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FEMALE FOETICIDE - AN ISSUE OF CONCERN FOR ONE AND ALL

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Abstract:

India has a patriarchal society where men are seen as role models who are supposed to look after their parents in old age. Giving birth to a girl child is seen by many as "watering the neighbours' plants" and birth of a male child is looked upon as a feather in the cap with great pride and joy. Female infanticide, or the killing of female babies, was a practice prevailing in India long ago. Though this has now been abolished legally, we find that it is still practised in a different and more sophisticated manner. Females are being now being killed even before they are born that we call as female foeticide.

INTRODUCTION:

In many societies, a male child is much more preferred than a female. Because of the adoption of the single-child norm, women want to get rid of female foetus so that they can again try for a male child. This practice is leading to a serious imbalance in the sex ratio. However, in no other country is medical technology so blatantly misused through a network of clinics and centres to discriminate against female babies as in India. Having more than one daughter is a curse whereas any number of sons is welcome. You might have heard the proverbial blessing to a newly-wed bride, "May you be the mother of a hundred sons." A mother with daughter is an object of pity, one having a son is glorified. India has always possessed the hateful legacy of killing the female child. Earlier, because scientific techniques were not advanced and it was impossible to determine the sex of the child, the killing of the female child took the form of adding opium to the infant's milk or by suffocating the infant under the mother after birth or else by plainly ill-treating daughters. Now it is given a sophisticated aura of education by the perverse use of scientific technology. The truth is disheartening but nonetheless the truth, that the technique used to diagnose the condition and sex of the foetus, medically termed as amniocentesis, is now primarily conducted for sex determination and the consequent extermination of a female foetus. And, paradoxically, the practice is adopted by supposedly educated and reasonably well-off families rather than by the poor who can neither afford doctors' costs nor have ever heard of such perversions. The blind killing of female foetuses has led to a precarious situation where the male-female ratio of the population is being affected.

MEANING

Female foeticide means that it is the elimination of a female foetus at any stage of pregnancy, after determining its sex. It is also defined as killing of female foetus through induced abortion. It is related to the phenomenon of sex-selective abortion, which targets female foetuses almost exclusively and neglects the girl child.

This phenomenon of female foeticide has accounted for millions of gender-selective deaths. It remains a matter of a critical concern in a number of third world countries today, including the two most populated countries i.e. China and India. In all cases, female foeticide reflects the low status accorded to

women in most parts of the world. It is arguably the most brutal and destructive manifestation of the anti-female bias that pervades patriarchal societies.

FEMALE FOETICIDE - A THREAT TO HUMAN RACE

Violence against women exists in various forms in all societies. Female foeticide is extreme manifestation of violence against women. Female foeticide is perhaps one of the worst forms of violence against women. A woman is denied her most basic and fundamental right -the right to life enshrined in Article 21 of the Constitution. Elimination of the girl child through selective elimination of female embryos or fetuses is an age-old phenomenon. It negates the Fundamental Right to Equality guaranteed under Articles 14 and 15 of the Constitution. Female foeticide has joined the fray and is increasing with every passing day. Lack of ethics in certain pockets of the medical profession has only aggravated the situation.

In the words of Nobel laureate Amartya Sen, "India with its present population of one billion has to account for some 25 million missing women. Some of them are never born and the rest die because they do not have the opportunity to survive; worse than the crime is the indifference of the society"

SEX RATIO-PRESENT POSITION

The declining ratio of the girl child in India should be a matter of shame for all of us individually and collectively. The child sex ratio is calculated as number of girls per 1000 boys in the 0-6 year age group. The 2001 census report showed a child sex ratio of 927 girls per 1000 boys. Therefore there are 73 girls missing for every 1000 boys in India. Some recent studies show India among ten most gender-biased economies. In 2001 four states -- Himachal Pradesh, Punjab, Haryana and Gujarat were in the below-900 category thereby making the situation grave as the child sex ratio has drastically declined to less than 800 girls for every 1000 boys.

According to a report by the Indian Medical Association, about 5 millions baby girls are killed in the wombs of mothers in India every year. One report declares that the population of Bhatti girls, specifically in the cluster of dozen villages on the western border of Jaisalmer is nearly 50 while the total population is over 10,000. Another report declares that a couple from Tamil Nadu was reportedly arrested for killing their newly-born girl child by administering her an overdose of sleeping pills. In Delhi, there are nearly 2000 clinics carrying out sex determination tests where 70 per cent of abortions pertain to females. In a state like Bihar, 15 lakh girls are killed in a year.

Out of 11 districts with the lowest sex ratio, eight are in Punjab. Dr Jassi, Director of Health Services, Punjab, says the state's sex ratio is suicidal and a recipe for social chaos. Mr Satish Agnihotri, an expert in the study of sex ratio, refers to rich states like Punjab, Haryana and Uttar Pradesh as the Bermuda Triangle, where girls go missing without a trace.

All over the world, sex ratio tends to favour women since they are biologically the stronger sex but in India the ratio has become alarmingly low due to female foeticide and infanticide. However, things cannot improve unless some discreet steps are taken to improve the status of female children. Time is running out. The girl child needs our support against all odds from pre-natal existence to fully blossomed adulthood. The position of a female child is more miserable in India than in any other part of the world. The reason lies in our socio-cultural structure rather than in bio-psychological domains. Hence, the problem remains deeply rooted in our society.

CAUSES RESPONSIBLE FOR THE EVIL OF FEMALE FOETICIDE

The demographic dynamics of Indian society are likely to have severe repercussions because of the inherent traditional bias against women. This is operating in a negative form to produce a skewed society of the future. Gender ratio in our country is shifting heavily in favour of males, which has already reached an alarming level. There are basically two reasons for this position.

Patriarchal Society

The roots of gender-bias are deeply embedded in our patriarchal society with the patriarchal values embedded deeply in every aspect of life factors which have contributed to the prosperity of the people in the state have perpetuated the preference for the male child. We draw up so many other reasons related to it, i.e.

(i) Socio-cultural causes

- (ii) Economic reasons
- (iii) Political reasons
- (iv) Crime against women in society

Socio-Cultural Causes

The reasons behind what has been called son mania are multi-faceted and deeply embedded in Indian culture. Indian society is patrilineal, patriarchal and patrilocal. Sons not only carry on the family name but they are also entrusted with the task of supporting their parents in old age. Parents live as extended families with their sons, daughters-in-law, and grandchildren. Daughters, on the other hand, become part of their husband's family after marriage and do not make any further contribution to their parents' household. Indian sayings such as "bringing up a girl is like watering a neighbour's plants" exemplify the feeling of wasted expenditure on raising a daughter. Indian men are responsible for the funeral rites of their parents and are the only ones who can light the funeral pyre. Some feel that they will be able to achieve 'Moksha' (transcending the circle of reincarnation through performance of good deeds) through their sons. Thus the importance of having sons continues beyond mortal life in Indian tradition.

The birth of a girl -child often puts immense pressure on the parents with regard to dowry to be given at the time of her wedding. The inferiority of women and the rights of the girl child have long been debated. The practice of female foeticide is a product of the belief in the inferiority of women. Nevertheless sex-selection, is actually the product of that belief that son is supposed to carry forward the 'vansh' while the daughter will go away to another house.

Economic Imbalance

One of the reasons of the evil is economic imbalance. One of the most publicized reasons for this disparity is the dowry system. In many parts of India, particularly in the North, the parents of the bride must give money and gifts to the groom's family as part of the marriage agreement.

Another economic disadvantage of daughters in India is their relatively low learning potential. As in many other countries, although women work as hard or harder than their male counterparts, they make very little money. The long hours spent in cooking, cleaning and caring for the children are viewed as "sitting at home all day". Even the time spent in the fields is not considered significant since men do much of the heavy lifting. Frequently illiterate due to lack of schooling, women in India are generally unable to secure high-paying work and are, therefore, financially dependent on the men in the family. As a result it is felt that for a family's economic advantage, it is necessary to minimize the number of daughters. Since many of the reasons behind preference for a son are economically based, it is ironic that the most extreme sex ratio is seen in the higher castes that tend to have most of the wealth. The reason for this discrimination against daughters in these groups seems to be related more to issues of family pride than to concern over money.

Political Reasons

The issue of female foeticide does not attract the interests of political parties and thus there is little political interest in bringing innovative policies to deal with the problem. Weak enforcement of the existing policies and laws aiming to curb the practice of selective abortions is the norm.

Crime against women Prevailing in Society

The greatness of the country is viewed by the amount of respect and liberty the women enjoy in it, but in India the adverse vicissitudes of women in rape, dowry, kidnapping, abduction, sati, devadasi custom and prostitution, domestic violence and sexual harassment are not stray phenomenon. They are widespread and deep-rooted, rendering liberty and respect meaningless. Society is filled with crime against women, and parents are afraid of their daughter's future. To get rid of all of their tension, they avoid the birth of a girl child, so that they do not have to face problems like rape, dowry or bride burning etc.

Hence, because of the above-mentioned reasons, discrimination against the girl child starts before her birth. Home is generally a place when the child loves to live with her family but most of the crimes are committed in homes only. So ignorance about human rights, fundamental rights and legal rights of the girl child and ignorance about the government's attitude to such crimes are factors responsible for female foeticide and female infanticide.

Due to the above outlined socio-cultural, economic and political reasons, the harsh practice of

female foeticide is rampant and indeed is resulting in denial of rights to women. The present status of Indian women is such that no girl would like to be born as a girl the next time. The cosmos in which we are living is the creation of women. Even then, women are viewed as an unwanted burden on the family.

MISUSE OF MODERN TECHNIQUES RELATING TO PRENATAL SEX DETERMINATION

Rampant misuse of modern technology, a collective failure of medical ethics and inability to shed notions of a male heir have pushed female foeticide in affluent India to a shocking high. The biggest shift has been in technology. Easy sex determination and latest abortion techniques have reduced the risk rate for women, earlier exposed to fatal complications on termination of advanced pregnancies. Falling infant mortality rates and later the two-child norm also made male children the most wanted.

It is amazing that this is the same country where each and every soul was regarded as an inseparable fragment of the 'pramatama'. Now as man's struggle assumes menacing proportions, the oppression of women in visible and invisible ways has apparently multiplied manifold.

We read newspapers or hear stories, but all we do is just hang our heads in shame. The day is not far when there would be no girl child around.

"When girls go missing in a society, when a child is denied right to life even before being born because of her sex, when discrimination starts when the child is in the womb and continues throughout her life till the grave, when a girl child is denied her basic right to survive, develop, participate and protect, it becomes an issue of paramount concern and urgent action."

Taking into consideration this position many laws have been enacted by the legislature. But the enactment of any law is not sufficient. Laws must be adhered to and applied rigorously before any change can take place. In spite of the existing laws, umpteen incidents of female foeticide are taking place. It is still unclear as to who will serve as the watchdog to check the evil of female foeticide. Implementation of policies is difficult considering the fact that only doctors carry out abortions. Many women are forced by family members or society to go ahead with an abortion of a female foetus. Pregnant women are often torn between the choice to abort a female child and endangering their own lives. They also know that giving birth to a girl child would ultimately lead to violation of her rights and the trend of favouring girl children will most probably not be welcomed by the society.

Many voluntary organisations, academicians, professionals and volunteers dedicated to the cause of protecting the rights of the girl child and women have initiated a campaign to curb female foeticide and create mass awareness on the issue. Public meetings and demonstrations against female foeticide by voluntary organisations and institutes have led to an increased mass awareness on the issue. Under the PNDT Act, [The Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act] authorities have been empowered in Delhi and elsewhere with whom complaints can be lodged.

Keeping in view various fundamental guarantees under the Constitution, the government took note of female foeticide. The Parliament realized the implications arising out of the misuse of 'sex-determination tests' and intended to regulate the same for certain medical purposes. Thus this Act was enacted. The Act prohibits sex selection before or after conception. It regulates but does not deny use of pre-natal diagnostic techniques such as ultrasound for the purpose of detecting genetic abnormalities or other sex-linked disorders. No person, including the one who is conducting the procedure as per the law, will communicate the sex of the foetus to the pregnant woman or her relatives. The purpose is to prevent misuse of such techniques for sex determination that could eventually lead to elimination of the female foetus and thereby create a gender imbalanced society. Under the Act, a person who seeks help for sex selection can face at first conviction, imprisonment for a three-year period and be required to pay a fine of Rs. 50,000.

IMPACTS OF FEMALE FOETICIDE

Female foeticide has the following impacts on society:

- (i) It leads to a declining sex ratio.
- (ii) Detrimental effect on the physical and psychological health of the women due to multiple pregnancies and abortions.
- (iii) Increase in crime and violence against women due to decreasing number of females.
- (iv) The continuing decline in the number of females may lead to social problems like dowry deaths, child marriages, brideselling, kidnapping, rape etc.

Thus, female foeticide is a social problem and social problems can be increased and decreased by

society only. The society includes in itself our families, social institutions, educational institutions, social organisations, NGOs, doctors, government administration, media, police, political and religious leaders and religions. They are the guards and protectors of society. What role they play in curbing this evil depends on their attitude and participation in increasing or decreasing this problem.

ROLE OF JUDICIARY AND INDIAN GOVERNMENT IN CURBING OF FEMALE FOETICIDE

After going through several reports on sex ratio as well as sex-determination tests and examining the reports of the survey on sex-determination clinics (registered and non-registered), the Supreme Court dealt a serious blow to the obnoxious practice of female foeticide. The Court asked the Union and State governments to be more strict in enforcing the law banning sex-determination tests. Persons liable of committing the crime have to be awarded strict punishment, the court said.

The Supreme Court passed an order on May 4, 2001, which aimed at ensuring the implementation of the PNDT Act, plugging various loopholes and launching a media campaign on the issue. The Supreme Court observed : "It is unfortunate that due to one reason or the other, the practice of female foeticide and female infanticide still prevails, despite the fact that the gentle touch of a daughter and her voice has a soothing effect on parents."

In a case of historical importance, namely : Centre for Enquiry into Health and Allied Themes (CEHAT) and other, Vs. Union of India and others, the Hon'ble Supreme Court issued the following directions to both the centre and state governments :

(1) The Central Government is directed to create public awareness against the practice of pre-natal determination of sex and female foeticide through appropriate releases / programmes in the electronic media. This shall also be done by the Central Supervisory Board (CSB) provided under Section 16 (iii) of the PNDT Act.

(2) The central and state governments are directed to implement with all vigour and zeal the PNDT Act and the Rules framed in 1996.

The PNDT Act, 1994, which came into force on January 1, 1996, was enacted primarily to check sex-selective foeticide. Initially the Central Government and most state governments hardly took any steps to implement the provisions of the Act. Following a petition filed in the Supreme Court, the state governments and UTs were directed by the court to supply quarterly reports to the Central Supervisory Board regarding action taken towards implementation of the Act.

The Indian Government also has opposed the practice of female infanticide and sex-selective abortions, but has been slow in bringing about reforms. Under pressure from feminist groups, the Indian government prohibited pre-natal sex-determination testing in government hospitals. The measure had little or no effect other than encouraging the proliferation of private sex-test clinics. As in 1988, the Maharashtra Government enacted the Maharashtra Regulation of Pre-Natal Diagnostic Techniques Act. But because of some loopholes and increased availability of illegal services in neighboring states, the practice continued unabated. Also in 1988, the Indian Government established a committee to study sex-selective abortions and make recommendations on how to deal with them. In response to this task, the committee introduced the Prenatal Diagnostic Techniques Regulation and Prevention of Misuse Bill, 1991, and on the basis of this, the Act of 1994 was enacted. This legislation is certainly a valuable step towards eradicating the practice of sex-selective abortions but it clearly is not enough. There are no statistics available since the passage of the Bill regarding changes in the practice but based on a conservative estimate 50,000-80,000 fetuses are aborted every year. Despite this, at present many effective steps are being taken by the government and our administration to end this practice. The government has planned sting operations by appointing decoy couples to nab doctors and medical practitioners and diagnostic centres engaged in female foeticide, especially in northern states like Delhi, Haryana, and Punjab. Chandigarh Administration has also launched the 'Apni Beti Apna Dhan' scheme with the aim to improve the distorted sex-ratio in the Union Territory.

The Supreme Court said India was heading in the right direction in case of gender equality. The Apex Court interprets Constitutional provision in favour of women. Whenever there is an anti-women legislation, rule or order of the government or any other agency, the court comes into the picture to rescue the rights of women. It is the helper as the last resort and fortunately, it is also working for the welfare of women.

CONCLUSION

To conclude, despite a healthy legal framework in our hands, the 2001 national Census of India has revealed the worst ever ratio of females to males for all ages, especially in the 0-6 age group. Early childhood care, education rights and all the underlying protections and entitlements needed for the first five years of life begin with the assurance of three simple essentials "the right to be born, the right to survive the birth and the right to stay alive through infancy to the fifth birthday. For half of India's children (girls) this assurance is at grave risk, simply because they are girls." The national population policy promotes a two child norm, but is gender-blind to what it proposes. The small- family 'norm' is disposing of daughters. The unborn child is most at risk in northern states of India, with both foeticide and infanticide being practised to get rid of her. The advent of ultrasound testing has made detection easy.

India is one of the few countries, where the overall sex ratio is unfavourable to females. It has been steadily declining in the last few decades. Thus, it is the sheer violation of human rights of an unborn child that she is being deprived to born alive as a human being. It is a matter of serious concern especially for bodies established for preventing the violation of human rights i.e. Human Rights Commissions. Almost in every part of India, sex-selective abortions are taking place on large scale in order to get a son. The main reason for this social menace is lack of social acceptance of girl child in our male dominated society. In every Government hospital, it is rightly written on the wall that sex-selective abortion is a crime and it is not conducted here. But what about the private clinics and nursing homes who have illegally registered their ultrasound machines by corrupt practices with the officials and using these machines in order to cause sex-selective abortion in greed of more and more money. This medical invention has been largely misused by Indian society to get rid of unwanted female because of son-preference society.

The practice of abortion is prevalent in our society because of easy break of moral values and son-preference too. This practice is not going to be easily vanished or eradicated from our society unless the appropriate authorities take effective steps in this regard. The need of the hour is social revolution in Indian society and to start a movement to aware the people that girls are in no respect inferior to boys and aware them to respect the women and accept them in their family life. Though this task is Herculean but not impossible. What is required for this is strong public will, proper statutes and their effective implementation without affected by anti-social activities like corruption etc. Unborn child who is also a part of society should not be deprived of foremost human right i.e. right to life and should be treated equally as living human being because life begin not from the date of the birth of the child but from the date of conception of child in mother's womb who developed in womb during the pregnancy in order to see this beautiful world as other human and therefore unborn child equally has a right to life and personal liberty like other human being. Law alone is not enough to root out this social evil. A holistic approach and a social movement are the need of the hour.

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