



INNOVATIVE RESEARCH ORGANISATION

International Journal of Advance Research in Education, Technology & Management

(Scholarly Peer Review Publishing System)

“Female Infanticide and feticide”

“Missing Girls”

*Ravinder Kumar

Research Scholar, Department of Law H.P.U. Summer Hills Shimla- 171005.

ABSTRACT:

The tradition of female infanticide and feticide are as old as female itself. The lower value placed on women in Indian society, prenatal sex determination with the intention of preventing female birth is a manifestation of violence against women, violation against their human rights, trade and kidnapping of women leading to trafficking in persons.

Will the debate our abortion. Female feticide and infanticide will ever end? Every woman has the right to give birth but does that mean that she also has the right to abort her unborn child? The righteousness of abortion is an issue that has been debated upon, time and again. Christianity denounces abortion claiming it to be an act against the will of God. Female infanticide is intentional killing of baby girls due to the preference for male babies and from the low value associated with the birth of females. It is kind of “genocide or gendercide”

In many cultures government permitted if not encourage the killing handicap or female infants or other wise unwanted children.

In Greece of 200 B.C. the murder of female infant was so common that in 6000 family in Delphi no more than 1 % had 2 daughters.

In India because of Hindu beliefs and rigid caste system your girl were murdered as a matter of course. The demographic statistics when 1st collected in 19 century discovered that in some village no girls babies were found in village.

Instance of infanticide are usually singular events they do not happen in masse but the accumulation of such officially sanction or demanded murders comprises serial massacre.

Key words:

Female, Infanticide, feticide, violation, rights, trade, kidnapping, trafficking

CONSEQUENCES OF FEMALE FETICIDE & INFANTICIDE:

Human intervention by use of prenatal sex determination techniques with the intention of preventing female birth by the technique of ultra-sound, sonography, amniocentesis, chorionic villus biopsy, Fetoscope, material serum analysis etc is leading to the unavoidable consequence of adverse sex ratio of female to male in India that is 967 per 1000 male, that is more verse in Haryana showing 927 girls on every 1000 boys according 2001. Now this decaling ratio have reached 793 girls per 1000 boys and the ratio is still declining



INNOVATIVE RESEARCH ORGANISATION

International Journal of Advance Research in Education, Technology & Management

(Scholarly Peer Review Publishing System)

In many states of India like Haryana, Punjab, and Rajasthan, Brides were buy from the other states making the woman just a commodity. This fall of ratio in the females is leading to the establishment of polyandry in many parts of Punjab.

According to chines estimate by 2020, there will be 40 million unmarried young mans, called guang guan bare branches Because of the adverse ratio. The society with the preponderance of unmarried young men is prone to particular danger. A society with a preponderance of unmarried young men is prone to particular dangers. More women are likely to be exploited as sex workers. Increases in molestations and rape are an obvious result. The sharp rise in sex crimes in Delhi have been attributed to the unequal sex ratio.

PREVENTION OF SEX DETERMINATION:

In 1994, the Government of India passed the Pre- conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act with the aim of preventing female foeticide. The implementation of this Act was slow. It was later amended and replaced in 2002 by the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act without ever having been properly implemented.

The Act has a central and state level Supervisory Board, an Appropriate Authority, and supporting Advisory Committee. The function of the Supervisory Board is to oversee, monitor, and make amendments to the provisions of the Act. Appropriate Authority provides registration, and conducts the administrative work involved in inspection, investigation, and the penalizing of defaulters. The Advisory Committee provides expert and technical support to the Appropriate Authority. Contravening the provisions of the Act can lead to a fine of Rs 10,000 and up to three years imprisonment for a first offence, with greater fines and longer terms of imprisonment for repeat offenders. The Appropriate Authority informs the central or state medical council to take action against medical professionals, leading to suspension or the striking off of practitioners found guilty of contravening the provisions of the Act.

Before conducting any prenatal diagnostic procedure, the medical practitioner must obtain a written consent from the pregnant woman in a local language that she understands. Prenatal tests may be performed in various specified circumstances, including risk of chromosomal abnormalities in the case of women over 35, and genetic diseases evident in the family history of the couple. Implementation of the 1994 Act



INNOVATIVE RESEARCH ORGANISATION

International Journal of Advance Research in Education, Technology & Management

(Scholarly Peer Review Publishing System)

We conducted a study to assess the implementation of the 1994 Act in South Delhi and make recommendations for its improvement. This involved examining the organizational structure, observing 26 clinics, and distributing a questionnaire to patients. The results showed up serious failures in management and implementation, lack of commitment and motivation, widespread corruption, and little knowledge in clinics of the provisions of the Act. The presence of individuals outside the medical profession, in particular those involved with human rights, would have helped to prevent fraternity bias – an unwillingness to bring medical colleagues to account.

The survey of patient attitudes showed that only 40% of male patients and 30% of female patients were aware of the prohibition of sex determination. While 90% purported to agree with the principle of the Act, they nevertheless maintained that a male child was important for the strengthening of the family.

REASON BEHIND SELECTIVE ELIMINATION OF FEMALES IN INDIA

- Favoring Boys in India:

Male child are favored since they carry the family name and frequently get the family in heritage.

- Almost from creation to cremation, woman in India seem to have been discriminating against. Girls are viewed as liability those who will cost their parents a dowry where as males are called upon to provide the income, they are a kind insurance.
- The high value given to males decreases the value of females.
- Non availability of rights in the social –sphere:
- People feel that bringing up a daughter is like watering a plant in some body else home if they are going to educate her, nurture her, spend money on her, ultimately she is going to married and going to some else home , what is the worth of all that ?

LEGAL ASPECT OF PROBLEM:

Though the constitution of India places both sexes equally but social bending of the society towards the male have made the state to pass Acts for the protection of females but indecently there have arrived no need for the protection the males. Rs. 300 hundred is the cost of a female in India; constitutionally what it depicts is not gender gap but inequality. By indulging in practice of sex selection, medical science are being misused by medical practitioners not only violate the PNDT Act but also the code of ethic and conduct.

LAWS AND EFFORTS:

After the case of CEHAT V/S UNION OF INDIA, It is an admitted fact that in Indian Society, discrimination against girl child still prevails, may be because of prevailing uncontrolled dowry system despite the Dowry Prohibition Act, as there is no change in the mind-set or also because of insufficient education and/or tradition of women being confined to household activities. Sex selection/sex determination further adds to this adversity. It is also known that number of persons condemn discrimination against women in all its forms, and agree to pursue, by appropriate means, a policy of eliminating discrimination against women, still however, we are not in a position to change mental set-up



INNOVATIVE RESEARCH ORGANISATION

International Journal of Advance Research in Education, Technology & Management

(Scholarly Peer Review Publishing System)

which favor's a male child against a female. Advance technology is increasingly used for removal of foetus (may or may not be seen as commission of murder) but it certainly affects the sex ratio. The misuse of modern science and technology by preventing the birth of girl child by sex determination before birth and thereafter abortion is evident from the 2001 Census figures which reveal greater decline in sex ratio in the 0-6 age group in States like Haryana, Punjab, Maharashtra and Gujarat, which are economically better off. Despite this, it is unfortunate that law which aims at preventing such practice is not implemented and, therefore, Non-Governmental Organizations are required to approach this Court for implementation of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 renamed after amendment as "The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act" (hereinafter referred to as 'the PNDT Act') which is the normal function of the Executive.

To put a check on the declining ratio of females to male, the country in 1994 approved the pre-natal diagnostic technique (PCPNDT) Act 1994. It regulates the use of pre-natal diagnostic technique and ultrasound clinics to fill up submit a form of each foetal scan, that it performs, this forms contains information about pregnant woman, such as their name, their address, name o f the referring doctors, the sex of each earlier child and age of the foetus.

The clinics have to submit these forms to the PNDT Authority, usually public health officers in the local Govt.

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) (Advisory Committee) Rules, 1996.

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002.

A carefully study and scrutiny of these forms and municipal birth registration data could easily be used to pickup suspicious matters. It bans sex determination, imposes fines and imprisonment on doctors. Who reveal the sex of the foetus to the parents? It directly bans all the advertisement of pre-natal sex selection including all other sex determination techniques that can be abused to selectively produce only boys after or during pregnancy.

JUDICIAL EXPOSITIONS:

According to Reuters more the 400 cases have been filed under the act but the convictions were only two in one case there was a fine of rupees 300 Rs. only in other 4000 Rs. There was no imprisonment and fine was also imager giving the inference that matter related to sex determination are dealt with casually.

PUBLIC INTEREST LITIGATION:



INNOVATIVE RESEARCH ORGANISATION

International Journal of Advance Research in Education, Technology & Management

(Scholarly Peer Review Publishing System)

In Feb. 2000 a PIL by NGO's CEHA in Mumbai and MAUSM in Pune was filed in the SUPREME COURT of India. It was filed against the union of India and all the state Govt. of India for non-implementation of pre natal diagnostic technique Act. 1994.

The purpose was to include all the emerging technologies that can be abused to eliminate girls under the provision of the Act. The Supreme Court gives strict direction to central government and a long list of his direction after that the data of enforcement is very poor.

DATA INDICATES POOR ENFORCEMENT OF LAW TO CHECK ON FEMALE FOETICIDE:

Till Dec. 2013, Only 143 persons have been convicted till date under PC&PNDT Act that bans sex determination test while the child sex ratio in the country is dipping, not much seems to have been done to check sex determination tests and selective abortions. Data for the whole country shows only 143 people have been punished for conducting sex determination tests since the enactment of the Pre-conception and Pre-natal Diagnostic Techniques (PC&PNDT) Act in 1996. This number was disclosed by Union health minister Ghulam Nabi Azad in a written reply submitted to Rajya Sabha.

The state that has punished maximum number of offenders under the Act is Maharashtra with 52 convictions, followed by Haryana (30), Punjab (26) and Rajasthan (22). States like Uttar Pradesh, Bihar and Uttarakhand have not punished a single person till date. Gujarat has convicted only four persons. These are the poor performing states as far as maintaining healthy sex ratio is concerned.

Other action has been taken by central government as well as state government A total of 1,833 cases have been registered so far across the country, including Rajasthan (562), Maharashtra (527), Punjab (124), Gujarat (114), Haryana (90) and Uttar Pradesh (42) under the Act.

The number of medical licenses of doctors cancelled till date stands at 65 for the whole country. The maximum numbers of such cancellations have taken place in Maharashtra (37), followed by Rajasthan which has cancelled 21 licenses so far.

Maharashtra has seized total 662 ultrasound machine machines (unregistered/used for illegal sex determination tests) while Rajasthan has seized 371 machines so far. A total 1,242 machines have been seized across the country, informed the Union health minister.

CONCLUSION:

Indian culture is ancient culture. The culture respects women a lot. But if we watch deeply we found exploitation too. According to our culture in our country a girl is worshiped as a Devi on one hand and denied her existence on the other hand as if she has no right to live. We can found both aspects in literature respect as well as exploitation. Time has perhaps come for us to get rid of male chauvinism and treat children as gifts of nature regardless of their gender. We are not going to discuss the history. We are here talking about women exploitation and female feticide. We can't imagine a society in the future where there will be only males and no females. The society will be full of crimes and evils. Only if legislations enacted in this behalf are not sufficient. Orthodox views regarding women need to be changed. The PNDT Act should penalize and punish the violators of this crime strictly. The pernicious acts of female feticide and coercive abortions have to end before women becomes endangered species. The world is preparing for positive change. Will you help? And the real help will be that people has to change their mind first – the deference between male and female. Create humanity and morality. If person learns these two things that will be really help of a society.



INNOVATIVE RESEARCH ORGANISATION

International Journal of Advance Research in Education, Technology & Management

(Scholarly Peer Review Publishing System)

References

1. Agnihotri, S. (2003). Survival of the Girl Child: Tunneling out of the Chakravayuha. Economic and Political Weekly, Vol. 38, No.41, pg. n.a; 11-17th October, 2003.
2. Centre for Enquiry into Health and Allied Themes (CEHAT) & Others V/s Union of India & Others DATE OF JUDGMENT: 10/09/2003, Supreme court of India.
3. Dr. Jignesh V. Prashnani Lecturer, Dr. Virambhai. R. Godhaniya B.Ed. College Porbandar – 360 575 Gujarat (India) “Female Feticide : Need to Change the Mindset of People”
4. Gautam Chikermane,”To Save the Girl Child Invest” Indian Express, March 30, 2006.
5. <http://www.downtoearth.org.in/content/data-indicates-poor-enforcement-law-check-female-foeticide>
6. <http://www.sikhphilosophy.net/business-and-lifestyle/14736-new-female-foeticide-study.html> Please Cite this Article as : Prashnani, Jignesh
7. Manjeet Rathe, “Eradicate Scourge of Female Feticide” People’s Democracy, Vol XXV, No 39, September 30
8. Manmeet Kaur, “Female Feticide: A Sociological Perspective”, The Journal of Family Welfare, Vol. 39(1), March 1993
9. Pamela Philipose “Women versus Girls”, Indian Express, April 5, 2006.
10. Patel, T. (2004). “Missing Girls in India”. Economic and Political Weekly, Vol. 39, No.9, pg., 28th Feb – 5th March, 2004.
11. Pre-natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act 1994.
12. Sangeeta Cheetu,”Growing Menace of Female Feticide in Indai”, Indian Socio-Legal Journal, Vol. XVII (1 and 2), 1991
13. The Pre-birth Elimination of Females in India, Ending the Practice: Changing the Mindset, A National Advocacy Strategy Draft, June 17, 2002
14. Aravamudan, G. (1994). “The killing fields: female infanticide”. The Week. April 03, 1986, Vol. 12, 1994.
15. Aravamudan, G. (2007). Disappearing Daughters - The Tragedy of Female Feticide. Penguin, March, 2007.
16. Bandewar, S. (2003). Abortion Services and Providers’ Perceptions: Gender Dimensions. Economic and Political Weekly, Vol. 38, No.21, pg. 2075-2081, May 24-30, 2003.
17. Census of India (2001). Provisional Population Totals, Series 1, India paper 1, 2001.
18. Gangrade, K.D. (1988). “Sex Determination – A Critique”. Journal of Social Change, Vol. 18 No. 3, pg. 63-70; 1988.
19. George, S. (2000). “Female Feticide in India”. Health Action, Vol. 13. No. 9. pg. 23-26, 2000.
20. Harris-White, B. (1997). “Development and death: adverse child sex-ratios in rural Tamil Nadu”. Frontline, Vol. 89, April, 4, 1997.
21. Iyengar, P. (1993). “Female infanticide: sex ratio in Tamil Nadu dips”. Times of India, January, 30, 1993, Bombay edition.



INNOVATIVE RESEARCH ORGANISATION

International Journal of Advance Research in Education, Technology & Management

(Scholarly Peer Review Publishing System)

22. Jain, S. (1999). "Female Feticide continues unabated: Save before they perish". Journal of Obstetrics & Gynecology Vol. 4 No. 12, pg. 707-709, December, 1999.
23. Patel, V. (1984). "Amniocentesis and Female Foeticide: Misuse of Medical Technology" Socialist Health Review Vol.1, No. 2, pg. 69-71, September, 1984.
24. Sarna, K. (2003). "Female feticide on the rise in India". The Nursing Journal of India, Vol. 94, No. 2, pg. 29-30, February, 2003.
25. Sharma, C and Jain, D. (2005). "Technology and its Impact on Female Feticide in India", May 2005, <http://www.govtech.com/gt/articles/94065> (accessed on December 25, 2009)
26. Tandon, S. and Sharma, R. (2006). "Female Feticide and Infanticide in India: An Analysis of Crimes against Girl Children". International Journal of Criminal Justice Science, Vo. 1, No. 1, pg.1-10, January, 2006.
27. The National Crime Records Bureau (2008). "Crime in India, 2007". Ministry of Home Affairs, Government of India, New Delhi, November, 2008.
28. The New York Times (2006). "India's Lost Daughters: Abortion toll in Millions" January 09, 2006, New York edition.
29. United Nations (2007). World Abortion Policies, 2007. United Nations Department of Economic and Social Affairs, Population Division, New York, April, 2007.
30. Venkatachalam, S (1993). Female Infanticide. HarAnand Publications, New Delhi, 1993
31. Venkatramani, S. (1986). "Female infanticide: born to die". India Today. Vol.28, No. 15 June, 28, 1986.
32. The Pre-Natal Diagnostic Techniques (PNDT) Act and Rules http://www.medindia.net/indian_health_act/the_pre_natal_diagnostic_techniques_pndt_act_rule_s/list-of-acts.htm#ixzz3AjBbIvHx
33. The Pre-Natal Diagnostic Techniques (PNDT) Act and Rules http://www.medindia.net/indian_health_act/the_pre_natal_diagnostic_techniques_pndt_act_rule_s/list-of-acts.htm#ixzz3AjBGaHk