

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 1

2022

© 2022 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for "free" and "open access" by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at the **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Female Feticide: A Curse For Indian Society

VARSHA PANWAR¹ AND MONIKA PANWAR²

ABSTRACT

Artificial intelligence (AI) refers to the emulation of human intelligence in computers that are programmed to think and imitate their actions like humans. The word can also be applied to any computer that shows human mind-related characteristics such as learning and problem-solving. Human rights are something self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty, dignity and equality. AI is something that is increasingly being used in day to day use from our phones to home systems to self-driving systems in the car. There have been numerous instances reported where AI has intruded on the privacy of individuals hampering their human rights. It becomes important to conduct an analysis of AI in dept to study its advantages, disadvantages, impact on the lives of people and most vital is it encroaching on the human rights. The paper aims to co relate these two forces namely AI and human rights. The paper comprehensively covers the impact of AI on the human rights in the field of employment, health, medical care. The main focus of this paper lies on the advantages which AI offers enhancing the human rights and making them more accessible to the citizens of India. The paper also carries a small analysis of impact of AI on Human rights in different countries. The paper not only ponders about the benefits but also provides a deep understanding how AI hampers the human rights. Some recommendations and plausible solutions have been also discussed.

Keywords: Artificial Intelligence, Human Rights, Privacy, Defense, Healthcare.

I. INTRODUCTION

As long as the birth of daughters is not welcomed in Indian society like the birth of sons, then Indian society is suffering from a mental disability. If the problem of female feticide seems in the literal sense, then it is the main thing, it means killing the unborn girl child before she is born by identifying the sex of the fetus in the mother's womb. There cannot be more disgusting and deplorable work in the world than this. If we consider the causes of feticide, then we will find that the reason for the spread of evil lies at the root of Indian society. That is, there are various factors for female Feticide. In this socio-economic, religious and cultural factor are the

¹ Author is an Assistant Professor of Law at Maharaja Ganga Singh University, Bikaner, India.

² Author is an Assistant Professor of Law at Maharaja Ganga Singh University, Bikaner, India.

main ones. It has been the belief of the Indian society mainly that the son will carry forward the father's lineage. All the religious work, the process will be done by the hands of the son. It is because of such religious scholars that the birth of a son is considered superior in Indian society. Different types of legal provisions have been made to remove this evil spread in Indian society. The Judiciary has made arrangements for the appropriate punishment for the person guilty of female feticide. Female Feticide- Before knowing something in detail about female feticide, we have to try to know the meaning of this word. The literal meaning of female feticide is that by identifying the Gender in the mother's womb, if there is a girl, then killing her. Female feticide is a formidable problem prevailing in the field of Indian society. To get rid of any problem, first of all, an attempt should be made to weaken its base pillar. • Just as a doctor tries to find out the Symptoms of the disease from the patient before treating the patient, similarly, to end the evil practise of female feticide in Indian society, we have to find out who, what are the reasons, due to which such malpractices came into effect? At the same time, we also have to find out the area that affects it. The measures being taken to stop this practice will also have to be identified. If we consider according to the ancient state of Indian society, then this statement comes first in the mind in the context of family or lineage that only a boy or a man can carry forward the lineage. In the eyes of society, the responsibility of earning a living to take care of the family was mainly on the boy or male member of the family. The male member of the family can fulfil the responsibility of the upbringing of the family very well. Since ancient times, women have been considered as an object of consumption in society. The tendency of keeping women confined only within the boundary wall of the house was the male-dominated Indian society. Some factors are affecting or promoting Female feticide in Indian society are as below

- Dowry System
- Pathetic condition of women in Indian male-dominated society
- The graph of crime against women is increasing day by day
- Not immediate punishment for crime against women
- Lack of rights of daughters
- Society's mindset
- Lack of protection of girls in the backward society
- Illiteracy

Factors the evil like female feticide existing in the Indian society is that

(A) Dowry System³

In Indian society during the ceremony of marriage the bride was provided with the things she needed. Initially, it was provided by the parents the bride, as per the need but over some time this practice started increasing according to the demand. The demands of dowry are placed before the bride side to bring his social and economic status into a better position. In which the financial condition of the bride's side was not taken into account the bride's side is often unable to meet these demands. After marriage, the bride is physically mentally and emotionally tortured to fulfil these demands.

Sometimes the bride is so tortured to meet the demands of dowry that she even takes steps like suicide. On being unable to meet these demands by the bride's side.

The dowry system of India implies that women are not human beings. Husband and the in-laws treat them as small bundles of generous dowry, unfortunately, this attitude towards the brides have proved, this attitude towards the brides have proved demoralizing enough to have their hopes withered and the dreams blighted. Today Many grooms only dream of meeting the bigger fish and if the brides are found to be bringing with them a small fortune, they feel deceived and frustrated.

Effect of dowry system- Injustice towards girls: Dowry bears huge financial obligation for the bride's family. As a consequence, a girl child is viewed as a possible source of drain on the family's finances, ultimately an onus. This view evolves into gigantic proportions taking the shape of infanticide and feticides of the girl child.

Violence against women- Contrary to hopeful parents, dowry is often not a one-time pay up. Demands are continuously made by the husband's family who considers the girl's family as a never-ending source of finance. The inability of the girl's family often leads to verbal abuse, domestic violence and even deaths.

Gender inequality- The idea of paying dowry to get a girl married generates an increased sense of inequality among the genders, placing men superior to women. They are regarded as incompetent for the role other than housework and are often discouraged from taking up jobs. Their opinions are suppressed, not valued or ignored more often than not.

Loss of self-esteem in women- In a country that has experienced centuries of inferior attitudes towards women, it is very hard to maintain a high level of self-regard if you are a woman. Naturally, women themselves are bound in the shackles of the idea that they are incapable of

³ Anil Agarwal, A Compendium of essay on legal and social issues, Manthan Publication, 2nd Edition.

any contribution to society. Their sense of self-worth hits rock bottom and they are increasingly subjugated to injustice.

(B) Condition of women in Indian male-dominated society

If we look closely at the condition of women from the Vedic period, then Indian society is a matriarchal society, in which society the birth of a girl child was not seen through the sights of disgust. The girl was worshipped as a goddess.

In the mediaeval period due to foreign invaders the scope of women living was limited, then in the present time, women have freedom only in limited areas. Because of all these conditions women are not able to oppose their pathetic condition, which proves fatal for all kinds of evil practices in society.

(C) The graph of crime against women is increasing day by day

There is a steady increase in the number of physical, mental and emotional crimes related to women. The security of the girl for her education and job outside the home keeps her parents restless. In order not to live in this type of situation, society is adopting the evil practice of female feticide to avoid this type of stressful life.

The techniques of science which were made to give pleasure to human life, using then in a wrong way, the sex of the baby is known through Ultrasound technology. If a fetus is a girl child, then the fetus is killed in the womb.

Due to the fear of criminal elements prevailing in society, the parents do not want to give birth to the girl child.

(D) Not immediate punishment for crime against women

Judiciary has an important place in Indian Democracy. In a criminal incident, immediate punishment to the criminal is the perfect remedy for the victim. The number of crimes being committed against women or girls in Indian society is increasing day by day. The following types of crimes are being biased against women in different areas. It includes rape, sexual assault, sexual harassment at the workplace, Domestic violence- physical, mental, emotional and economic violence of all the types, various crimes being committed against the teenager.

Among the different types of crimes that are being committed against women in different regions, the most important thing for the victim- getting instant justice. Due to various complex situations, speedy trial and instant justice to is not available to the victims.

Given all these circumstances, the birth of a girl child is not given so much importance in Indian society. They find girls like a burden. Therefore, before giving birth to the girl child, she is

killed in the womb. Although they are suffering from the feeling of insecurity, by doing such disgusting work they only weaken the position of women in Indian society.

(E) Lack of rights of daughters

Fundamental rights have been provided in the constitution of India, in which discrimination based on religion, origin, race, caste, sex, place of birth etc. has been prohibited.

The social condition in Indian society has become such in which daughters are considered less than sons in different types of family circumstances.

They are denied their rights, only sons were to be entitled to the property. Now, this scenario started changing after getting equal rights to daughters in the property through the amendment of 2005.

Whether it is a matter of giving equal entitlement in the property. Whether it is a matter of the huge amount of dowry given from the bride's family, whether various types of crime are being done against girls, or in those criminal cases, Delayed justice, Illiteracy, unable to the upbringing of the girl child. These are the shortcomings prevalent in Indian society, due to which evils like female feticide are being encouraged.

If we do work the protecting the rights of the daughters in society, then perhaps we can be successful in changing the present scenario.

(F) Society's mindset

Indian society being a male-dominated society, has been antithetical to the dominant position of women.

The mentality of Indian society has become such that they do not allow women to progress. The men of the society want to keep women confined only within the premises of the house. They are not happy with the progress or high-level development of women. Due to such mentality of Indian society the position of women in the society remains weak. At the same time, the weak position was engaged in strengthening the foundation of female feticide in India.

If we want to remove the evil like dowry system, female feticide from India, then first of all we should try to change the mindset of the society.

(G) Lack of protection of girls in backward society

India is a country full of diversities where different types of regional, cultural diversity are found. There are different types of persons found in Indian society, some are from very well settled family backgrounds and some are from a backward society.

Many types of provisions have been made in our society for the safety of girls. Still, due to the

lack of security of girls in the backward society, the birth of a girl child is not considered good in India. For this reason, the evil of female feticide has also been accepted as the trend in Indian society.

(H) Illiteracy⁴

One of the main reasons for the marginalization of women in Indian society has been the denial of education of women.

Due to illiteracy, they are not able to bring their social and economic status to a higher level. Girls have been considered as the main object of consumption, due to which there is a tendency to deprive them of basic rights like Education. Thus, women are deprived of knowing about their rights due to being deprived of their education. Due to being deprived of the knowledge of their fundamental rights, they do not get a respectable place in the family and society.

In this way due to being deprived of Education, women/ girls continued to be victims of many types of crimes i.e., female feticide, dowry custom, rape, sexual assault, sexual harassment at the workplace etc.

The reason for female infanticide can be linked with the evil of dowry, hypergamy etc., prevailing in our society. A more degrading and disparager feature of the society has been seemed to exist for the preceding many decades the immense love for male Children and elimination of female fetuses. With the invention of new technologies to monitor the 'Fetal' health., it was expected to be used for taking care of the health of the unborn child, but it became a Terminator of female fetuses. Are female fetuses being deliberately eliminated or aborted, questions? To a great extent, yes! That is the answer.

While there can be no moral or ethical justification for female feticide, it continues to be practised. Sex determination which was mainly restricted to metros only now is prevalent in villages as well. The greatest supporter of a child whether male or female are the natural parents. If a girl has a father who loves her and grants all her fundamental rights that girl is inviolable. Fathers often provide material comforts but deny daughters their rights to choose their life partner. A few lines from a poem come to mind when one thinks of a girl who fears her father.

To go through life and realize that she was thrust on her unwilling parents, is a fate much worse than death. What can be more disgracing than the feeling of nothing more than any contraceptive failure?

⁴ Man Mohan Joshi, Legal and Social Essay, Puja Law House, Indore.

Legal provisions- The Government of India has made two laws to prevent social evil like feticide. In them, the first legislation is the prohibition of pre-pregnancy, pre-natal diagnosis technique (sex selection prohibition) act, 1994.

It has been provided in this law that written consent of the mother shall be necessary before carrying out any kind of investing action regarding the pregnancy. The inquiry has been banned to tell that sex of the baby is either boy or girl. It has been made mandatory to write out outside the clinic who does ultrasound checking that they do not have the gender check here.

It's illegal to do so and a provision has been made for fines and imprisonment for the doctors who do not obey this.

The second legislation is the medical termination of pregnancy act of 1971. This law was made to protect the rights of pregnant women this provision was made in this law- abortion can be done legally if it is necessary on the grounds of humanity or health, who can have an abortion and where can be abortion done provision has also made for this.

Section 312,313,314 of the Indian Penal Code, 1860 has made feticide an offence and have been punished.

Section 312 Passing off abortion- with imprisonment for a term which may extend to three years or with a fine or with both. If the woman is flatter womb the punishment may be imprisonment up to seven years.

The special thing is that if a woman commits an abortion on her own, then she can be punished under this section.

Section 313 Abortion without the consent of the women- If a woman forcibly passes an abortion without the consent of self, then a provision has been made under this section imprisonment for life which may extend to rigorous imprisonment for a term which may extend to 10 years and shall also be liable to fine.

Section 314 women murdered by doing abortion- If someone kills a woman while passing an abortion then the provision of punishment for life imprisonment under section 314.

II. CONCLUSION

The amendment PNNDT bill suggest certain important modification fin the existing 1994 PNNDT act which makes it mandatory not only to register all kind of scans conducted but also to maintain records of every such scan.⁵

⁵ *Id.*

Since 1979, when the first private sex determination clinic was set up in Punjab such clinics have proliferated rapidly. By the early eighties, such diagnostic centres had mushrooms even in rural areas, conducting sex determination for a few hundred rupees.

The decline in the ratio in urban areas is more than twice the one in rural areas. Women should indeed have the right to abort their unwanted fetus, but if the technology, is being used only to eliminate the female fetus, then it has to be questioned.

Despite having adequate legal provisions, cases of female feticide continue to come to the fore. If there is a need for social awareness and effective implementation of laws so that this social evil can be eradicated from the root.
