

Female Foeticide A Socio-Legal Enigma

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ABSTRACT:

“Every newborn baby is God’s opinion that the WORLD should go on” – Carl Sandburg
Women are facing atrocities all over the world. But one of the most brutal of them all is female foeticide where the fetus is killed in the mothers’ womb only for being a females, even before they have the opportunity to be born. Female foeticide in general means the selective abortion of female fetuses in a patriarchal form of society, Females not only faces inequality in all the male dominant cultures but now they are even denied the right to be born . “Earlier it was difficult to determine the sex of the fetus in the womb so after the birth of the child when found it to be a girl child then she was drowned in the milk mixed with opium but with the innovation Prenatal sex detection technologies have made it easier to determine the sex in the womb of the mother itself and now this technique has been completely misused, allowing the selective abortions of female and letting offspring to flourish through male children. Legally, however, female foeticide is a penal offence. Although female infanticide has long been committed in India, foeticide is a relatively new practice, emerging concurrently with the advent of technological advancements in prenatal sex determination on a large scale in the 1990s” .
Why do so many families selectively abort baby daughters? This can be answered in one word – it is economical . Female foeticide is stirred by many factors which will be discussed in detail further in the paper, but predominantly because the families of the girl have to pay dowry to the future bridegroom of a daughter. Whereasthe son offers security to their families in old age and can perform the rites for the souls of deceased parents and ancestors, daughters are alleged to be a social and economic burden .
“While abortion is legal in India, it is a crime to abort a pregnancy solely because the fetus is female. Strict laws and penalties are in place for violators. These laws, however, have not stemmed the tide of this abhorrent practice. This article will discuss the socio-legal enigma female foeticide presents, as well as the consequences of having too few women in Indian society” .

I. RESEARCH QUESTIONS

- *Whether the problem of female foeticide is a result of social stigmas in the society?*
- *What are the Causes that lead to Female Foeticide?*
- *Whether International Conventions have an impact over Domestic Laws – trying to curd the Problem of Female Foeticide?*

II. INTRODUCTION

This paper is titled as, “FEMALE FOETICIDE: A SOCIO-LEGAL ENIGMA” and in this paper the researcher is going to deal with the causes and effects of female foeticide and then there shall be a comparison of the same through the judgment of Centre For Enquiry Into Health And Allied Themes (CEHAT) v. Union Of India & Others¹ and later the same shall proportionated on international perspective and the researcher has also provided for a few recommendations at the end.

¹Centre For Enquiry Into Health And Allied Themes (CEHAT) v. Union Of India & Others, 2003 (10) SCALE 11, (2003) 8 SCC 412

“If it seems horrible to kill a man in his own house..., it ought surely to be more atrocious to destroy a foetus in the womb before it has come to light.” - Jean Calvin

“A woman upon being told that her child is healthy and beautiful looks away brooding. The nurse, pedantically, explains “It’s a girl. That’s why”.”²

Female foeticide is the selective abortion/elimination of the female child, done deliberately by the mother, after the detection of the child’s gender through medical tests. This is usually done under familial pressure from the husband or the in-laws or even the woman’s parents³.

Earlier, due to lack of advancement in scientific techniques it was impossible to determine the sex of the child, the killing of the female child took place by adding opium to the infant’s milk or by suffocating the infant⁴.

Now this practice has been given a sophisticated aura by the perverse use of scientific technology. This technique was used to diagnose the condition and sex determination of the foetus (medically termed as amniocentesis) and this leads to the consequent extermination of the foetus⁵.

Responding to this alarming situation where the dignity and rights were being violated even before the birth of the girl child. Parliament was trying to limit the use of the Pre-natal Diagnostic technique only for medical purposes⁶.

In places where cultural norms value male over female children like in India, China, Pakistan, the Caucasus, and Southeast Europe, and where selective abortions of female fetuses are common⁷. Similar to other societies around the world, India is also patriarchal in nature. A traditional hierarchy pattern prevails in all tiers of its social order, and a fanatic preference for male children is especially common in India⁸.

Sadly, a majority of female foeticide cases involve the enthusiastic participation of women, both old and young⁹. To add fuel to the fire, the unethical sex determination and selective abortion of female infants has become a booming (\$224 million US) industry. Money has become a dangerous incentive for this transgression¹⁰.

If women were treated with equality in our country, there should have been 512 million women in the present population of one billion. It’s a matter of shame that the ratio results in 489 million women¹¹.

²Justice Y.K. Sabharwal, ‘Education of Female Foeticide’ http://supremecourtindia.nic.in/speeches/speeches_2006/eff.pdf

³Female Feticide in India, Ahmad N, <https://www.ncbi.nlm.nih.gov/pubmed/20879612> (Last visited 17 October 2018)

⁴G. B. Reddy, Women And The Law, Gogia Law Agency, 3rd edition(2000), Pg. - 133

⁵G. B. Reddy, Women And The Law, Gogia Law Agency, 3rd edition(2000), Pg. - 134

⁶G. B. Reddy, Women And The Law, Gogia Law Agency, 3rd edition(2000), Pg. - 134

⁷Female Feticide: Causes & Effects of Sex-Selective Abortion, <https://soapboxie.com/social-issues/Female-Feticide-Causes-Effects-and-Solutions>(Last visited 17 October 2018)

⁸Ibid

⁹Female Feticide in India, Ahmad N, <https://www.ncbi.nlm.nih.gov/pubmed/20879612> (Last visited 17 October 2018)

¹⁰India witnesses one of the highest female infanticide incidents in the world: study,

<https://www.downtoearth.org.in/news/health/india-witnesses-one-of-the-highest-female-infanticide-incidents-in-the-world-54803>

(Last visited 17 October 2018)

The deteriorating Sex Ratio in India has changed as follows¹² –

Sex Ratio and Child Sex Ratio (Census, 2011)		
Year	Sex Ratio	Child Sex Ratio
1991	927	945
2001	933	927
2011	940	914

According to the findings of the health experts, the population ratio, of certain places like Chandigarh (773/1000), Delhi (821/1000), Haryana (861/1000) & Punjab (874/1000) indicate lowest sex ratios in the world. The biggest conspirator that shakes hand in the conspiracy of sex declination/gender discrimination is the highly populated state Uttar Pradesh.¹³

III. CAUSES FOR THE EXISTENCE OF FOETICIDE

“It is very sad to say that we are living in 21 century and advanced world but still our thinking is very old about the females. When a first child takes birth as a girl in the family, we accept quite happily and start thinking about what will happen next – girl or boy. This thought provokes to identify a girl or a boy in pregnancy. The pre-natal diagnostic technique is used to determine the male or female anatomy”¹⁴. Behind these visible indicators lies large number of social-economic, cultural, legal, moral and technological reasons. Following are the main reasons for female foeticide:

1. Conceptual Preference for Boys

The patriarchal society in India generally shows a cultural bias against women. The Girls are generally considered as a liability. And it believed that investment of any kind in girl’s education and empowerment of girls is considered as purchasing an asset in failed enterprise. Their physical security is added responsibility on the family. Practice of dowry puts extra burden on the parents and all these results into general preference for son and girl foeticide and infanticide¹⁵.

2. Availability of latest technology

¹¹Ibid.

¹²FEMALE FOETICIDE AND INFANTICIDE, <https://iasscore.in/national-issues/female-foeticide-and-infanticide> (last visited 18 October 2018)

¹³Female foeticide in India, Alka Gupta, <http://unicef.in/PressReleases/227/Female-foeticide-in-India>, (Last visited 17 October 2018)

¹⁴10 Reasons for Female Foeticide, <http://lighttheminds.com/10-reasons-for-female-foeticide-surprise-you/> (Last visited 17 October 2018)

¹⁵<http://silverstararrow.hubpages.com/hub/Female-Feticide-Causes-Effects-and-Solutions> (Last visited 17 October 2018)

The advancement in technology has made this process simpler and this preference is combined with focus on family planning facilitating sex identification and abortion, failure in stringent application of PCPNDT act all have resulted into increased cases of female foeticide¹⁶.

3. Socio-economic conditions

The socio-economic conditions are one of the reasons for encouraging the act of foeticide. In economically poor families there is absence of family planning tools. In such families the discrimination in child care and nutrition leads to increased cases of female infanticide¹⁷.

4. Absence of women in decision making

Absence of women in the decision making has resulted into their opinions being ignored. They are forced to carry on foeticide against their choice. At higher levels in political circles and police & administration these issues are hushed up because of absence of will to strongly enforce the provisions of the laws¹⁸.

5. Gender inequality in India

Economic opportunities which are available to women are minimal as compared to men and the same was reflected in UNDP's GII (Gender Inequality Index) 2012 in which India was ranked at 132 out of 148 countries¹⁹. This created an environment of disabilities for women and effects their overall empowerment. Further these results led to the discrimination and events of female foeticide and infanticide²⁰.

6. Instances of sexual harassment and associated law & order problems

Women are considered as weaker sex and their security has always been a concern for family. During historic times Rajput and Maratha families started the practice of female infanticide and jauhar to protect the dignity of women. Increased cases of rapes and sexual harassment leads to the economic disempowerment of women and which further results into them being disfavored by parents²¹.

7. Decline in moral and ethical standards

There has been a decline in the moral and ethical standards as individuals and families have failed to consider the rights of the girl child and the overall benefits that females bring to society, whereas individual or family

¹⁶<http://www.indiastudychannel.com/resources/90157-Female-Foeticide.aspx> (Last visited 17 October 2018)

¹⁷<http://unwantedgirlchild.blogspot.in/2008/04/causes-of-female-foeticide.html> (Last visited 17 October 2018)

¹⁸Female Foeticide: Need To Change The Mindset Of People, <http://www.legalserviceindia.com/article/1292-Female-Foeticide.html> (Last visited 17 October 2018)

¹⁹Female foeticide in India, Alka Gupta, <http://unicef.in/PressReleases/227/Female-foeticide-in-India>, (Last visited 17 October 2018)

²⁰India witnesses one of the highest female infanticide incidents in the world: study, <https://www.downtoearth.org.in/news/health/india-witnesses-one-of-the-highest-female-infanticide-incidents-in-the-world-54803> (Last visited 17 October 2018)

²¹Female Foeticide, Manish Kumar, <http://www.indiastudychannel.com/resources/90157-Female-Foeticide.aspx> (Last visited 17 October 2018)

interests have been promoted. It is also the violation of Hippocratic Oath by physicians when they do sex selective abortion²².

8. A Girl cannot proceed the family lineage

People think girls cannot precede the father family because girls will marry and to go another family. The relation between them ends after her marriage and no one will be there for the care of her parents. But girls love their parents more than boys. They are always with the parents in joy and sorrow²³.

IV. PURPOSE OF PRE-NATAL DIAGNOSTIC TECHNIQUES—

1. The purpose of the Pre-natal diagnostic technique is for detecting genetic disorders, metabolic disorders, chromosomal abnormalities or certain congenital malformations or sex-linked disorders(V.D)²⁴.
2. To determine the health and condition of an unborn fetus. Without Prenatal Diagnosis, there could be an untoward outcome for the fetus or the mother or both. Congenital Anomalies account for 20 to 25% of perinatal death²⁵.
3. For managing the remaining weeks of the pregnancy and determining the outcome of the pregnancy.
4. For also planning for possible complications with the birth process.
5. Detecting and Planning for problems that may occur in the newborn infant.
6. Deciding whether to continue the pregnancy.
7. Finding conditions that may affect future pregnancies.

V. MISUSE OF THE TECHNIQUE—

The pre-natal diagnostic technique instead of being used for the medical purposes, the technique is being used for other extraneous by medical practitioners in detecting the sex of the child in the womb and in most cases once determined the foetus is female, it was miscarried deliberately, so as to prevent the birth of female child²⁶.

The patriarchal mindset of the society has forced to parents and other members of the family have led to the misuse of this technique and causing the abnormal and unacceptable death of the female foetus²⁷.

This advanced medical technique has been misused to serve the purpose of female foeticide.

²²<http://silverstararrow.hubpages.com/hub/Female-Feticide-Causes-Effects-and-Solutions> (Last visited 17 October 2018)

²³Female Foeticide: Need To Change The Mindset Of People, <http://www.legalserviceindia.com/article/l292-Female-Foeticide.html> (Last visited 17 October 2018)

²⁴Manjula Batra, Women & Law, Allahabad Law Agency, 2nd Edition (2003), Pg. 136

²⁵Ibid

²⁶Flavia Agnes, Law and Gender Inequality – The Politics of Women's Rights in India , Oxford University Press, Pg. 117

²⁷G. B. Reddy, Women And The Law, Gogia Law Agency, 3rd edition(2000), Pg. - 133

VI. NECESSITY FOR AN ACT

The government had realized that the abuse of techniques for the determination of sex of the foetus leading to female feticide is discriminatory against female sex and is also affecting the dignity and status of women.

With the above objectives, the parliament had passed the “Pre-natal Diagnostic Techniques (Regulation and Prevention of misuse) Act, 1994” which came into force from 01-01-1996.

FAILURE OF IMPLEMENTATION OF THE ACT

1. The PNDT Act had failed to achieve its objective because of many reasons.
2. The machinery which was required for enforcement of the Act at the state and district levels was not taken seriously by the governing bodies entrusted to enforce it.²⁸
3. Not a single pre-natal diagnostic center had been registered until 2001 in Punjab even though it was the first State to provide sex selection facilities as early as in the 1970s and the sex ratio in the age group of 0-6 years has been on the deadline²⁹.
4. It was difficult to identify the purpose for which an ultra-sound test has been done due to non-maintenance of adequate records by clinics.
5. Further, the insistence of family planning programmes on the small family norm coupled with son preference in India added pressure on families to look at sex-selection as a medium for their desired family composition³⁰.

*CENTRE FOR ENQUIRY INTO HEALTH AND ALLIED THEMES (CEHAT) V. UNION OF INDIA & OTHERS*³¹

Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, was passed with an object to prevent the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide and the matters connected therewith or incidental thereto. But the Act failed due to lack of implementation³².

Later a Writ of mandamus was filed in the Supreme Court in order to implement and properly enforce the Act at the state and district levels as it was not taken seriously by the governing bodies to enforce it.

²⁸ G. B. Reddy, Women And The Law, Gogia Law Agency, 3rd edition(2000), Pg. - 138

²⁹ Manjula Batra, Women & Law, Allahabad Law Agency, 2nd Edition (2003), Pg. 132

³⁰ Flavia Agnes, Law and Gender Inequality – The Politics of Women’s Rights in India , Oxford University Press, Pg. 117

³¹ Centre For Enquiry Into Health And Allied Themes (CEHAT) v. Union Of India & Others, 2003 (10) SCALE 11, (2003) 8 SCC 412

³² Flavia Agnes, Law and Gender Inequality – The Politics of Women’s Rights in India , Oxford University Press, Pg. 117

This case is landmark judgment, as the Court took on the unique role of actually monitoring the implementation of the law and issuing several beneficial directives over the course of 3 years during which the case was proceeding in court.

This petition put the issue of sex selection and sex selective abortion on the national agenda and as a consequence there have been heightened activities on this issue by government and non-governmental agencies alike³³.

In this judgment the Supreme Court realized that, “discrimination against girl child still prevails 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.”³⁴

“Sex selection/sex determination further adds to this adversity suffered by women in the society and to prevent these suffering there was a need for legislation, but it is unfortunate that law which aim at preventing such practice is not properly implemented.”³⁵

The learned Attorney General for India, Mr. Soli J. Sorabjee had issued the following directions-

Directions to the Central Government³⁶ –

- The Central Government is directed to create public awareness against the practice of pre- natal determination of sex and female foeticide.
- Central Supervisory Board has to be formed by the central government.
- Central Government is directed to implement with all vigor and zeal the PNDDT Act and the Rules.

Directions to the Central Supervisory Board (CSB)³⁷

- Meetings of the CSB will be held at least once in six months
- It empowers the Central Government to appoint 10 members in the CSB including medical practitioners, social scientists and representatives of women welfare organizations.
- The CSB shall review and monitor the implementation of the Act
- Survey of bodies and Registration of bodies as per section 3 of the Act.
- Number and nature of awareness campaigns conducted and their results.

³³ Flavia Agnes, Law and Gender Inequality – The Politics of Women’s Rights in India , Oxford University Press, Pg. 116

³⁴ Manjula Batra, Women & Law, Allahabad Law Agency, 2nd Edition (2003), Pg. 132

³⁵ Ibid

³⁶ Centre For Enquiry Into Health And Allied Themes (CEHAT) v. Union Of India & Others, 2003 (10) SCALE 11, (2003) 8 SCC 412, Pg. 3

³⁷ Centre For Enquiry Into Health And Allied Themes (CEHAT) v. Union Of India & Others, 2003 (10) SCALE 11, (2003) 8 SCC 412, Pg. 4

- Action taken against non-registered bodies operating in violation of section 3 of the Act, inclusive of search and seizure of records.

Directions to State Governments/UT Administrations³⁸

- All State Governments/UT Administrations are directed to appoint by notification, fully empowered Appropriate Authorities at district and sub-district levels and also Advisory Committees.
- To aid and advise the Appropriate Authority in discharge of its functions.
- All State Governments/UT Administrations are directed to publish a list of the Appropriate Authorities in the print and electronic media in its respective State/UT.

VII. WHEN CAN THE PRE-NATAL DIAGNOSTIC TECHNIQUE BE USED

The pre –natal diagnostic technique can be used only if the pregnancy of a woman falls under the following conditions³⁹–

1. When the pregnant women is above 35 years of Age.
2. Where the pregnant women has already undergone two or more spontaneous abortions or foetal loss.
3. Where the pregnant women has been exposed to potentially dangerous agents like drugs, radiation, infection or chemicals.
4. Where the pregnant women has a family history of mental retardation or physical deformities such as spasticity or any other genetic disease.
5. Any Genetic and chromosomal abnormalities, or sex linked diseases.
6. And in this process if the doctor finds out the sex of the child, the doctor is duty bound to not disclose the sex.

VIII. EFFECTS OF FEMALE FOETICIDE

Female feticide has very long term effects in the human diversity such as declination in the sex ratio. The child sex ratio is calculated as the number of girls per 1000 boys in the 0-6 year's age group and has consistently declined from 976 girls per 1000 boys in 1961 to 945 in 1991 and 914 in the 2011 census.⁴⁰

³⁸ Centre For Enquiry Into Health And Allied Themes (CEHAT) v. Union Of India & Others, 2003 (10) SCALE 11, (2003) 8 SCC 412, Pg. 6

³⁹ G. B. Reddy, Women And The Law, Gogia Law Agency, 3rd edition(2000), Pg. - 137

⁴⁰ The Causes of Female Feticide, <https://www.ukessays.com/essays/sociology/the-causes-of-female-feticide-sociology-essay.php> (Last visited 15 October 2018)

“Even in India, the child sex ratio is not uniform across states. States like Haryana, Punjab, Delhi, Himachal Pradesh and Gujarat and union territory of Chandigarh, the ratio has declined to less than 900 girls per 1000 boys. Haryana child sex ratio 830 and Punjab child sex ratio 846 are worst hit by the child sex ratio. In India’s capital Delhi, the sex ratio has declined from 915 in 1991 to 866 in 2011”⁴¹.

If this ratio is used to decline at this rate, then those days are not far when there is no bride. People will move from here to there into the parts of the country looking for the girls, then there will be market for the girls that pay and take the girl and this leads to the more social deprivation of the girls⁴².

The brutal act of foeticide creates an adverse effect on the individual, family, Society & the nation. It is an awkward performance, which brings misery, sorrow & regret in return. In order to relieve themselves from the birth of a girl child who is considered an unnecessary burden, the people indulge into this sort of dreadful assassination & find themselves free but at the same time, a sort of grief & regret pinches in the depth core of their hearts⁴³.

Impact on Individual – The main victim is also the worst sufferer in case of female foeticide. It is the women. She is the one who suffers Physically, Mentally, Morally & Psychologically.⁴⁴

Impact on Family & Society – The act of foeticide also creates an adverse effect on the family structure & the society in the following manners⁴⁵–

1. The family structure is shattered.
2. There is a Downfall in the sex ratio.
3. A typical type of crime in the society.
4. There is a violation of rule and regulation as well as the violation of religious ethics.

Impact & Outcome on National Level – “The national law has played a vital role against prenatal diagnostics. The enactment of the law enabled the Nation Human Rights commission. To direct the medical council of India to take action against doctors found guilty and the FASDSP i.e. *Forum against sex determination & sex pre-selection* however with its ups & downs proved that a lot can be accomplished by sustained efforts & eradicating complacency in the state Governments”⁴⁶.

⁴¹ Declining Sex Ratio in North India, Chapter 3, http://shodhganga.inflibnet.ac.in/bitstream/10603/55442/10/10_chapter%203.pdf (Last visited 15 October 2018)

⁴² Declining Sex Ratio in North India, Chapter 3, http://shodhganga.inflibnet.ac.in/bitstream/10603/55442/10/10_chapter%203.pdf (Last visited 16 October 2018)

⁴³ CAUSES, IMPACT & MEASURES OF FOETICIDE, http://shodhganga.inflibnet.ac.in/bitstream/10603/167175/11/11_chapter%207.pdf (Last visited 16 October 2018)

⁴⁴ Ibid

⁴⁵ Supra P. 49

IX. INTERNATIONAL SCENARIO

1. World Conference of the International Women's Year, Mexico City 19th June – 2nd July 1975 –

This conference concentrated on diverse matters related to women. The topics associated to female foeticide were prevention of exploitation of women and girls, protection of maternal and child health, equality amongst men and ladies and disposal of oppression ladies. The conference was dedicated to the development of international cooperation based on the basics of the Charter of the United Nations, which would reveal answer for world issues, and built an international community based on equality⁴⁷.

2. World Conference of the United Nations Decade for Women: Equality, Development and Peace Copenhagen 14th July to 30th July 1980⁴⁸

This conference embodied social issues relating to women. The 27th resolution of this conference was on framing special measures in courtesy of young women. Accordingly, national plans and strategies should be chalked out to place women of different age groups distinctly, elaborating their legal and social status⁴⁹.

3. World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi (15th July to 26th July 1985)

The core intention of the conference was "Equality". It is a principle where all people are agreed uniform treatment under the law and even chances to make the most of their rights. For women, equality plays a key role as it allows them to realize their rights, which have been denied to them due to behavioral and attitude bias. The concept of equality is vital when the right to take birth is concerned, as every individual, men or women should get equal right to take birth in the world⁵⁰.

4. 5th Annual Women's Empowerment Principles Event (WEPE), 6th March 2013

Michelle Bachelet, Under Secretary General and Executive Director of UN Women who was also the President of Chile from 2006 to 2010 and had been re-elected as President for second time in 2014. In her speech at 5th Annual Women's Empowerment Principles Event, she mentioned that an Asian Company displayed its commitment to the privileges of ladies through a "Save the Girl child" activity, which give the pregnant ladies data about sound pregnancy, safe conveyance and newborn child care. She likewise stipulated the real issue of

⁴⁶Declining Sex Ratio in North India, Chapter 3, http://shodhganga.inflibnet.ac.in/bitstream/10603/55442/10/10_chapter%203.pdf (Last visited 16 October 2018)

⁴⁷INTERNATIONAL MEASURES TO CONTROL FEMALE FOETICIDE, Chapter 5 - http://shodhganga.inflibnet.ac.in/bitstream/10603/134456/14/14_chapter%205.pdf (last visited 16th October 2018)

⁴⁸<http://www.un.org/womenwatch/daw/beijing/otherconferences/Copenhagen/Copenhagen%20Full%20Optimized.pdf> (last visited 15th October 2018)

⁴⁹ Ibid

⁵⁰ Ibid

female foeticide and stressed that birth of girl child is essential. Therefore, their killing should be strongly opposed⁵¹.

5. World Association of Girls Guides and Girls Scouts (WAGGGS) conference, Edinburgh Scotland (11th July 2011)

UN Women Deputy Director and Assistant Secretary General Lakshmi Puri stated in her speech, that “the United Nations has set standards for women’s rights and gender justice through institutional instruments. There is an urgent requisite to end all types of savagery against ladies and young ladies. The concern for female foeticide needs a multi-faceted approach from legislative changes to transforming the society’s outlook. The main aim should ponder on gender equality by rectifying all historical injustices that have been carried on since times indefinite, resulting in disempowering and disrupting the rights of women all over the world”⁵².

6. UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948 (UDHR)

The UDHR has various objectives and primarily aims at protecting the right of every individual. “It recognizes the value dignity and equality in the rights of all members of human society. This would lead the world to the path of freedoms justice and peace. The UDHR also aims to the end all the barbarous acts of killing and other forms of torture to humans. It believes that every human being has a right to appreciate the right to speak freely and opportunity from trepidation from outer and internal discriminations and crimes against humanity”⁵³.

7. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS [1966] [ICCPR]

The convention promotes the ideals of self-determination. Self-determination means freely determining ones social, cultural, economic and political rights. This states that the convention believes that no individual should be deprived of his/her basic right and dignity.

“The convention has made strong efforts to frame rules and set up guidelines for just and human condition for each and every individual in world.

The convention purposes all its member states to legislate such laws, which punish and provide legal remedy for violation of all the rights. The right provided by laws should not discriminate on grounds of race, religion, language sex, birth or other status.

This provision makes it clear that the convention strictly condemns all those who practice the tradition of female foeticide. The convention provides the entire right on equal basis amongst men and women”⁵⁴.

⁵¹ INTERNATIONAL MEASURES TO CONTROL FEMALE FOETICIDE, Chapter 5 - http://shodhganga.inflibnet.ac.in/bitstream/10603/134456/14/14_chapter%205.pdf (last visited 16th October 2018)

⁵² Ibid

⁵³ <http://www.un.org/en/universal-declaration-human-rights/> (Last Visited on 17th October 2018)

⁵⁴ <http://www.cirp.org/library/ethics/UN-covenant/> (Last visited 17 October 2018)

8. INTERNATIONAL COVENANT ON ECONOMIC SOCIAL AND CULTURAL RIGHTS (ICESR) [1966]

“The convention on economic, social and cultural also focuses on right to equality for every citizen. The convention also promotes right to life and strongly condemns the attitude of traditional mindset where many girls are undesirable and unwanted. Such mindset leads to the practice of infanticide and foeticide. According to the convention a strong legislative reforms on protection is required to emphasis on all the supportive policies framed by the United Nations”⁵⁵.

“The convention states that the world needs to change its social policies and laws on gender equality and this can be achieved only when the institutional amendments target towards the elimination of segregation and brutality against young girls. The issue of discrimination against girl child also requires a strong human right approach to tackle various issue related to women”⁵⁶.

9. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) (1979)

“The convention clearly states in its Article that the term oppression lady implies any qualification avoidance or confinement mode on the premise of sex which has the impact or reason for weakening or invalidating the acknowledgment by ladies right from conception till death women face discrimination at various stages of her life. This Article clearly mentions and clarifies the extent to which discrimination is measured. Article 2 of the Convention concentrates on the laws and regulations regarding the discrimination against women in all forms”⁵⁷.

10. CONVENTION ON THE RIGHTS OF THE CHILD (1989) AND ITS OPTIONAL PROTOCOLS (2000)

“The convention is one of the different human rights arrangement received by the United Nations. It is one of the various human rights settlement received by the United Nations. The convention consists of various civil, political, social, cultural economic rights of children. Various leaders of the world had similar views about the convention for children as individuals under the age of 18 years needed special care and attention”⁵⁸.

“Many countries that are member party to the convention on Child Rights have framed these constitutional laws by adopting the principle elements of the United Nations Conventions on Right of child. This makes the law of

⁵⁵<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx> (Last visited 17 October 2018)

⁵⁶ INTERNATIONAL MEASURES TO CONTROL FEMALE FOETICIDE, Chapter 5 - http://shodhganga.inflibnet.ac.in/bitstream/10603/134456/14/14_chapter%205.pdf (last visited 16th October 2018)

⁵⁷ INTERNATIONAL MEASURES TO CONTROL FEMALE FOETICIDE, Chapter 5 - http://shodhganga.inflibnet.ac.in/bitstream/10603/134456/14/14_chapter%205.pdf (last visited 16th October 2018)

⁵⁸ Ibid

every country stand in line/ stands parallel with the convention on Right of child. The convention consists of various articles and provisions, which clearly mentions that the rights and freedom are to be enjoyed equally. The convention mentions that every group, every society, men, women and particularly children should be protected and assisted on various rights and also educate the society about the different rights of children and their duties towards children”⁵⁹.

11. MELLENIUM DEVELOPMENT GOALS (MDG) (2000)

“The Millennium Development Goals are on United Nations initiative. In total there are eight goals, which were introduced initially in the United Nations Millennium Declaration. The Millennium Development Goals were adopted in the year September 2000. At present there are 189 United Nations member states and 23 international organizations, which have agreed to support and achieve the Millennium Development goals by the year 2015. The main purpose of the Millennium Development Goals is to get rid of poverty, hunger, illiteracy, diseases, environment exploitation and most importantly discrimination against women”⁶⁰.

X. CONCLUSION AND SUGGESTION

The ever deteriorating sex ratios of different states and the limited convictions and prosecutions under the PCPNDT Act bring to attention the necessity of mobilizing political will and ensuring proper implementation of the provisions of the Act as a step forward in curbing the evil of foeticide. However, as the crime is borne out of the crooked perceptions of the society rather than any notion of law-breaking, it is essential to attack the problem with a different approach⁶¹.

It is believed that financial enticements by means of cash transfers to parents of girl children to educate her or help in her marriage finances through schemes like Dhan Lakshmi, or LakshmiYojnaCetra⁶² could prove to be helpful in changing the opinion of women as mere burdens, and drive a excess of reactions leading to betterment of the position and status of women in the society.⁶³

We cannot imagine a society in the future without females. The society won't be able to flourish to its fullest, it is important to understand that women help build society. Enactment of legislations by the government on this

⁵⁹<https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx> (Last visited 17 October 2018)

⁶⁰ INTERNATIONAL MEASURES TO CONTROL FEMALE FOETICIDE, Chapter 5 -

http://shodhganga.inflibnet.ac.in/bitstream/10603/134456/14/14_chapter%205.pdf (last visited 16th October 2018)

⁶¹ ‘Girl Child Sex Ratio In India has Fallen to 919 in 2011: Report’ The Indian Express, 3rd November 2013

<http://www.indianexpress.com/news/girl-child-sex-ratio-in-india-has-fallen-to-919-in-2011-report/1190598/> (Last visited 17 October 2018)

⁶² ‘Special Financial Incentive Schemes for the Girl Child in India’,

http://www.unfpa.org/gender/docs/sexselection/UNFPA_Publication-39772.pdf (Last visited 15 October 2018)

⁶³P. Sundaramma, ‘Does Abortion Abet Female Foeticide’ (*The Hindu*, 14th June, 2012) <http://www.thehindu.com/opinion/open-page/does-abortion-law-abet-female-foeticide/article3459939.ece>(Last visited 17 October 2018)

behalf is not sufficient and merely law won't make any difference⁶⁴. Orthodox views regarding women need to be changed. The PNDT Act should penalize and punish the violators of this crime strictly. The malicious acts of female foeticide and coercive abortions have to end before women becomes endangered species⁶⁵.

Yes, the first thing we need to do change people thinking who think girls cannot change the world. We should not forget "*a man takes birth from a woman*". So a female can do all the things that a man can do perfectly⁶⁶. Our mother also needs to take a step forward and report to your husband or any in-law family member who say about fetus abortion due to a just girl in the womb. Need for girls nursing same as we do for boys and train them for life challenge and career, not just for housewife and baby-makers⁶⁷.

For the same here are a few suggestions that can be adopted from our side in order to curb the problem of Female foeticide and for the removal of this practice in Indian society is a serious challenge⁶⁸. It must involve-

1. Prepare the youth to move away from this social vice.
2. Working for the empowerment of women and strengthening of women's rights through campaigning against practices such as dowry, and ensuring strict implementation of existing legislation⁶⁹.
3. Ensuring the development of and access to good health care services.
4. Inculcating a strong ethical code of conduct among medical professionals, beginning with their training as undergraduates
5. Simple methods of complaint registration, accessible to the poorest and most vulnerable women.
6. Wide publication in the media of the scale and seriousness of the practice. NGOs should take a key role in educating the public on this matter.
7. Regular assessment of indicators of status of women in society, such as sex ratio, and female mortality, literacy, and economic participation.
8. Need to make strong & strict, and world level law so that everybody thinks about the punishment before doing this vital crime. Need to take strong action again doctors, labs, and hospitals where cases like abortions take places⁷⁰.

⁶⁴ Female Foeticide: Need To Change The Mindset Of People, <http://www.legalserviceindia.com/article/1292-Female-Foeticide.html> (Last visited 17 October 2018)

⁶⁵ Flavia Agnes, *Law and Gender Inequality – The Politics of Women's Rights in India*, Oxford University Press, Pg. 113

⁶⁶ Manjula Batra, *Women & Law*, Allahabad Law Agency, 2nd Edition (2003), Pg. 137

⁶⁷ Manjula Batra, *Women & Law*, Allahabad Law Agency, 2nd Edition (2003), Pg. 138

⁶⁸ G. B. Reddy, *Women And The Law*, Gogia Law Agency, 3rd edition(2000), Pg. - 141

⁶⁹ <http://unwantedgirlchild.blogspot.in/2008/04/causes-of-female-foeticide.html> (Last visited 17 October 2018)

⁷⁰ Female Foeticide: Need To Change The Mindset Of People, <http://www.legalserviceindia.com/article/1292-Female-Foeticide.html> (Last visited 17 October 2018)

9. It is only by a combination of monitoring, education campaigns, and effective legal implementation that the deep-seated attitudes and practices against women and girls can be eroded⁷¹.

⁷¹ Ibid.

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