

Introduction :-

Female Foeticide and infanticide is the ugly and earliest manifestation of discrimination against girl or female members of our society. Sex selective abortions and increase in the number of female infanticide cases have become a social phenomenon in several parts of India. This paper tries to focus on the rationale behind the foeticide and its impact on Indian society. Foeticide is an act that causes the death of a foetus. In a legal context, it refers to the deliberate or incidental killing of a foetus due to a criminal human act, such as a blow to the abdomen of a pregnant woman. As a medical term, foeticide is destruction of a foetus, for example as the first phase of a legal induced abortion. The latter in some specific situations is inevitable and legal especially in the incipient phase of pregnancy, it is long debate. But the sex selective abortion is not at all supportable. Historically in the absence of genetic testing, infanticide was the only inhumane option for discarding the female child. This heinous practice continues today in many parts of India where families cannot attend an illegal ultrasound test.

Incidence and Magnitude

Female foeticide transcends all castes, class and communities and even the north-south dichotomy. A survey report of women's centre in Mumbai found that out of 8000 fetuses aborted in six city hospitals, 7999 fetuses were of girls. It is reported that about 4000 female babies are aborted in Tamil Nadu every year.

Sex determination tests are widely resorted to even in the remotest rural areas in the absence of institutional delivery in the rural areas, there is no record of the exact number of births or deaths that take place. Therefore, it is difficult to assess the magnitude of the problem. However, the fact remains that the right to be born is being denied to most of the female child.

Another form of eliminating the girl child has been the practice of female infanticide. The term 'female infanticide' stands for deliberated and intentional act of killing a female child within one year of its birth either directly by using poisonous organic and inorganic chemicals or indirectly by deliberate neglect to feed the infant by either one of the parents as other family members or neighbours or by the midwife. Report says that female infanticide existed in India since 1789 in several districts of Rajasthan, along the western shores of Gujarat, and along a clan of Rajputs in eastern part of Uttar Pradesh. Apart from these north-western states, prevalence of female infanticide has been reported from southern India also. According to a research, there is a contagious

female infanticide belt that starts from Madurai, extends across the district of Dindigul, Karur, Erode, Salem, Dharmapuri to North Arcot district of Tamil Nadu

Legal Provisions
Till 1970 the provisions contained in the Indian Penal Code governed the law on abortion. The Indian Penal Code 1860 permitted 'legal abortion' without Criminal intent and in good faith for the express purpose of saving the life of the mother. Liberalisation of abortion laws was also advocated as one of the measures of population Control. With these considerations the Medical Termination of Pregnancy Act was passed in July 1971 that came into force in April 1972. This law was conceived as a tool to let the pregnant women decide on the number and frequency of children. It further gave them the right to decide on having or not having the child. However, this good intentioned step was being used to force women to abort the female child. In order to do away with lacunae inherent in previous legislation, the Pre-natal Diagnostic Techniques (Regulation and Prevention of misuse) Act has been passed in 1994. The act prohibited determination of sex of the foetus and stated punishment for the violation of the provision. It also provided for mandatory registration of genetic counselling Centre, Clinics, hospitals, nursing homes etc. Thus both these laws were meant to protect the childbearing function of the woman and legitimise the purpose for which pre-natal tests and abortions could be carried out. However, in practice we find that these provisions have been misused and are proving against the interest of the females.

Factors leading to female foeticide and infanticide

Female foeticides and infanticides are common in all states of India irrespective of Caste, Class, religion or north-south divide. About 5-7lakh girls a year or 2000 girls a day go missing in India due to female foeticide. In India, these practices take place for various reasons.

1. Economic Factors-

(a) There is a clear inverse correlation between the income level and child sex ratio. It is especially evident in south India.

(b) Although the constitution of India makes provision of 'equal pay for equal work,' however in practice, there is a prevalent gender-based wage level. For the same work, females are paid less remuneration. In most cases, women enter in the domestic non-paid services which a patriarchal society gives little or no value at all, so, they are regarded as liability rather than assets.

(c) Female foeticide has been commodified. Malini Bhattacharya, a member of National Commission

for women admitted that in the era of Liberalisation, 'One has to allow freedom of choice to the service seeker and the freedom to sell by the service provider' UNICEF estimated that the turnover of foeticide industry has now reached 244 million dollar from 77 million dollar in 2006.

(d) Those who disapproved of the practice of sex selection abortions but engaged in it against their principles expressed their compulsions and helplessness due to pressure arising out of unhealthy competition in the health care service sector.

2. Socio-ritual factors-

(a) The prevalent dowry culture and its cultural politics have a lot of answer for this pernicious phenomenon. Nearly 7-8000 brides are murdered per year for the lack of full payment of dowry whereas nearly 3-5000 brides are committing suicides for dowry. The dowry system is one of the major reasons for female foeticide and infanticide in India especially in Northern states.

(b) Every parents of a girl child is at risk for their daughter in this patriarchal society as females are valuable to brutalities of the male in the forms of physical, mental and sexual assaults and trauma.

(c) Again for the funeral ceremonies of the parents, presence of a son is most. Manushashtra says that a man attains moksha (salvation) if he has a son to light his funeral pyre.

These social-ritual factors including illiteracy and orthodox society norms lead to crave for a male baby, discarding the females one after another.

3. Technological Advancement-

The presence of low-cost technologies like ultrasound has accelerated the sex-based abortion to female foetuses. Thus with the latest technological change, the killing of female baby have also been civilised.

4. Population Policy-

Indian family planning policies promote a two-child family. This often leads to abortion of female foetuses in efforts to have a complete family with at least one son.

5. Absence of women in decision making-

Absence of women in decision making circles results into their voices being ignored. Women advice are not solicited or ignored in families and societies. 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 laws.

Impact of Female Foeticides and Infanticide

Data from the census of 2001 suggests that there are only 933 women for every 1000 men in India. In 1992 Amartya Sen calculated that 37 million women were 'missing' in India. The UN in 2001 estimated that there were 44 million missing women in India. The immediate impact of female foeticide and infanticide is the unbalanced sex ratio. The child sex ratio is currently 919 per 1000 boys. It is found that there is a graded decline

in the sex-ratio from 1901 to 1941 due to infanticides and foeticides and there is a fluctuation in the sex ratio between 1941 and 2011. Although there is a substantial increase in the overall sex ratio in India from 1991-2011, there is drastic decline in the child sex ratio.

Year	1991	2001	2011
Sex-Ratio	929	933	940
Child Sex-Ratio	945	927	919

This fall in child sex ratio indicates that during 1991-2011 there might have been female foeticide. This decline in the sex ratio hampers the social structure and the development process. This imbalance would have serious repercussions for Indian society in future, especially on the states of women, leading to increased sexual violence including prostitutions, trafficking and the reduced mobility of women. Because of declining sex ratio, young men in Punjab and Haryana are finding hard to find brides.

Measures

1. Institutional measures

PNDT (Regulation and Prevention of Misuse) Act of 1994-

The step taken by the government to prevent female foeticide under the Pre-conception and pre-natal Diagnostic Technique (Prohibition of sex selection) Act 1994 includes the following-

- Reconstitution of statutory bodies under the act.
- Regular meetings of the Central Supervisory Board, State Supervisory Board and Advisory Committees to monitor effective implementation of the law.
- Dedicated PNDT Cells have been set up at state/district level for enhancing in-house capacities for building credible cases for conviction against violation of the Act.
- Surprise field inspections of Ultrasound clinics by the National Inspection and Monitoring committee.
- Sensitization and training programmes have been conducted for law enforces medical practitioners, judiciary etc.
- Comprehensive Information Education and Communication activities including mass media, awareness campaign through print and electronic media and community mobilization through Non-Government Organisations.

2. National Plan of Action exclusively for the girl child (1991-2000)

This plan was formulated in 1992 for the survival, protection and development of the girl children. The plan recognised the rights of the girl child to equal opportunity to be free from hunger, illiteracy, ignorance and exploitation. Towards ensuring survival of the girl child, the objectives are:

- To prevent Cases of female foeticide and infanticide, and ban the practice of amniocentesis for sex determination.

- To end gender disparity in infant mortality rate; in feeding practices, to expand nutritional interventions to reduce severe malnourishment by half and provide supplementary nutrition to adolescent girls in need.

- To reduce deaths due to diarrhoea by 50% among girl children under 5 years and ensure immunization against all forms of serious illness.

3. The Government declared Jan 24, 2010 as the National Girl Child Day with a focus on targeting the scourges of female foeticides, domestic violence and malnutrition.

4. Various NGOs and Individual- Goals appeal There has always been the protest against female foeticides and infanticides by various leaders such as Raja Ram Mohan Roy, Vidyasagar etc. There are many other individual initiatives against the female foeticides.

(a) Describing female foeticide as a 'disgrace' to society, Mrs. Pratibha Patil, India's first woman thought process through awareness generation, mass appeal and social action. Not only these, but the social and religious leaders, voluntary organisations, women's groups, the responsible media and the medical association must work in a coordinated way.

a redefinition of a methodology of consciousness raising, opening up varied ways of understanding and subverting cultural expression.

(d) Campaigns like 'Beti Bachao' or 'Save Girls' raise awareness of the gender disparities and sex-selective abortion. Many celebrities in India have publicly supported the Beti Bachao campaign. Besides having specific legislation and policy proclamations, the precipitating factors such as dowry, poverty, women's economic dependence etc leading to the problem of foeticide and infanticide have been addressed by enacting various legislations as:

- Dowry prohibition Act, 1961(amended in 1986)
- Hindu Marriage Act, 1915
- Hindu Adoption and Maintenance Act, 1956
- Immoral Traffic Prevention Act, 1986
- Equal Remuneration Act, 1976

to raise awareness of widespread practice of female foeticide and infanticide. Influenced by the episode, a vow was made by officials to set up fast-track courts to punish those who practice sex-based abortion. They cancelled the licence of six sonography centres and issued notices to over 20 others in Rajasthan.

(c) Cultural intervention has been addressed through theatre. Plays Like 'Pacha Mannu' have led to

President has called upon the medical fraternity to ensure that diagnostic tests are not misused for pre-natal gender determination.

(b) Aamir Khan devoted the first episode 'Daughters are precious' of his show 'Satyamev Jayate'

Conclusion

Killing the girl child by making pre-birth investigation in the social sin is destroying the roots of the Indian society. The sex ratio fell significantly after 1980 when ultra sound machines for antenatal sex determination became available. After so many legislations the trend of female foeticide and infanticide has not stopped. Even though the law is a powerful instrument of change, yet law alone cannot root out this social problem. Evidenced indicates that the problem of female foeticide and infanticide is more prevalent in orthodox families. It is, therefore essential that these socio-cultural factors should be tackled by changing the

References

1. Brody B., Abortion and sanctity of Human Life: a Philosophical view, Oxford University Press, 1975
2. Census of India 2001 Provisional population totals <http://www.censusindia.net> (accessed 27/1/07)
3. Sen A. Missing women. Br Med J. 1992;304:586-587.
4. United Nations World population prospects: The 2000 revision: Highlights. New York: Population Division, Department of Economics and Social Affairs
5. Census of India 2011
6. Prevention of Female Foeticide (2011, Nov 29) Press Information Bureau, Ministry of Health and Family Welfare, Government of India
7. The Hindu(2016, July 11) Law to stop female foeticide has failed
8. Manusmriti
9. Missing Girls in India: Infanticide, Feticide and Made-to-Order Pregnancies? Insights from Hospital-Based Sex-Ratio-at-Birth over the Last Century, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2377330/>
10. Female Foeticide and Infanticide, <http://iasscore.in/national-issues/female-foeticide-and-infanticide>