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Female Foeticide and Infanticide in India: An Analysis of Crimes against Girl Children

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A B S T R A C T

All over the world and in all societies violence against women exists in various forms. However, the recognition that elimination of gender-based violence is central to equality, development and peace is recent. In India, the landmark report on the status of women 1975 did not deal with this issue. In late seventies and eighties, the Indian women's movement focused on the issues of dowry deaths, female foeticide, sati, rape and other forms of violence. In 1996 the world health assembly endorsed the fact that violence against women is a public health problem and female foeticide is one extreme manifestation of violence against women.

Keywords: Female Foeticide, Violence, Gender Ratios, Gender-Based Violence, Infanticide

Introduction

Some of the worst gender ratios indicating gross violation of women's rights are found in South and East Asian countries such as India and China. The determination of the sex of the foetus by ultrasound scanning, amniocentesis, and in vitro fertilization has aggravated this situation. No moral or ethical principle supports such a procedure for gender identification. The situation is further worsened by a lack of awareness of women's rights and by the indifferent attitude of governments and medical professionals. In India, the available legislation for prevention of sex determination needs strict implementation alongside the launching of programmes aimed at altering attitudes, including those prevalent in the medical profession.

Background

The killing of women exists in various forms in societies the world over. However, the Indian society displays some unique and particularly brutal versions such as dowry deaths and sati. Female foeticide is an extreme manifestation of violence against women. Female fetuses are selectively aborted after pre-natal sex determining thus avoiding the birth of girls. As a result of selective abortion, between 35

and 40 million girls and women are missing from the Indian population. In some parts of the country, the sex ratio of girls to boys has dropped to less than 800:1,000. The United Nations has expressed serious concern about the situation.

The sex ratio has altered consistently in favour of boys since the beginning of the 20th century (Table 1) and the effect has been most pronounced in the states of Punjab, Haryana and Delhi. It was in these states that private foetal sex determination clinics were first established and the practice of selective abortion became popular since the late 1970s. Worryingly, the trend is far stronger in urban rather than in rural areas, and among the literate rather than illiterate women, exploding the myth that growing affluence and spread of basic education alone will result in the erosion of gender bias. One of the greatest threats to our contemporary civilization is the menace of a skewed sex ratio. The increasing imbalance between men and women is leading to many crimes such as illegal trafficking of women, sexual assaults, polygamy leading to a dehumanization of society. These acts have been increasing in number making this world unsafe for women. Female foeticide is one of the most nefarious crimes on this earth; perhaps

what is detestable is that the people who commit these crimes belong to the educated class. To this menace our ancestral and biased view about the male child, lack of education, ever increasing population and dowry have been good propellants. Some measures and their enforcement must happen immediately. The ineffectiveness of the Pre-Natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act is very much evident. Hence there needs to be quick change in the attitude of people to look beyond this legacy and transform this world as a better place to live in.

Among various women related issues in India, female foeticide and female infanticide have become massive social problems due to the advent of technology and misuse of pre-natal sex detection and also the attitude of unscrupulous medical practitioners who are facilitating female foeticide through induced abortions. There are strict laws and penal actions against violators, but the laws have not worked. Over 10 million female foetuses have been aborted in India in the past two decades.

The sex ratio as per the 2001 census shows females to be 933 per 1000 males although there is a marginal improvement of six points in the overall female to male sex ratio in India from 927 in 1991 to 933 in 2001 which is an encouraging development. There is a massive decline of 18 points in the juvenile sex ratio (age group of 0–6) from 945 to 927 in the country after 1981. This shows the extensive female foeticide in India. It is pertinent to note that the figures show a fall in the juvenile sex ratio is much higher in the economically developed States in India. There is steep fall in sex ratio in States like, Punjab, Haryana, Gujarat and Maharashtra, along with the Union territories of Delhi and Chandigarh. In Punjab there are only 874 females per 1,000 males. The situation in Haryana, Gujarat and Maharashtra is also similar - the females are 861, 921 and 922 respectively per 1,000 males. Kerala is the only State where the females are 1,058 per 1,000 males.

Table 1. Sex ratio chart from the year 1901–2001

Year	Sex Ratio (Females per 1000 Males)
1901	972
1911	964
1921	955
1931	950
1941	945
1951	946
1961	941
1971	930
1981	927
2001	933

India cannot afford to wait till the next census in 2011 to determine whether the growing practice of female foeticide and the girl child mortality rate had gone up. In India the reason behind this rise is because of the strong son preference in society and a universalisation of the small family norms, practices like dowry (gifts by father of bride in cash or property to the groom), laws that govern property inheritance and the cultural perception about the familial name through the male line. The mortality of girl child is also high because of parental discrimination against their daughters in terms health care and nutrition.

Foeticide i.e a crime against a foetus, is a crime against children as per Section 315 and 316 of Indian Penal code. A very few people report this crime in police stations. We have found that a total of 96 cases of Foeticide were reported in the country during 2007 as compared to 125 in the year 2006 indicating a significant decline of 23.2% in these cases. Punjab has reported the highest number of such cases (35) followed by Rajasthan (16). These two States together have accounted for 53.2% of total such cases reported in the country.

It is a matter of grave concern that today in India we are discussing female foeticide. This term in itself envelopes myriads of meanings, it smacks of the fact that (a) a girl is killed before she is born; (b) that the sex of a foetus is determined to be that of a female; (c) it acknowledges that there is technology privy to this heinous crime; (d) there are doctors involved in first determining the sex of the baby and then carrying out the abortion; and (e) there is crime involved in violating not one but many laws: the Pre Natal Diagnostic Techniques (Regulation and Prevention of Misuse) 1994 Act, the Section 307 IPC (of attempt to murder) and along with crime of abetment of murder etc. The Supreme Court's directive to the government to implement the provisions of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act banning sex determination tests and sex selection to prevent male foeticide is timely. The court has been closely monitoring the implementation of its various orders passed since May 2001, regarding a ban on the use of ultrasound scanners for conducting such tests. Subsequently, it had sought status reports from all states and Union Territories It had ordered compulsory registration of all diagnostic centres across the country. There was an impasse in the Parliament over the sex determination tests and the Indian Radiologists Association on a clear distinction between clinics, which were engaged in diagnosis for gynaecological purposes, and those for non-gynaecological purposes such as kidney and liver problems. The Parliament finally passed the Bill.

However, doubts are bound to be raised on the effectiveness of the legislation as the issue mainly relates to people's attitudes and preferences. The desire for a son for instance is deep-rooted in both rural and urban areas. The problem

of dowry and the choice of a son for social security have also contributed to the malady. However, these have led to serious gender discrimination and adverse demographic implications in many states. For instance, according to an estimate parts of Haryana have witnessed a dip in sex ratio - 618 girls for 1,000 boys. Overall, while the national sex ratio is 933 per 1,000 men; in Haryana, Punjab, Chandigarh and Delhi, it is below 900. This shows that the menace has reached alarming proportions even in urban areas.

The Act prohibits determination and disclosure of the sex of the foetus. It also prohibits any advertisements relating to pre-natal determination of sex. Following the apex court's orders earlier, appropriate authorities with powers of civil court have been appointed. These were empowered to prosecute the clinics and the doctors if they used ultrasound techniques for sex determination. A committee has also been constituted at the national level to monitor the enforcement of the Act through field visits. However welcome these provisions are, legislation alone will not help check female foeticide. What is of utmost importance is a change in the people's attitude. The preference for a son must go if the larger problem of female foeticide is to be tackled. It speaks of a whole system gone corrupt, a whole society involved in a conspiracy against women, against destruction of half the population, at the hands of monstrous practices becoming more rampant in a society fast losing its secular, social and humanistic fabric. In today's materialistic world a woman is fast being relegated to the rank of a commodity and marriage has become more of a business alliance than a sacred bond between two people.

Amniocentesis first started in India in 1974 as a part of a sample survey conducted at the All India Institute of Medical Sciences New Delhi, to detect foetal abnormalities. These tests were later stopped by the Indian Council of Medical Research (ICMR), but their value had leaked out by then and 1979 saw the first sex determination centre opening in Amritsar, Punjab. Even though women organizations the country took up cudgels to put a stop to this new menace but were helpless because of the Medical Termination of Pregnancy Act. This is because the amniocentesis test was claimed to be used for detection of foetal abnormalities which were permitted by the MTP Act. According to the MTP Act, if any abnormality is detected between 12–18 weeks of the gestational period in the foetus, an abortion can be legally carried out up to 20 weeks of pregnancy. In the absence of any law, all that the government could do was to issue circulars prior to 1985, banning the misuse of medical technology for sex determination in all government institutions. This however, led to the mushrooming of private clinics all over the country. In 1986, the Forum Against Sex Determination and Sex Pre-selection (FASDSP), a social action group in Mumbai, initiated a campaign. Succumbing to public pressure, the Maharashtra government enacted the

Maharashtra Regulation of Pre-Natal Diagnostic Techniques Act 1988, the first anti sex determination drive in the country. This was followed by a similar Act being introduced in Punjab in May 1994.

Both these were however repealed by the enactment of a central legislation, the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 28 September 1994, which banned sex determination tests all over the country. This Act carries a three-year imprisonment and Rs 10,000 fine for offenders. The implementation of this act initially faced problems as monitoring agencies had to be identified at all levels. It was therefore only in 1997 when the responsibility was legated, that actual implementation of the act began. There is still social complacency among all sections of society, which needs to be addressed. Since the advent of ultrasound and detection technique for determination 10 million female fetuses have been aborted in India, according to a study conducted recently in India, the first systematic study on female foeticide by an Indo-Canadian team. A shocking picture emerges-every year.About 50,000 unborn girls-one in every 25-are aborted and as a result the number of girls has gone down drastically in India. In 1997 UNPFA report "India towards Population and Development Goals", estimates that 48 million women were 'missing from India's population.' The report states "If the sex ratio of 1036 female per 1000 males observed in some states of Kerala in 1991 had prevailed in the whole country, the number of would be 455 m07 million (in the 1991 census). Thus, there is a case of between 32–48 million missing females in the Indian society as of 1991 that needs to be explained." The 1991 census is only indicative of this disturbing trend when elsewhere in the world women outnumber men by 3–5%. There are 95–97 males to 100 females in Europe, where the ratio is even less, 88 males to 100 females, in Russia mainly due to causalities of World War 2.

According to the UNICEF, 40–50 million girls have gone missing from Indian population since 1901 as a result of systematic gender discrimination in India.³ As per the 2001 census, the child ratio in Punjab is 793 girls to 1000 boys. This is the lowest child ratio in the country (the average being 927 girls to 1000 boys) and as compared to 1991 consensus it shows a decline of 82 points.⁴ India tops the list as far as illegal abortion and female foeticide are concerned. of the 15 million illegal abortions carried out in the world in 1997, India accounted for 4 million, 90% of which were intended to eliminate the girl child. Terming female foeticide as a "shame" on Indian society, Prime Minister Manmohan Singh said that the country cannot progress unless women become equal partners in growth.

"It is incredibly sad that in our society, the girl child is being killed even before being born. This is a shame on our society," Singh said addressing the nation from the Red Fort on the

63rd Independence Day. "As soon as possible we have to remove this blot. Our progress will be incomplete till women become equal partners in the growth," he said. That the government was committed towards providing reservation in the Parliament, Singh said, "We are trying to make a law through which women will be given 50% reservation in the local bodies so that they get equal representation". The Prime Minister also announced the launch of a National Female Literacy Mission with an aim to reduce female illiteracy by half. He said special care would be taken of the needs of women and children and added that the Government has decided to extend the benefit of ICDS to every child below the age of six years by March 2012.

Female foeticide is now more widespread in the country than ever. The practice was restricted to few states a few years ago and has now spread all over the country. Girls and women not only face inequity, but they are also denied the right to birth if their families do not wish so. In fact, many families do not wish their women folk to deliver baby daughters.

The Declining Sex Ratio: one of the sensitive indicators of boy preference is the sex ratio. The records show that the sex ratio or the number of females for each thousand males has gone down consistently over the past decades. In this study I took the interview of 100 people of Rewa city and found that the following factors are responsible for female foeticide:

Social Security

Consequent upon the advances in medical science, the termination of unwanted children especially female fetuses through abortion has become common in families to satisfy their preference for sons.

Evil of Dowry

Some people think that a girl means accumulation of sufficient resources for the dowry the parents must give away when the girl gets married. Therefore, the parents think that the girl is a financial burden for them, whereas the boy is an asset who fetches a fabulous dowry for the parents.

Financial Dependence of Females on Husband or in laws

In India the socio-economic background has been the villain behind the tragic female foeticide. Certain communities want to get rid of the female child compelled by the circumstances of dehumanizing poverty, unemployment, superstition and illiteracy.

Cultural Factors

The concept of 'Vanshodharak' a male child to perform last rites in Hindus and carry forward the "Measures to Reduce Female Foeticide."

Confronted with this situation, it is high time to take preventive measures against female foeticide. Both local

leadership and the Government agencies should plan a concrete long-term programmewhere the socio-economy is the advancement of the community, social welfare and poverty alleviation programmes, to improve economic status of women is planned and applied to wean the people away from the traditional practices. Voluntary organizations promote social education and awareness through cultural programmers and public debate etc. The age of marriage should also be fixed through the concept of equality of sexes. Equal rights regarding parental property and that should be implemented in the right spirit so that the stigma of liability attached to girlhood and womanhood could be eradicated forever. This is a challenge today to initiate a vibrant, effective campaign against female foeticide.

Organizations and individuals with different priorities and ideological beliefs must rally together to battle the powerful patriarchal forces operating within the institutions of the family and civil society.

However, the national law against Prenatal Diagnostic Technique (regulation and misuse) Act of 1994 is a positive step which enabled the National Human Rights Commission to direct the Medical Council of India to take action against doctors found abusing prenatal diagnostic techniques. There is a need for sustained campaigning and active monitoring of the act. State Governments should realize the importance and priority of the law and not merely treat it with their usual complacency. Structures for implementation of the 1994 law need to be created at the District level. Volunteers must be actively mobilized to monitor registration and functioning of sex determination clinics at different districts. Cases must be filed against the violators and social consciousness has to be raised against the crime. Members of the society and the religious leaders have a positive role in creating a reformed society.

The long-term task is to foster a culture of goodness and human dignity which inoculates individuals and institutions against the infection of this despicable human practice. The role of the Akal Takht is worth mentioning. The apex religious organization of the Sikhs has issued directives to the community not to indulge in the inhuman and immoral practice of female foeticide and to take stern action against those who would violate this direction i.e. offenders would be ex-communicated. Almost all communities have organizations similar to the Akal Takht, if they made a concerted effort to educate their flock, and if need be boycotting those guilty of this crime, a radical social change could come about.

Conclusion

"Yatra Naryastu Pujoyante Ramante Tatra Devata" has been our culture. In our country a girl is worshiped as a Devi on one hand and denied her existence on the other as if she

has no right to live. Time has perhaps come for us to get rid of male chauvinism and treat children as gifts of nature regardless of their gender. We cannot 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 foeticide and coercive abortions must end before women become an endangered species. These are some ideas to prevent female infanticide and female foeticide. The removal of this practice in Indian Society is a serious challenge.

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