

## **“UNBORN VICTIMS OF VIOLENCE”: AN ANALYSIS OF FEMALE FETICIDE IN INDIA**

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### **Abstract**

Female Infanticide or Female Feticide is a common social and moral sin since the olden days. This practice of killing the girl child in the womb is as old as many cultures and has led to the problem of major gender imbalance in many parts of the country. Women across the world have been exploited and harassed irrespective of the country and religion to which they belong. Women go through various challenges in almost every sphere of their life. They confront numerous challenges not only at the workplace but also at the personal front. The crime rate against women is on the rise and Female feticide is a worst form of crime/violence against women which involves denying her the most fundamental right, i.e. right to life. They become the unborn, muted and helpless victims of violence. This paper theoretically analyses the problem of female feticide in India.

**Keywords:** Female Infanticide, Female Feticide, Gender imbalance, Violence.

### **Introduction**

Female Feticide is an act of killing the girl child in the womb. In the legal context, Female feticide is a criminal act of deliberately killing of the girl child in the mother's womb, following prenatal sex determination tests such as ultrasound scan. In the olden days, due to the absence of sex determination techniques, people used to perform the most inhumane practice of female infanticide, i.e. killing the girl child after she is born. But in the modern era, with the increased availability of modern and improved pre-natal sex determination techniques, sex-selective abortion is on the rise.

In India, the government has passed the Pre-conception and Pre-Natal Diagnostic Techniques Act (PCPNDT) in 1994. This act prohibits and punishes prenatal sex screening and female feticide. However, weak enforcement of law and easy access to PND Techniques such as amniocentesis and ultrasound, has failed to curb the practice of Female feticide.

The revelation made by Census 2011 data exhibits dramatic decline in the Child Sex Ratio (CSR), which is computed as number of girls for every 1000 boys between the ages of 0 and 6, with an all-time low of 918 in 2011 compared to 976 in 1961. The data implies that we are depriving the girls of their fundamental right “right to life”. The practice of Female Feticide and Infanticide must be ended with a widespread realization of the fact that both girls and boys have equal right to life.

Research on Sex Ratio reveals that the sex ratio at birth is much more skewed than “natural” sex ratio. This is particularly true in some parts of the world where it is clearly evident that there is a practice of gender selection through pre-natal sex determination and selective abortion.

The reasons for this sinful and horrid practice are numerous but the most common reason is an age old fascination with the boy child and the patriarchal pattern of Indian society. The women who give birth to girl child falls prey to the societal pressures and leads to the feeling of guilt. Undoubtedly, if this practice goes on it will lead to a rise in sexual offences such as rape, sexual assault, crime against children, crimes that exploit others for sexual purposes and human trafficking, etc.

### **Factors responsible for Female Feticide in India**

#### **1. The Desire for boy child:**

The primary factor responsible for female feticide in India is the fascination for boy child. Boy child is considered as a symbol of prestige. In many cases, it is observed that parents give birth to a large number of girls or murder them in the womb until a boy is born.

#### **2. Dowry System:**

Due to the evil practice of dowry, girls are considered as a liability because financial resources are required to be accumulated for their marriage. Since the day a girl child is born parents start worrying about the dowry they have to pay. On the other hand, a boy child is considered as an asset who will fetch dowry. To stay away from this financial burden created by the dowry system, parents follow the practice of female feticide.

#### **3. Someone else's money (Paraaya Dhan):**

A girl is considered to be someone else's property who will ultimately go to live with her in-laws. Parents believe that spending money on the upbringing of a girl child is a total

wasteful expenditure as it will yield no returns to her parental family. To avoid this wasteful expenditure, people resort to the malpractice of female feticide.

#### **4. Increase in crime rate against women:**

Growing rate of crime against women like eve teasing, sexual harassment at workplace, acid attack, rape, Domestic Violence, Dowry demand, Obscenity and Pornography, stalking, etc. has become a major cause of concern for families having girl child. The fear that such crimes may happen with one's own daughter paves way for committing the sinful practice of female feticide.

#### **5. Education and Gender Skew:**

Here, we have controversial opinion on the relationship of education and gender skew. One opinion is that lack of education is a cause of female feticide due to faulty beliefs of illiterate or less educated people. Another opinion is that the more educated a women is, the more likely she is to choose a boy, if she decided to have one child.

#### **6. Misuse of Modern Technology:**

The PND Techniques such as amniocentesis and ultrasound scans, which were designed to detect abnormalities of the foetus, are now being misused on a large scale for determining sex of the foetus and then aborting it if happens to be that of a female. And the heartbreaking fact is that it is done with the connivance of the service providers.

#### **7. Corruption in the medical field:**

The medical profession which was once regarded as an honest field of work and the doctors who were treated as lifesavers and thus, equivalent to God, became corrupt with the passage of time. To satisfy their greed, doctors started charging a lot of money to first check the gender of the foetus and then for destroying the foetus if it happens to be of a girl.

#### **8. Weak implementation of laws:**

The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, prohibits determination of sex of the foetus and provides for the punishment of violators. It also provides for compulsory registration of genetic counseling centers, clinics, hospitals, nursing homes, etc. However, the implementation of the law is weak and it has not been used to the fullest. The focus has been only on the registration of the number of

ultrasound machines and not on the actual act of abortions of female fetuses. Furthermore, in several cases the accused have not been booked under relevant sections of the Act.

### **Consequences of Female Feticide**

Since for every action, there is an equal and opposite reaction, the after effects of this malpractice are long-term and disastrous. Some of them are:

#### **1. Skewed Sex Ratio:**

The Sex Ratio in India is decreasing with each passing decade. This ratio was 962 and 945 girls for every 1000 boys in 1981 and 199, respectively. The ratio fell all the more to 914 girls per 1000 boys in 2011. The data is the proof of widespread malpractice of female feticide.

#### **2. Female Trafficking:**

Due to the imbalance in sex ratio, the number of girls declines as compared to the number of males eligible for marriage which leads to the practice of illegal female trafficking. Girls who have just passed puberty are forced to marry to the highest bidding groom resulting to child marriages and child pregnancies. The present and future consequences of rising women trading are horrible.

#### **3. Increase in Crime against women:**

The imbalance in sex ratio consequently leads to increased rate of crime against women such as rape, violence and assault due to male dominance. There are various laws in India which provide protection against such crimes but the hard reality is that many cases of crime remain hidden due to the fear of isolation and humiliation on the part of the girl.

#### **4. Decline in Population:**

With reduction in the number of female population, there will be less mothers/wombs to bear a child and thus, fewer births, leading to rapid fall in population. Although, it is a goal of many nations to control population but resorting to immoral practice of female feticide to achieve this goal is not a right choice.

### **Laws passed in India to alleviate female feticide**

#### **1. Dowry Prohibition Act,1961:**

The Act is intended to prevent the giving or receiving of dowry by the parents of either

party, or by anyone else in connection with the marriage. The Act also provides for minimum and maximum punishments for giving and receiving dowry and dowry-related crimes.

## **2. Medical Termination of Pregnancy Act, 1971:**

Before 1971, abortion was criminalized under Section 312 of the Indian Penal Code. Many women died because of illegal and unsafe abortion practices. This act was implemented with a view to facilitate safer abortions in a legalized manner in certain circumstances. It provides for the termination of pregnancy by a licensed registered medical practitioner. According to the MTP (Amendment) Act, 2020, the maximum gestation period for termination of pregnancy has been increased from 20 weeks to 24 weeks. The conditions in which a woman can medically terminate her pregnancy includes where there is grave endanger to her physical and medical health, I case of fetal deformities, where a woman got pregnant in case of failure of any contraception device, where the woman got pregnant as a result of rape.

## **3. Pre-Natal Diagnostic Techniques Act (PNDT), 1994:**

This Act was enacted to stop female feticide and arrest the declining sex ratio in India. The Act banned prenatal sex determination. The main purpose of enacting the act is to ban the use of sex selection techniques after conception and prevent the misuse of prenatal diagnostic technique for sex selective [abortions](#). The Act provides for the prohibition of sex selection, before or after conception. It regulates the use of pre-natal diagnostic techniques, like [ultrasound](#) and [amniocentesis](#) by allowing them their use only for specific purpose. No [laboratory](#) or centre or [clinic](#) will conduct any test including [ultrasonography](#) for the purpose of determining the sex of the foetus. The Act mandates compulsory registration of all diagnostic laboratories, all genetic counselling centres, genetic laboratories, genetic clinics and ultrasound clinics.

## **Conclusion**

Awareness about female feticide is being spread throughout the nation through many mediums including plays, mass awareness programs, seminars, ads, endorsement by various celebrities, rallies, posters, etc. But the shocking fact is that inspite of the numerous efforts, the sex-ratio is not improving. The tendency of the public is to blame the government, NGOs and society for the horrific situation but the truth is that till the time the common man (who is also a part of the same society) realizes the value of the

girl child, the problem will not get resolved. Now is the time to understand that the consequences of this sinful act are going to be disastrous. To transform the current situation, a comprehensive action encompassing all segments of the society is required.

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