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**“FEMALE INFANTICIDE AND RIGHT TO LIFE OF WOMEN
IN INDIA”**

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ABSTRACT

Sex selective abortions and increment in the quantity of female infanticide cases have become a noteworthy social phenomenon in several parts of India. It transcends above all castes, class and communities and even the North South dichotomy. The girl children become a focus of assault even before they are conceived. Various researchers have observed that the most recent advances in current clinical sciences, the tests like Amniocentesis and Ultra-sonography which were initially developed for detection of congenital abnormalities of the foetus, are being misused for knowing the sex of the foetus with the aim of prematurely ending it on the off chance if it happens to be that of a female. The most noticeably awful circumstance is the point at which these abortions are completed well past the sheltered time of 12 weeks jeopardizing the life of women. This paper theoretically analyses the magnitude of the rate of female foeticide and infanticide in India along with the basic rights of women and the problems faced by them due to their frangibility in a nation with profoundly established patriarchal morals.

Key Words: abortion, ultra-sonography, foeticide, dowry, women, rights, pre-natal, male, infanticide, child, girl, genealogy

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The United Nations Children Funds state that systematic gender discrimination has resulted in up to 50 million girls going missing from India's population. These findings are endorsed by the abnormal sex ratio figures found in the Census of 2001.¹ An analysis of the fertility and mortality survey of 1998 estimates that about 0.5 million female births go missing every year. These translate into approximately 10 million female foetuses getting prematurely ended over the past two decades.

In India there has been an age old traditional preference for a male child. The country has consistently shown a male dominant sex ratio i.e. 940 women for every 1000 men. The dowry system which is illegal but still followed in many parts of the country is another reason which makes the girl child 'an unattainable economic burden' and further leads to female infanticide. The process of infanticide started from the early 1990s when ultrasound techniques were widely acclaimed in India. There was a mindset in the families to continuously produce children till a male child was born. This was primarily because of the sexist ideals that exists from time immemorial against women. It is reflected by very low levels of literacy rates and economic participation by the women in states where female foeticide is prominent.² Today also in many states women are not considered equal to men and they face many other problems of inequality in their work place, streets and also at their own home by their significant other half. And due to the female infanticide there is a steep decrease in the female population. As there is a diminution in the females of our society, there is a rise in the male dominance in the country which is not a good indication as men start thinking that they are more superior and above law, which in turn results in exploitation of women.

In many families girls are considered to be a financial obligation by many parents. They believe that all the money that they spend on the girl child would be a waste as she will move in with her laws after the marriage. As they are always seen as the property of another family so they are never viewed as the one contributing to the expansion of their own household property, either in the short or long run. There are false beliefs of people also which are according to the Hindu mythologies that a person is guaranteed a place in heaven only if his or her son lights the funeral pyre and spreads the ashes in the river Ganges. People trapped in such orthodox beliefs also leads to the death of the girl child even before she is born. The prevalence of these types of mindset in India means that women are seen

¹ Female foeticide in India. 2007. http://www.unicef.org/india/media_3285.html

² What is female infanticide, (January 16, 2019) www.indialegallive.com

as the subordinate gender and they must abide by the rules the society has set for them. Rapid economic advancement and better infrastructure have not been able to bring a change in the mindset of the people.

The state which has the highest rate of female foeticide in India as per the report in 2017 is Gujarat. About the poor conviction rate in cases of female foeticide and decline in child sex ratio, the state has now implemented the famous scheme of 'Beti Bachao Beti Padhao' in around 600 districts.³ About a member's concern that there is a new technology whereby the gender of a child can be chosen before conceiving through IVF technique, the inspection teams are trained regularly. There is training and upgradation. It is done through inspection so as to keep a check that there is no determination of the gender before a child is born. Sex determination was banned in India in the year 1994, under the Pre-Conception and Prenatal Techniques (Prohibition of Sex Selection) Act. The act aims to prevent sex selective abortion, which according to the Indian Ministry of Health and Family Welfare, has its roots in India's long history of strong patriarchal influence in all spheres of life. It is generally unmistakable in Gujarat and the North Indian states, which as per the evaluation and information have an alarmingly low proportion of female youngsters. Certain positions consistently rehearsed female child murder and later female foeticide. The positions with a much lower extent of female children to male youngsters included Apatidars and the Rajputs in Gujarat; Khutris and Brahmins in unified Punjab, and Rajputs and Gujars in Uttar Pradesh.

Until 1970 the arrangements contained in the Indian Penal Code (IPC) administered the law on premature birth. The Indian Penal Code 1860 allowed 'lawful abortions' managed without criminal plan and in compliance with common decency for the express reason for sparing the life of the mother. Advancement of foetus removal laws was likewise pushed as one of the proportions of populace control. With these contemplations, the Medical Termination of Pregnancy Act was passed in July 1971, which came into power in April 1972. This law was imagined as a device to let the pregnant women choose the number and recurrence of children. It further gave them the option to settle on having or not having the child. Notwithstanding, this well meaning advance was being utilized to constrain women to prematurely end the female child. So as to get rid of lacunae innate in past enactment, the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act which was

³ Gujarat Had Most Female Foeticides In 2017, Centre's Response, NDTV (December 10, 2019), <https://www.ndtv.com/india-news/female-foeticides-in-gujarat-told-gujarat-had-most-female-foeticides-in-2017-centres-response-2146645>

passed in 1994, came into power in January 1996.⁴ The Act disallowed assurance of sex of the baby and expressed discipline for the infringement of the arrangements. It additionally accommodated compulsory enlistment of hereditary directing focuses, facilities, clinics, nursing homes, and so on. In this manner both these laws were intended to ensure the childbearing capacity of the lady and legitimize the reason for which pre-natal tests and abortions could be done. Nonetheless, by and by we find that these arrangements have been abused and are demonstrating against the enthusiasm of the females.

It is reported that female infanticide existed in India since 1789 in several districts of Rajasthan; along the western shores in Gujarat – Surat and Kutch; and among a clan of Rajputs in eastern part of Uttar Pradesh. Desai (1988) reported that female infanticide was so widespread in Jadeja (Rajput) families of Kutch and Saurashtra that only five of such families were found who had not killed their ‘new-born’ daughters. There are alarming reports of the girl children being murdered even in areas where this practice was not in the culture.⁵

The women respondents revealed confronting issues in the family and psychological aggravation due to giving birth to the girl child and lamented being women. A Girl child was viewed as an obligation by 90.48 percent of them however strangely none of them thought teaching the young lady was superfluous regardless of the way that their own educational foundation was exceptionally grim, 83.33' percent were illiterate. Employment status demonstrated that more than half (52.38%) functioned as coolies while 42.86 percent were unemployed. The monthly incomes in majority of the cases went between Rs.1000-2000. Practically all the respondents expressed that the burden of endowment and destitution were the two primary purposes behind female infanticide notwithstanding, 76.19 percent expressed fear of well-being for the young lady as an explanation behind female infanticide and 83.33 percent acknowledged child inclination since the male conveys the family heredity. Overwhelming majority (83.33%) of the respondents accepted that they would have committed female infanticide if the voluntary organization would not have mediated and provided with economic assistance and awareness generation. Just 4.76

⁴ Sneh Lata Tandon and Renu Sharma, Female Foeticide and Infanticide in India: An Analysis of Crimes against Girl Children, International Journal of Criminal Justice Sciences Vol 1 Issue 1 (January 2006), <https://www.sasev.org/ijcjs/snehlata.pdf>

⁵ Female Infanticide in India, (September 2, 2018) www.savethechildren.in

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percent of the respondents said that they were afraid of the laws authorized by the legislature.⁶

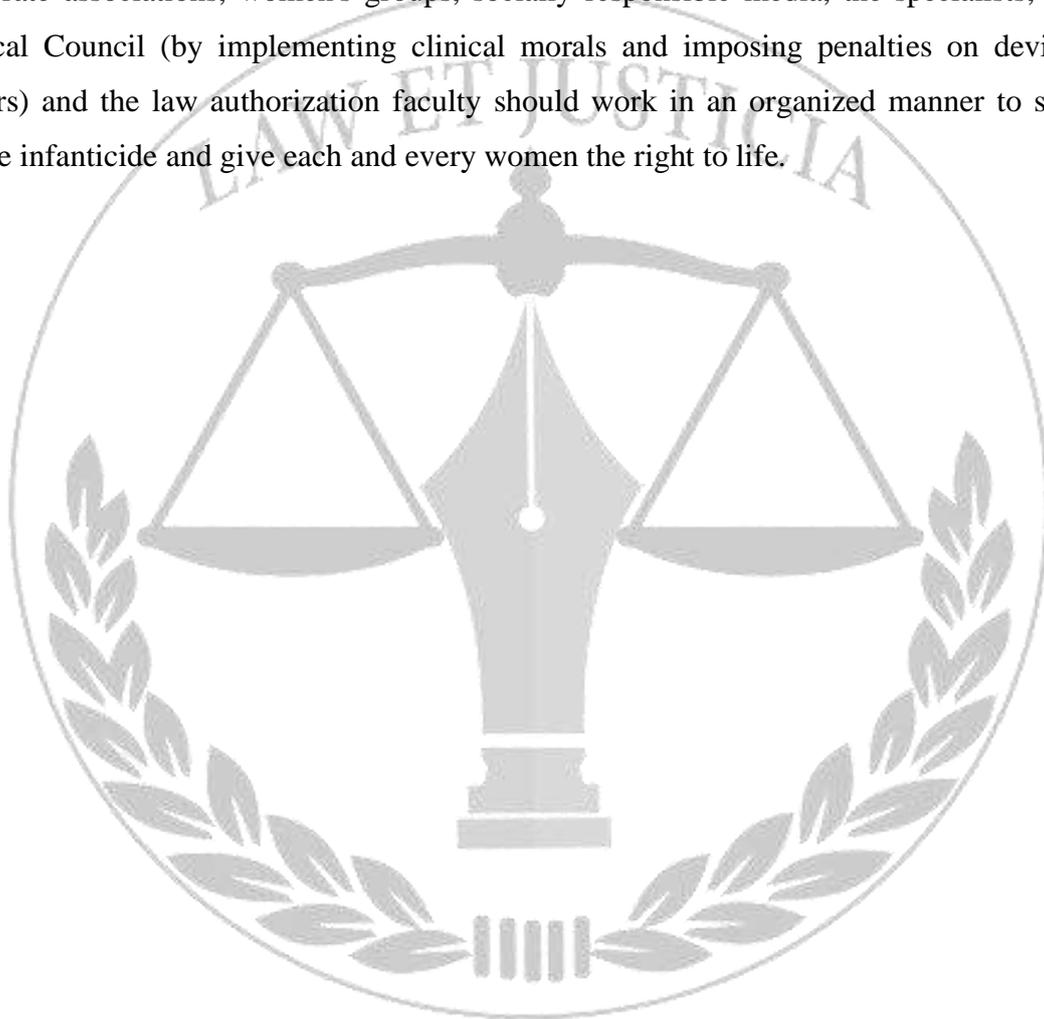
Accomplishing uniformity among women and men and wiping out all types of oppression among women are key to basic liberties and overall our nation's motive. Women everywhere in the world, in any case, generally experience infringement of their basic freedoms in every part of their lives, and basic liberties of women have not generally been a need. Accomplishing correspondence among women and men requires a far reaching comprehension of the manners by which women experience separation and are denied of uniformity in order to create fitting techniques and standards to wipe out such segregation. A few gatherings of women experience extra types of separation, in light of their age, identity, ethnicity, religion, well being status, conjugal status, training, handicap and financial status. These interconnecting types of separation must be considered when figuring measures and reactions to battle victimization. Fighting against oppressive culture is fundamental for the advancement of women. Other than these, one should offer the privileges of women and advance their powerful execution. Women have a significant task to carry out in the general public. They are viewed as essential sources that raise and support the family. It demonstrates hatred for the way that the women' commit to the advancement of the nation is equivalent to that of their male partner, still they experience various impediments that limit them from understanding their potential for development. It was against this point of view that the administrations everywhere in the world, wanted to organize the requirements and interests of women and perceive their commitment in different stages and overcoming obstructions that would happen inside the course of their strengthening. The term, women strengthening infers the limit of the women in taking all the significant choices on an autonomous premise that are identified with her, for the duration of her life expectancy that will prompt her achievement in all periods of life.

Henceforth, the topic of female foeticide and women rights can be concluded, despite the fact that the law is a powerful instrument of progress yet law alone cannot root out this patriarchal and social issue. The women and girl children are devalued as a result of the monetary contemplation as well as in view of sociocultural variables, for example, the conviction that a son or a man expands the genealogy, augments the genealogical record,

⁶ Ibid 3

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provides protection, safety and security to the family and is vital for salvation as only a son can light the funeral pyre and perform other demise related customs and ceremonies. Evidence proves that the issue of female foeticide and infanticide is more prevalent in orthodox families.⁷ It is, in this manner, essential that these socio cultural elements be handled by changing the perspective through awareness generation, mass allure and social action. Notwithstanding this all concerned for example the religious and social pioneers, deliberate associations, women's groups, socially responsible media, the specialists; the Medical Council (by implementing clinical morals and imposing penalties on deviant doctors) and the law authorization faculty should work in an organized manner to stop female infanticide and give each and every women the right to life.



⁷ Women Rights are Human Rights. www.ohchr.org