional problem. It is difficult to change the mindset of the educated and urbanized people, without the fundamental changes in the system. Government policies and programmes are the positive development in this regards. All the efforts must be focused on the changes in the basic socio-economic and cultural systems and orders of the society. More economic power is to be given to the women to make them self-reliant and to eradicate their dependence on men. Economic power with awareness can change the mindset of the people. It requires hard actions of the state authorities and also a mass movement to change the unequal order of the patriarchal society.

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