

Crises in Female Existence: Female Foeticide and Infanticide in India

Avanish Bhai Patel¹

Abstract

In the era of science and technology people are being remedied from rarest of rare diseases by medical science, however, this boon of medical science is being misused in carrying out abortion knowing the female sex by ultra-sonography, amniotesis and other techniques. Consequently, the cases of female foeticide and infanticide are increasing fast in the several part of India. Moreover, if the baby girl takes birth, she is deprived of love and affection of the parents as she is abandoned to die on canals, coverts and footpath. This has been the reason that sex ratio is 1000:914 among 0-6 year old boys and girls which is declining day by day. The paper implies that female foeticide and infanticide are the insidious problem in Indian society which violate right to birth and protection of life of foetus and infant. The paper also examines the last three census of child sex ratio (0-6 years) which is decreasing on an alarming rate. Finally, the paper examines the status of remedial process and legal provisions to control female foeticide and infanticide.

Introduction

Female foeticide and infanticide is a matter of grave concern because both are the worst form of crime against the womanhood in contemporary Indian society. This is an insidious social problem which is rooted deeply in Indian ethos since ages. The most shocking fact is that the innovative and hard end technologies are brutally killing the female foetus and the girl child. This has been the reason that sex ratio is 1000:914 among 0-6 year old boys and girls which is declining day by day (Dhar, 2011:10). In the era of science and technology people are being remedied from rarest of rare diseases by medical science, however, this boon of medical science is being misused. Today, people are carrying out abortion knowing the female sex by ultra-sonography, amniotesis and other techniques. If baby girl takes birth, she deprived of love and affection because she is abandoned to die on canals, coverts and footpath etc. Female foeticide and infanticide is not the only issues with a girl child in India but also every stage of life she is discriminated and neglected for the basic nutrition, education and living standard. According to United Nations report in India 750,000 girls are aborted every year. Moreover, in India more than 10,000 girl babies are victims of infanticide each year. Panjab and Haryana are such states where the highest numbers of abortions (80%) are carried out every year. If the cases of foeticide and infanticide continues, no

¹ Department of Humanities and Social Sciences, Indian Institute of Technology Roorkee, Roorkee, avanish_patel@yahoo.co.in

longer a day will come when Mother India will have no mothers, potentially, no life (Indiachild.com,2012).

Objectives: There are four objective of this paper. The first objective is to identify the nature and problem of female foeticide. The second objective explores the causes of foeticide and infanticide. The third objective is to understand female foeticide and infanticide as a human rights abuse. Finally, paper examines status of remedial process and legal provisions to control female foeticide and infanticide.

Methodology: This study is based on secondary data. Secondary data have been collected from news papers. The news items relating to sex ratio of 0-6 years children have been systematically collected and their content have been analysed. The analysis has been shown in table and graph form. Thus, in this paper method of content analysis has been used for analysing the data.

Criminological Approach to Female Foeticide and Infanticide: The goal of this paper is to focus on criminological approach. Criminology is the scientific study of crime and its treatment. There are three principles of criminology, namely, sociology of law, criminal etiology and penology (Sutherland & Cressey, 2011:3). Sociology of law is the study of crime as a social phenomenon and it is the scientific analysis of social conditions which are responsible for the criminal behavior. Criminology sees that female foeticide and infanticide are the criminal behavior which violates human rights and breaks criminal law. Criminal etiology analyses the causes of crime including those conditions which lead to committing of crimes. Criminal etiology sees that patriarchy and prejudice, gender inequality, ethical blindness and sex selection are the major causes of female foeticide and infanticide. Penology is the study of penal code and crime control and explores remedies which may help in the protection of foetus and girl child.

Nature and Problem of Female Foeticide and Infanticide: We can understand female foeticide and infanticide in different terms such as (a) a girl is killed before she is born, (b) that sex of a foetus is determined to be that of a female, (c) it acknowledges that there is technology privy to this heinous crime and (d) there are doctors involved in the first determining the sex of the baby, then carrying out abortion (Zaidi, 2006). Data are showing (table 1 and graph 1 and 2) that sex ratio is declining day by day which is not good for forthcoming generation. In India a number of cases have been highlighted from those areas where people are prosper, educated, developed, and these area are key of development and backbone of the country, there is low sex ratio. Among those regions Gujarat, Western Uttar Pradesh, Panjab, Haryana, Delhi, Chandigarh, Maharashtra are well educated, prosper and developed but sex ratio is between 830 to 912. These data clear, narrow ideologies as patriarchal system, conservative society, lineage system, dowry and atrocity against women are existing today also because they are responsible for the female foeticide and infanticide. As per the provisional data of census 2011 released on 31-03-2011, while the overall sex ratio had gone up by seven points to touch 940 against 933 in census 2001 and the child sex ratio plummeted to 914 from 927. Sex ratio is the number of women against 1,000 men; child sex ratio is the number of girls against 1,000 boys in the age group of 0-6. The increasing child sex ratio that came as a shocker in the latest census figures show 914 girls and this is the lowest ever since independence, slipping from 927 in 2001 (Dhar,2011:10 and Menon,2011:7).

The studies have found that the girl-boy ratio fell from 906 girls per 1,000 boys in 1990 to 836 in 2005, an annual decline of 0.52 per cent. The decline was much greater in families where mothers have 10 or more years of education than in those where mothers have no education. It is pronounced in wealthier households than poorer households. If the first child has been a boy, there is no fall in the girl-boy ratio for the second child over the study period, strongly suggesting that families particularly those that are wealthier and educated, are selectively aborting girls if their firstborn child is girl. After adjusting for excess mortality rates in the girls, it has been estimated

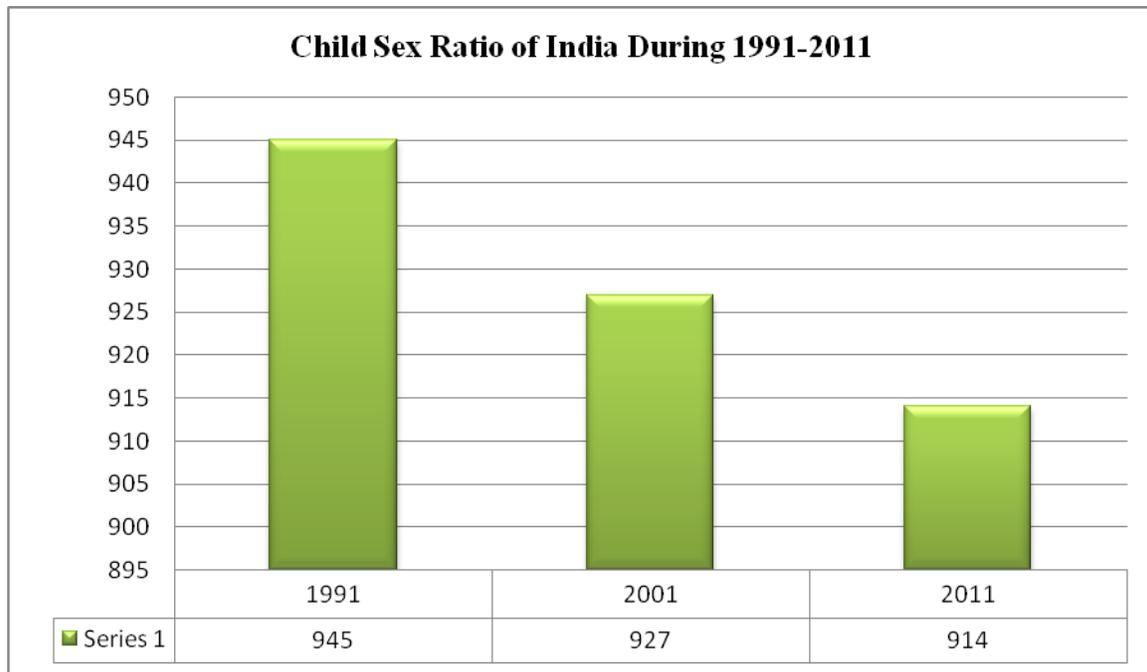
that the number of selective abortion of girls rose from 0-2 million in the 1980s to 1.2 million-4.1 million in the 1990s and to 3.1 million-6 million in the 2000s. Each one per cent decline in child sex ratio at 0-6 year age implied between 1.2 million more selective abortions of girls (Dhar, 2011:1).

Table (1)

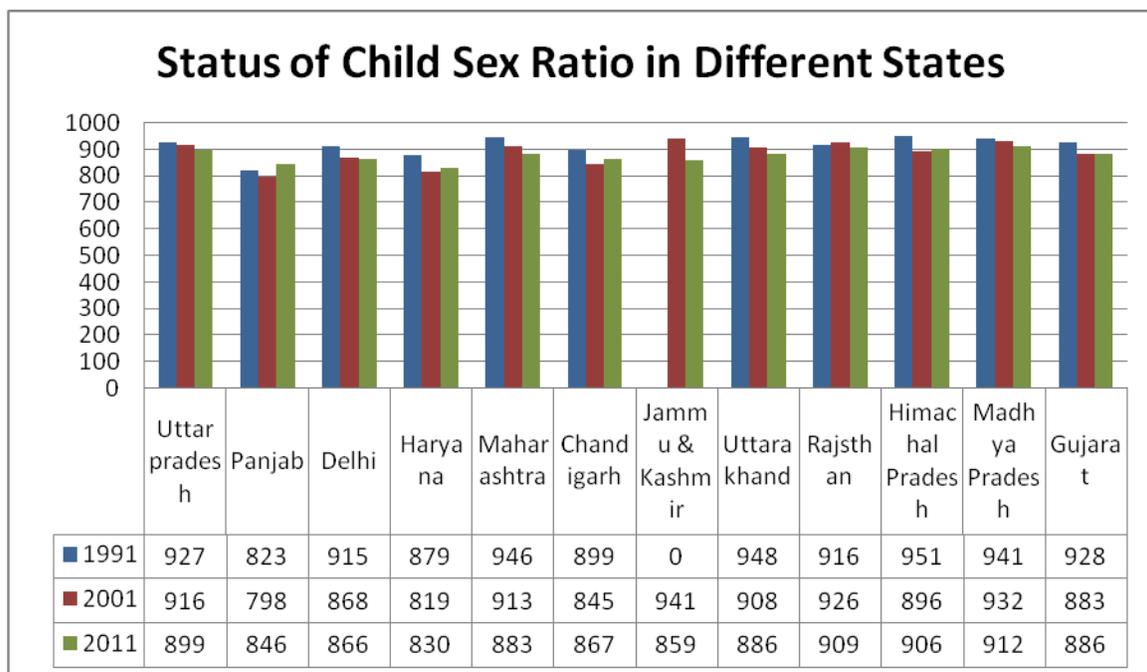
Sex Ratio Between 0-6 years old children in different states (Female per 1000 Male)

State's	Year 1991	Year 2001	Year 2011
Uttar Pradesh	927	916	899
Panjab	823	798	846
Delhi	915	868	866
Haryana	879	819	830
Maharashtra	946	913	883
Chandigarh	899	845	867
Jammu & Kashmir	---	941	859
Uttarakhand	948	908	886
Rajasthan	916	926	909
Himachal Pradesh	951	896	906
Madhya Pradesh	941	932	912
Gujarat	928	883	886

Graph (1)



Graph (2)



Sources: The Hindu, June 12, 2011, and Business Standard, April 1, 2011

Causes of Female Foeticide and Infanticide: The declining sex ratio among 0-6 year old children is alarming for future. So Criminologists, Sociologists are trying to explore the reasons behind foeticide and infanticide. In which they have highlighted some major reasons which are following

Sex Selection and Technology: Medical technology like amniocentesis and ultrasonography are being misused in India for knowing the sex of unborn child and subsequently for the sex selection. Thus identifying female fetuses are aborted. A systematic study in Haryana documented the inverse relationship between the number of ultrasound machines in an area and the decline in the sex ratio. Studies have also documented correlations of low sex ratios at birth with higher education, social class and economic status. Many studies have concluded that prenatal sex determination, followed by abortion of female fetuses, is the most plausible explanation for the low sex ratio at birth in India. The steady decline in the sex ratio suggests that marked improvements in the economy and literacy rates do not seem to have had any impact on this index. In fact, the availability of new technology and its easy access for the urban, wealthy and the educated have worsened the trend and harmed the status of women in Indian society.

Patriarchy and Prejudice: Indian society is male dominant society which is based on patriarchy system and where males have key of authority. The system upholds the institutions of male rule and privilege and mandates female subordination. Patriarchy manifests itself in social, religious, legal, political and economic organization of society. It continues to strongly influence Indian society, despite the constitution's attempts to bring about an egalitarian social order. Patriarchal societies in most parts of India have translated their prejudice and bigotry into a compulsive preference for boys and discrimination against the girl child. They have also spawned practices such as female infanticide, dowry, bride-burning and sati. They have led to neglect of nutrition, health care, education and employment for girls (Jacab, 2011:14).

Ethical Blindness: The declining sex ratio cannot be simply viewed as a medical or legal issue. It is embedded within the social construction of patriarchy and is reinforced by tradition, culture and religion. Female foeticide and infanticide are just tip of iceberg; there is a whole set of subtle and blatant discriminatory practices against girls and women under various pretext. It is the large base of discrimination against women that supports the declining sex ratio. Many approach the problem superficially and focus on the declining sex ratio and its medical and legal solutions. But those who seriously engage with the issues have found that much unethical conduct that goes on, whether in one's social or work life, happens because people are fooling themselves. Men, the dominant figures, and older women, who have lost the battle and have joined hands to form the ruling coalition, overlook many transgressions because it is in their interest to maintain the patriarchal goals, the ethical implications of important decisions fade away. Such ethical fading results in engaging in or condoning behavior that one would condemn if one were consciously aware of it (Jacab, 2011:14).

Gender Inequality: Gender inequality is a burden on societies and is often socially determined. The reduction in girl population is not because of the natural population divide but a state that is arrived through conscious choices and the anti-girl child gender bias. It is the paradox that it is the modern and globalised society that is promoting heinous practices like female foeticide, infanticide, sex detection tests and induced abortions of female fetuses. Women's work is also socially devalued with limited autonomy in decision-making. The intersections of caste, class and gender worsen the situation. Despite its social construction, patriarchal culture, reinforced by the major religions in the country, maintains its stronghold on gender inequality (Jacab, 2011:14).

Female Foeticide and Infanticide as a Human Rights Abuse: Human rights are those rights which are essential for an individual as a consequence of being human. They are also necessary to create an environment in which people may develop their full potential and lead productive and creative lives in accordance with their needs. Human rights also provide suitable conditions for the material and moral uplift of the human. Therefore, they must be preserved and defended if peace and prosperity are to be achieved (Agarwal, 2010:3). The Constitution of India which is the highest law of the India and from which all laws emanate, guarantees equality as a human rights and prohibits trafficking of human beings. Article 21 is specifically related to protection of life and personal liberty of every person (Constitution of India, 2009:15). Human rights apply to all age groups; foetus and infant have the same general human rights as adults. Foeticide and infanticide clearly violates the human rights to lead a life with dignity. They also violate the right to birth, right to safety and right of self-determination.

Incapability of Legal Provision against Female Foeticide and Infanticide: Today, female foeticide and infanticide are the blot for the country as social evil because after independence a number of laws have been implemented to prevent female atrocities and many programmes are set up for women empowerment and welfare. Women have got respectable place in constitution, laws and criminal justice system but today it is very sensitive to maintain dignity of a woman and her rights. In the Directive principles of State Policy rights of men and women have been decided and treated equal under the right to equality, but inspite of women are killed before taking birth. A number of acts have been implemented for preventing exploitation of women in which Hindu Marriage Act 1955, Dowry (Prohibition) Act 1961, Prostitution (Prohibition) Act 1986, Pre-Natal Diagnostic Techniques Act 1994, and Domestic Violence (Protection of Women) act 2005 etc. But these data show that these acts have not been followed with obligation because atrocities against women are increasing fast day by day after implementing these acts.

Police Accountability: Police is the backbone of society and play an important role in the maintenance of peace and enforcement of law and order. It has been quoted about police by International Code of Enforcement Ethics "As a law enforcement officer my primary duty is to serve mankind, to defend life and property, to protect the innocent against the deception, the weak against intimidation and the peaceful against the violence and disorder and to respect constitutional right of all people to liberty, equality and justice" (Chaturvedi 2007:216). There are some suggestions should be followed by police in the protection of the foetus and infant. These are such as: (a) Child help line cells should be established by police head quarter of every district. (b) Police should pay attention towards security of pregnant women, who are compelled for abortion (c) The effective patrolling should be begun by police both during daytime and nighttime near private nursing home and hospital (e) Police should strictly implement laws related to women and girls (f) Police should punish those family members, who compel for abortion.

Suggestion: Mahatma Gandhi said that woman is the companion of man, whose intellectual abilities is not lesser than man's intellectual abilities. She has right to participate in every activity of society. These suggestions are such as: Awareness should be brought through 'today's girl is the tomorrow's mother and 'girl's life is the life of country' like slogans. (b) Women should be provided legal education together primary education. (c) Women organization should go door to door and aware to women and tell about its effects. (d) A committee should be organized by chief medical officer including doctors, N.G.O. and social workers to prevent female foeticide and infanticide. (e) Female foeticide and infanticide should be abolished through changing in the thinking of parents and society. (f) Those who violate the rights of female, they should be punished strictly. (g) Awareness programmes should be set up city to city and village to village to prevent female foeticide and infanticide. (h) Female foeticide related programmes should be revealed by T.V. programmes.

Conclusion

India is that country where everything is thought on the behalf of spiritual consciousness and considered on the cultural basis. Women have got respectable place in Indian society since ancient time. This paper implies that female foeticide and infanticide are the insidious problem in Indian society which violate right to birth and protection of life of foetus and infant. Paper also examines that last three census child sex ratio (0-6 years) is decreasing which is an alarming issue. Finally, paper examines that whatever laws have been implemented, they are not able to control female foeticide and infanticide. So, the need of hour is to realize our responsibilities and give a halt to this evil crime. So keeping this in mind such rules and regulations should be implemented for female existence and respect may be protected.

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