

STOP THE FEMALE FOETICIDE AND SAVE INDIA

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Abstract Female foeticide is the horrific practise of sex-selective abortion, which makes the girl child a victim of gender-rooted prejudice. and this lead to unhealthy child sex ratio. Therefore do efforts for stop the female foeticide and save India This paper examines the various reasons leading to the continuance of this practices on a large scale since many decades and still continue to demolished the position of women in Indian Society and also amongst various countries despite the existence of specific legislations aiming to criminalize and curb it. Legislative, the Judiciary and Executive should take immediate effective steps to handle such causes, which are root of such practice. Importance of women should be encouraged and all the reasons for which female foeticide is practiced should be eliminated so that women feel secure of her birth and her existence in her home and in society also.

Keywords: Female Foeticide, skewed sex ratio, causes , government , technology, society.

1.0 Introduction

Female foeticide is the process of finding out the sex of the foetus and undergoing abortion if it is a girl. Although it is illegal, many people continue to practice it. This decline in sex ratio .Sex Ratio is a powerful indicator of social health of any society. Internationally speaking, socially as well as economically advanced societies have shown a sex ratio favourable to the female. But most of developing countries this relationship has not been so straight forward. In order to do this, it is necessary to protect their rights by prohibiting practices like dowry, female unemployment, child marriage and caste discrimination¹. Development in science and technology cannot be controlled or restricted in any country. Every country is trying to compete with another in discovering and modifying new technologies and new modern concepts of living. Easy approach to progressive science and technology has also been one of the causes of female foeticide. Ultrasound and abortion facilities are voluntarily accessible in cities, towns and small villages, which makes the practice and exploitation of such techniques expediently easy and comprehensible. A woman's uniform prestige in the society can only be accomplished when she's given an equal right to be born². The reasons of female foeticide also indicate the level of hardwork and efforts, which needs to be contributed in order to prevent girls from the horrific practice of female foeticide.

2.0 Causes of Female Foeticide

There are various causes leading to the continuance of this practices on a large scale since many decades and still continue to demolished the position of women in Indian Society such as:

2.1 Religion Causes

The influence of religion leaves a strong impact on traditional beliefs, which believe that son, is fundamental for religious formalities, which are executed at different phases of life. When a woman is married she is blessed by "Sau Putra Bhava", "Doodho Nahao Pootho Phalo" etc³. Such religious blessings also signify the significance of son preference in our society. The funeral process is the most essential in India. It is considered that funeral process through a son guarantees that parents are blessed with direct passage to heaven and getting moksha. Various Goddesses are being worshipped in India, but along with killing a female foetus, devaluing women through other crimes like rape, adultery etc is also carried on. Even in *Rig Veda* Women are respected and regarded as higher and superior species in the world. Religion and traditions has enormously disturbed the gender ratio in our motherland. However no religious scriptures undervalue women, rather in antique traditional customs they possess extraordinary reverence gifted by God due to which high level of respect is bestowed on women⁴, Whereas a daughter is considered to be Goddess Laxmi.

2.2 Social Cause

The orthodox Indian families considers the birth of daughter is an investment that will give no returns and put under liability. Daughters always called PARAYA DHAN by her family because they will be go after marriage to the next home and do work for other family. A typical traditional Indian family wishes that their family name continue can be done only through a son. But daughters cannot continue their maiden name after marriage. As crimes against women are increasing in our country there is a terror in several families regarding the protection and safety of their daughters. Therefore, the parents thoughts that killing of the daughter in womb is better so

that she does not become the victim to the countless crimes. Poverty, illiteracy, and Dowry is also measured as a crucial reason for the exercise of female foeticide. Similarly, inheritance also plays an important role in eliminating the daughter even as the law guarantees equal share to son and daughter, in many regions of rural India the parent's fear that if daughter inherit property the land is automatically lost.

2.3 Legal Cause

In reality, it is shameful for our country that even after 68 years of independence and the provision of right to equality mentioned in Article 14 of the Constitution of India, foeticide still increasing day by day in our country. The Pre Conception and Pre Natal Diagnostic Technique Act, 1994 was passed 18 years ago due to an alarming increase in the horrific killing of female fetuses by latest means of scientific technologies. According to the 2011 Census the child sex ratio is 914:1000 and therefore it is evident from these figures that the impact and implementation of the Act is still in doubt as there has been a continuous fall in the child sex ratio⁵. The Pre Conception and Pre Natal Diagnostic Technique Act, 1994 has proved to be insufficient and inefficient to stop the female foeticide. Therefore the weak enforcement of the laws has indirectly clearly proved that female foeticide has got it heightened as the Indian community is fearless of the rules laid down by the Act. This has influenced additional crimes against women, which has lowered their dignity in India as well as abroad. Lawmaker government judiciary taken stringent action and executed accordingly, countless innocent lives of girls could have been saved. It is challenging to detect cases of female foeticide and sex selection as they are performed behind closed doors, which ultimately leads to less registration of Law tackling female foeticide needs to be more strict and rigid in order to save the lives of many innocent and unborn girls. Since the issue of female foeticide is so critical, it is essential to adopt international policies and frame stringent laws which will prove to be effective enough to stop this⁷.

3.0 Consequences Of Female Foeticide

Female foeticide has a negative impact on the society, in the overall growth of the country. Let us discuss below the effects of female foeticide in India

3.1 Skewed sex ratio: According to 2011 census, the child sex ratio in India was 914 females to 1000 males, which declined from 927 females to 1000 males in the previous decade. Haryana, is one of the richest state in India, stands on the top most position in skewed sex ratio. Other states like Punjab, Delhi, Gujarat, Himachal Pradesh, Rajasthan, Uttar Pradesh etc. Skewed sex ratios are seen in almost all the states of India. Going by this, the next census by 2022 will definitely show a further reduction in sex ratios all over the country. Skewed sex ratio, which is the result of female foeticide, has other negative consequences in the society and further lead in social evils.

3.2 Trafficking and prostitution: Girls are kidnapped or stolen. They are sold and resold at varied prices. Eventually, they end up being prostitutes.

3.3 Increasing number of child marriages: Many women belong to poor families get married before 18 years in order to survive and prevent being a burden to the family. The number of child marriage is increasing. They are forced to get married to old men in lieu of money.

3.4 Shortage of girls for marriage : There is a large number of bachelors who have crossed the marriageable age in Punjab and Haryana because of shortage of girls. Men are willing to pay a large amount of money to get married to a girl from other states like Jharkhand, Bihar, West Bengal, or Madhya Pradesh to change their "single" status to "married".

3.5 Maternal deaths and ill-health of women: Increasing Killing of a foetus in the womb or abortion weakens the health of a woman. In some cases, the women have to undergo many abortions till they conceive a male child. The results is that there is an increasing number of maternal deaths and also fall ill effect on her health.

3.6 Increase in polyandry: There are many incidents of polyandry happening in India. In most villages in India where female foeticide is practiced, one wife lives with many unmarried brothers.

4.0 Legal Provisions Combating IT

4.1 Indian Penal Code : Sections 312-316 of the Indian Penal Code deals with miscarriage and death of an unborn child and depending on the severity and intention with which the crime is committed, the penalties range from seven years to life imprisonment for fourteen years and fine. Until 1970 the provisions contained in the Indian Penal Code 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.

4.2 The Medical Termination Of Pregnancy Act, 1971: 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 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-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act had to be passed in 1994, which came into force in January 1996. The Act prohibited determination of sex of the foetus and stated punishment for the violation of the provisions. It also provided for mandatory registration of genetic counselling centres, clinics, hospitals, nursing homes, etc.

4.3 The Pre-Conception And Pre-Natal Diagnostic Techniques (Regulation And Prevention Of Misuse) Act, 1994:

To combat the practice of female foeticide in the country through misuse of technology, the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act was enacted on September 20, 1994 by the Government of India. The Act was amended in 2003 to improve regulation of technology capable of sex selection and to prevent the decline in the child sex ratio as revealed by the Census 2001 and with effect from 14.02.2003, due to the amendments, the Act is known as the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

The main purpose of enacting the PC&PNDT (prohibition of Sex Selection) Act, 1994 has been to:

- i) Ban the use of sex selection techniques before or after conception
- ii) Prevent the misuse of pre-natal diagnostic techniques for sex selective abortions
- iii) Regulate such techniques Stringent punishments have been prescribed under the Act for using pre-conception and pre-natal diagnostic techniques to illegally determine the sex of the foetus.

4.4 The Constitution Of India:

Section 312 of the Indian Penal Code read with the Medical termination of Pregnancy act, 1971 where all the restrictions imposed therein, including the time limit of 20 weeks, other than the ones to ensure good medical conditions, infringe the right to abortion and the right to health, which emanate from right to life as guaranteed by Article 21 of the Constitution. Freedom from interference in one's privacy and family life is protected by Article 12 of the Universal Declaration of Human Rights, Article 17 of the Civil and Political Rights Covenant, Article 11 of the American Convention, and Article 8(1) of the European Convention. Right to abortion is a species of right to privacy, which is again proclaimed a continuance of the right to life under Article 21.

Besides having specific legislation and policy proclamations to deal with this menace, the precipitating factors such as dowry, poverty, and woman's economic dependence etc., leading to the problem of foeticide and infanticide have been addressed by enacting various legislations⁸ as:

Dowry Prohibition Act, 1961(Amended in 1986);

Hindu Marriage Act, 1955;

Hindu Adoption and Maintenance Act, 1956;

Immoral Traffic Prevention Act, 1986

Equal Remuneration Act, 1976.

5.0 Suggestions

There are various causes exist in society which motivated the society to practice such evil crime of female foeticide. Son preference for several reasons, which depreciate the status of a woman in the Indian society. Loophole in laws needs to be amended and rectified by the lawmakers so that the practice of female foeticide is eliminated. Therefore, there are some suggestions which are given below, in order to prevent the practice of female foeticide :

5.1 Education: Education is path of guidance in our country it has also proved to be a tool, but misused by the educated people. By the way of education that people come across various ideas to misuse the technologies to detect female foetus. No doubt education is very important but the right kind of education along with the right use of such education is the most essential element, which ultimately contributes in the progress of the country. Education amongst adults is as important as education amongst children.

5.2 Legal Initiative: Efforts should be made to promote extensive reform in current practices amongst the implementing and executing authorities. Inspection and monitoring authorities are essential if fruitful working of law is expected. There is an urgent need for dedicated authorities at the state and district level to constantly monitor the implementation of The Pre Conception and Pre Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994. Greater implementation can be achieved through intensified training and sensitization. The case law documentation and legal process can be strengthened through a set of actions, and Legal Campaigns should be initiated to enhance the awareness of the provisions of The Pre Conception and Pre Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.

5.3 Implementing Strong Ethical Code Amongst Medical Practitioners: The practice of female foeticide and related abortions have transformed to business and is given a boost by the medical practitioners themselves for monetary benefits. The huge monetary gains that are offered to the medical practitioners usually involve in this unethical practice, which is morally and legally against the law. Under the Pre Natal Diagnostic Technique (Regulation and Prevention of Misuse) Act, 1994, Section 16 lays down the various functions of the Central Supervisory Board. Clause (iv) of the section mentions that the Central Supervisory Board shall lay

down code of conduct which has to be observed by people working at the Genetic Counseling Centre, Genetic laboratories and Genetic clinics⁹.

5.4 Awareness Campaign: In India People form organizations who come up with various unique ideas to throw light on the social issues and also provide preventive steps to eradicate social practices which are harmful for the society. Organizations also include a lot of women in their campaign who are themselves victims of forced abortions and violence due to the practice of female foeticide¹⁰. Such campaigns also focus on schools and colleges, as the youth needs to be educated on this issue in order to protect the future generation. Awareness campaign also encourages the birth of girl child and teaches the society about the importance of the girl child.

5.5 Role Of Panchayat Members In Stopping Female Foeticide : Panchayat members should give accurate information on the laws pertaining to this issue and find out where it is being practiced in the village and investigate it immediately. Panchayat members should register all births and deaths under the purview of the panchayat and raise awareness about gender sensitivity through public education programmes and also do effort to prevent female foeticide with assistance from the ANM and local mid-wife.

6.0 Conclusion

India is land where the girl child is considered as 'Devi' (Goddess). But on the other hand it is also a land where this very '**Devi**' has no respect, no dignity, no value. The practice of female foeticide is rapidly increasing day by day and this is adversely affecting the child sex ratio in India. Every person who practices female foeticide has their own reasons and excuses to eliminate the girl child from their respective families. All the reasons discussed and conclude that a woman's status is severely deteriorated in our Indian society and consequently nobody wish to have daughters, as they do not wish their daughters to face the same trauma and degradation. Lastly, the Indian soil is waiting for a strong change in the laws and social customs to improve the status of women but it can happen only when men and women stand and fight jointly against the causes of female foeticide and the elimination of female foetus till this evil is not completely eradicated from our society. For this firstly we learn to value the female gender, then we are going to progress, otherwise we are going down. **so we should understand today boys and girls are equal and have also right to live and survive in the society.**

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