



WOMEN- RIGHT TO SURVIVE: ISSUES OF FEMALE INFANTICIDE AND FOETICIDE

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Abstract

Women rights are human rights. There is no necessity for this statement if there are no gender inequalities in the society. The patriarchy is responsible for an unequal world cutting across boundaries be developed or less developed, black or white, rich or poor. Women's equal dignity and human rights as full human beings are enshrined in the basic instruments of today's international community. From the Charter of the United Nations' endorsement of the equal rights of men and women, to the Universal Declaration of Human Rights and the subsequent international treaties and declarations, the rights of women are made central to the vision of a democratic society. However, the fine words of these documents and the Vienna Declaration in 1993 and the declaration of Beijing in 1995 stand in sharp contrast to the daily reality of life for millions of women. There are several issues which suppress the prominence of women in public life. Of the 1.3 billion people living in poverty, 70% were women; the majority of the world's refugees are women; female illiteracy is invariably higher than male illiteracy. Women and girl-children are treated as commodities in cross-border prostitution rackets and the pornography industry. Millions of girls are still subject to genital mutilation, while women in every country are regular victims of domestic violence. In many countries, women lack access to reproductive health care and every day women are targeted in armed conflicts. Women's economic, social and cultural rights continue to be neglected. Women's major contributions still remain invisible and unpaid and unaccountable. Their services are taken for granted, while similar service by men are recognized and adds to GDP. Her rights to claim her contributions to be included in the GDP remains unaddressed as this it is a discrimination and violation of human right.

Above, all the female infanticide and foeticide are widely found cutting across the society. Convention on the Elimination of Discrimination against Women has been passed long back but whether it is functioning with full vigour applying its provisions is a question. The women who are supposed to constitute half or more than half of the population given the scientific fact that women must be biologically strong tend to be declining in number due to son preference and other issues associated with men. There are states and districts in India particularly the developed states showing a decline in sex ratio accounting for less than 800 per thousand males. The theoretical reasons for such declining sex ratio is increasing son's preference, but what is actually attributed is the dowry, security of girl children, etc. and for many others reasons we as the member of society is snatching the women's rights that is right to survive..... Our basic right- right to life. Hence, women's rights must be protected as human rights as it is necessary for the proper development and progress of the society.

Keywords: *Female Feticide, Sex Ratio, Sex Selection Technology*



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Introduction

India is a patriarchal society in which a cultural bias against women has contributed to frequent cases of female infanticide, particularly in poor and rural areas. In north India, the states of Punjab and Haryana are particular due to indirect demographic evidence that suggests that the practice has increased in the recent years. Female infanticide is practised by many different castes, indicating a bias against females' throughout the social hierarchy.

Female infanticide is leading to an ever-increasing imbalance in sex ratio. According to census statistics, the number of female children per male children in India has dropped from 972 girls per 1000 males in 1901 to 929 girls per 1000 males in 1991 and continues to decrease. The disparities between female and male mortality among the children in these regions reflect a deep-seated preference for the sons. Sons are called upon to provide the income; they are the ones who do most of the work. In this way they are looked to as a type of insurance. Sons are believed to secure the family's economic future. Women who fail to produce a son are often subject to ridicule and abuse, or are cast out of their husband's home to return to their family in shame.

Female children are looked upon as a burden on the family. This notion is perpetuated by the low status of women in society, as well as the dowry system in which a bride's family is expected to give large sums of money and goods to the husband's family with which she will live after marriage. Though prohibited by law, this practice has been adopted by all castes. Those at the lowest rungs of the social and economic hierarchy feel obligated to try to emulate the wealthier members of the society. A small dowry is believed to bring shame upon the family. Because even a modest dowry price can bring financial hardship on a family, female infanticide is often considered the only option. Another factor that contributed to the undesirability of females in Indian society is the purity- pollution concept. .

The hierarchy of castes is such that one's pureness is believed to decrease with lower social status. Women are considered more polluted than the men of their castes because of menstruation and childbirth, which are considered to be dirty and polluting. The low status of women is further aggravated by their in access to education. Less than two out of five women in India are literate, and 41% of Indian girls under the age of fourteen do not attend school.

Because women are accorded such low value in Indian society, female children who are allowed to live are at risk of neglect and discrimination. Many parents do not even hide their contempt for their daughters, naming them Venda (don't want) or Poddum Penn (enough of the daughters). According to UNICEF, Indian girls are taken to health centres less often and receive less food and clothing than boys.

Female infanticide in a historical perspective

The horrible custom of female infanticide was widely practiced by the barbaric Vedic Aryan tribes who invaded India. It is these Vedic nomads who introduced this depravity into India. The Vedas prescribe an intense hatred for women, and female children were considered highly undesirable in the nomadic Aryan patriarchal view. Indeed, so deep-rooted was the desire for male children that the Vedas prescribe numerous prayers for male offspring.

The manner in which the bigoted Brahmins prescribed death for female infants is especially heart-rending. Often, the parents would be forced to cut up the child and then feed the flesh to animals. Other times, the child would be smothered by the midwife. Vivekananda himself refers to a painting showing a Hindu woman throwing her children into the Ganged crocodiles which was widely distributed in the West. The mother who delivered a second girl child knew someone may have already inserted a grain into her daughter's mouth, or fed her yerakkam pal (poison), or may have drowned her in a bucket of water. The large dowries prescribed by the Vedas implied that female children were solely seen as an economic burden. Such was the state of madness inflicted by the Brahmins that a single female madness inflicted by the Brahmins that a single female marriage, even today, can ruin an ordinary middle-class family. Obliterating female children was thus a convenient way of alleviating financial ruin in the Vedic period.

There was a widespread belief that if a girl is killed then the next baby will be a boy and if two girls are killed consecutively then the next baby will definitely be a boy. Some people name their girls Vendam which means unwanted or Podum meaning enough.

A common feature is the practice of female infanticide. They tolerate a first born female baby, but not a second, because they cannot afford it. Both men and women agree that due to economic deprivation and social conditions, and having to marry girls' means giving a dowry and jewels plus incurring the expense of the marriage feasts, it is impossible to bring up a girl baby. Until girls mature they can be of some help at home or help producing food. However, leaving an unmarried adult woman at home is dangerous, and the work place is also considered unsafe. Therefore they poison the female babies soon after birth with a poison mixed with milk, or a milk like juice from a shrub-madder juice, and the babies die due to nausea and diarrhoea.

The medical tool of Ultra Sound, commonly used to determine the gender of the fetus, has brought in a very cruel social evil of Female Infanticide into our culture. The female foetuses are being aborted right after their Ultra sound detection. Unfortunately this social evil is viewed by those who undergo this procedure as well as by those who perform it, as just another medical procedure.

Legislative Measures:

Measures to protect and promote human rights of girls and women as an integral part of universal human rights must underline all action that institutions at all levels must be reoriented to expedite implementation.

Maharashtra Regulation of Pre-natal Diagnostic Techniques act and Parliament passed an Act in 1994 as Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act which came to be in force in 1996. This law underlined clearly that pre-natal diagnosis to be restricted to detect Chromosomal abnormalities, genetic metabolic diseases, haemoglobin pathos, sex linked genetic diseases, congenital abnormalities and any other abnormalities or diseases as may be specified by the Central Supervisory Board and the person who does the test should not reveal the sex of the child. All the clinics undertaking such tests must be registered under this act. In case of misuse, the license will be cancelled.

In addition no prenatal diagnostic techniques shall be used unless

- The age of the pregnant women is above thirty years.
- The pregnant woman has undergone two or more spontaneous abortions or foetal loss.
- The pregnant women had been exposed to potentially teratogenic agents such as drugs, radiation, infection or chemicals;
- The pregnant women has a family history of mental retardation or physical deformities such as spasticity or any other genetic diseases; or
- Any other abnormalities or diseases as may be specified by the Central Supervisory Board.

Government Action-Plan and Policy Framework

National Plan of Action exclusively for the girl child (1991-2000)¹³ was formulated in 1992 for the "Survival, Protection and Development of the Girl Children". The Plan recognized 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;

Â· End gender disparity in infant mortality rate; eliminate gender disparities in feeding practices, expand nutritional interventions to reduce severe malnourishment by half and provide supplementary nutrition to adolescent girls indeed;
Â· Reduce deaths due to diarrhoea by 50% among girl children under 5 years and ensure immunization against all forms of serious illnesses; and provide safe drinking water and ensure access to fodder and drinking water nearer home.

Balika Samriddhi Yojana:

The Yogna has been implemented for the purpose of:

1. To change the negative attitude of family and community
2. To improve enrolment and retention of children in schools
3. To raise the marriage age of girls.
4. To facilitate income opportunities to girl child.

Besides having specific legislation and policy proclamations to deal with this menace, the precipitating factors such as dowry, poverty, and woman'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 in1986);

Hindu Marriage Act,1955;

Hindu Adoption and Maintenance Act,1956;

Immoral Traffic Prevention Act,1986

Equal Remuneration Act,1976.

It is sincerely hoped that such measures would equip women to exercise their rights. The Ministry of State for Health and Family Welfare is also embarking on a massive national level awareness and sensitisation programme on a sustained basis to check female foeticide. Non-government organisations, media, entertainment industry, spiritual leaders, medical fraternity and youth will be involved in a big way as agents of social change in the campaign. Deterrence (enforcing the law), counselling (community education) peer pressure (holding last rites after abortions to unnerve the family and doctors) and incentives for informers can be used as effective tools to bring about an appreciable change in attitude.

Girl child and human rights

If the girls and women are considered as equal human being, will the sex ratio decline, would son preference be there, would sex determination test be followed, would the men see

women as object, would women's chastity be questioned, all these questions must be answered while discussing the question of female infanticide, which is a violation of human rights.

Security

Women are considered secondary citizen not really an equal human being, expected to serve men, in every ways. The patriarchy has set norms such that women are supposed to be subordinates, submissive, dependents and cannot live without men.

Virginity

The patriarchal norms expect the girl to be in virginity not boys. Hence there is a pressure on the parents to protect their daughters to give virgin daughters in marriage and hence if there is any problem it is difficult to get her married. The elder one has already been married off for the reason that both the parent going out for work, it is not possible to protect the girl who is already attained puberty and to do away with this she has married off. In his own words, there is no guarantee to protect her same age boys and if anything happens to her virginity who will marry her.

Sex selective abortion and strong son preference

The most extreme expression of the preference for sons is female infanticide and sex selective abortion. Female feticide has been the concern more than infanticide wherein the girl child is really losing the right to be born. Such foetal sex determination clinics are being established in the India for the past 20 years. In rural areas, infanticide is common because there is a perception that abortion causes more side effects than delivering a baby and killing. It is further to be mentioned that such killing of girl children does not take place only among certain community or certain states. It is getting spread to other communities and also among various states particularly developed states. Parents tend to be calculative in choosing the sex of the next child and the decision is based on the birth order, sex sequence of previous children and number of sons. Transfer of reproductive technology to India is resulting in reinforcement of patriarchal values as professional medical organizations seem to be indifferent to ethical misconduct.

Misuse of Prenatal diagnostic Techniques (Regulation and Prevention of Misuse) Act

Another major cause for the declining sex ratio is the misuse of the scientific techniques to test the health of the baby and the mother for knowing the sex of the child and aborting if it is girl. There are many doctors for commercial reasons misuse the technique and help the mothers to abort girl babies. Apart from the doctors, no woman feel offended for doing such action, which only implies the social sanction in the society for female infanticide and foeticide.

Decrease in fertility rate

It is true that since independence due to various birth control measures, a tremendous decline in the fertility rate is visible which must be one of the reasons for declining sex ratio. If the first baby is son, there is a tendency to wait for one more or stop with the single. Whereas if the first is girl, the entire family members look for one more boy and in certain districts which are doing badly with juvenile sex ratio is to continue to kill girl babies until they get a boy baby.

Girls are not investment but liability to families

Girls are not considered as asset to the family as it is right from the beginning in the socialization process revealed that she has to go somewhere else and whatever is invested will not come to their family. Recently there is a shift in the focus in the middle class families to impart some degree education to safeguard the interest of the daughters in future.

Violence and sexual harassment

Women are still considered as product of sexual violence. There is no security for women to move as the men to various places at any time. There is a pressure and tension among parents who send girls outside their native whether their daughters will be safe and remain with chaste. In rural areas, girls drop out from school mainly attributing to this violence and other crimes. Media plays a negative role in contributing to violence against women.

Gender imbalance:

Recently it was reported in newspapers that China has been suffering from the gender imbalance and contributed for the increase in the bachelors. It was estimated that nearly 22% of men may suffer from getting suitable girl to marry which may have implications on the institution of family, seeking to prostitution, increasing flesh trade, damaging human values etc. Strong son preference over daughters exists in the Indian subcontinent, east Asia, north Africa and west Asia unlike in the western countries.

Family size determined by number of sons

Another important issue is that size of the family is determined by taking the number of sons in the family. A family with two girls bound to increase the size of three or four and even six as revealed in a survey conducted in the adopted village of the Centre, but when there are two sons, the likelihood of expanding to more than two is remote. People realize smaller family sizes with relatively greater number of sons by abuse of medical technologies. Pregnancies are planned by resorting to differential contraception- contraception is used based- the number of surviving sons irrespective of family size. Following conception, foetal sex is determined by prenatal diagnostic techniques after which female foetuses are aborted.

Poverty

Poverty has been attributed as one of the reasons for declining sex ratio, particularly below poverty line families view a girl child as a burden and expensive. In the event of natural calamities, the boys can go anywhere and manage their lives, which may not be the case for girls.

Punishing mother of Infanticide

Mothers who are involved in female infanticide are to be punished under section 302 of IPC as it is inhuman and excessively harsh. But there

Strategy for elimination of female foeticide

As observed, it is not poverty alone that makes families kills their children. The community, too acts in strange ways to perpetuate the crime by ridiculing couples who do not have a mal child illiteracy, ignorance of the welfare scheme available for the girl child and poverty alleviation and the legal implication of indulging in female infanticide, and the dowry system are some of the reasons for failure of the schemes and interventions undertaken by the government and NGOs to eradicate female infanticide.

The long-term strategies should include education and empowerment of women. Empowerment of rural marginalized women and education to improve their lot will heighten their status in the society. As the women sangams and the federation gain in importance and play a greater role in the development of the area, it is hopes that their presence and the politico-economic strength they enable will help curb the practice.

Media-both print and electronic-plays a very significant role in removing gender bias and developing a positive image of the girl child in the society, but in a county like ours where there are problems in reaching the backward rural and tribal areas, a mix of mass media with various traditional forms of communication may provide a more effective alternative to influence the illiterate and the poor. Enhancing sensitization to gender issues to influence the policy makers, planners, administrators and enforcement machinery is another important strategy. The nodal Department of Women and Child Development has already launched special efforts to develop a positive image of the girl child and women.

It is not easy to change overnight the attitude of even women towards females' infanticide. Even if the women are prepared to understand and accept the need to change, the social situation and the family environment prevent them from doing so. Therefore, young married couples and pregnant women were given counseling so that they could cope with the situation, because they are surrounded by in laws and neighbors who are pro-female infanticide.

The practice of using amniocentesis for sex determination shall be banned through law and practitioners indulging in or abetting such acts shall be punished severely. Amniocentesis, where necessary, will be performed only in government or approved medical institutions to prevent the practice of using amniocentesis for purpose of sex determination Public education on the illegality of fetal sex determination and sex selection abortion will be accompanied by positive messages on the value of daughters Advertising of sex determination techniques shall be banned forthwith and stringent measures will be taken against the offenders.

Media will be effectively use to bring about attitudinal changes towards the girl child. There should be a trust on elimination of gender disparities in infant and under-5 child mortality, though 10 gender sensitive monitoring in mortality starting from the field level. Priority will be given for educating parents on the importance of providing adequate food for the girl child.

Extensive use of media for the sensitive promotion of a positive image of women and girls. Development of school based strategies for inculcating of positive self-image amongst girls. Concerted efforts to break the gender stereotypes particularly at the 10+2 level. Conscious inputs into curriculum, textbooks, teacher education institutional planning supported by career guidance, counseling. Special awareness generation programs and campaigns to sensitize the public.

The strategy includes keeping a close watch on the pregnant women for six months (three months before delivery and three months after it) to this end, panchayat-level vigilance committees are to be formed, comprising two leaders from each sangam to undertaken vigilance work in their respective villages. A special committee is to be formed within the federation, where main job would be to keep a watch on pregnant women. Activate advisory, planning supervisory committees to work closely with the district administration and block-level officers of various departments like health, nutrition, police, BDO, village administrative officer and teachers.

Female infanticide programs should include strategies to modify and liberalize the traditional cultural values that are strongly held by the affected communities Form a Collective of likeminded NGOs at the district level. For any such programs to be effective, it must cultivate in the affected communities more positive attitudes and acceptance of social change, particularly in relation to girl children. Such intervention programs should target middle socio-economic groups in which the tendency and probability of female infanticide is supposed to be higher.

Also, these programs should target the male population of the affected communities, since compared to females, males are more vulnerable to developing a tendency female infanticide. Since the probability of female infanticide is indicated in many of the affected communities. NGOs working in these areas must build up legal and social pressure to counter this practice. Intervention programs for dias must be implemented.

Reporting of these deaths must be systematized. Some kind of vigilant monitoring committee or group should be formed in the Panchyats, including the Chowkidar of each village. Keep track of 11 births and deaths. Maintain a record of birth/deaths sex wise as well as age wise, and Monitor the upbringing of girl children in terms of nutrition and preventive health care.

Conclusion

The National Plan of Action for the South Asian Association for Regional Cooperation (SAARC) Decade of the Girl Child (1991-2000) Seeks to ensure the equality of status for the girl child by laying down specific goals for her dignified survival and development without discrimination. The codified law world over considers human life as sacred and specific legal provisions have been devised to protect the life of the born and the un-born. Evidence indicates that the problem of female foeticide is more prevalent in orthodox families. It is, therefore, essential that these socio-cultural factors be tackled by changing the thought process through awareness generation, mass appeal and social action. In addition to this all concerned i.e. the religious and social leaders, voluntary organizations, women's groups, socially responsible media, the doctors; the Medical Council/Association (by enforcing medical ethics and penalties on deviant doctors) and. law enforcement personnel should work in a coordinated way.

Ironically, female foeticide takes place in a country where people worship various forms of Goddesses, and where females are considered as Maa Laxmi's incarnation and where young girls are worshipped and people touch their feet for blessings. But even then, the intentional killing of the girl child continues. Such is the double standards of our society. Right to education, health and empowerment are the fundamental rights of every Indian woman. The horrible illegal practice of female foeticide has to be stopped by harsh laws and change in the mind-set of the people. Save the girl child for a better tomorrow!!!

References

1. Rao Mamta, *Law Relating to Women and Child* 88-96 (Eastern Book Co, 2nd edn, 2008).

2. Data collected from reports published by The Ministry of Health and Family Welfare, India in 1990 Available at <https://www.legalservicesindia.com/article/femalefoeticide> (last visited on 10th August, 2015)
3. Kapoor, S K, *Human Rights under International Law and Indian Law* 100-115 (Central Law Agency, 16th end, 2007).
4. Courtesy: Star Plus; *—Satyamev Jayanti* - A show hosted by actor Amir Khan.
5. Available at <https://www.gifts4u.com/women/sextests> (last visited on 10th August, 2015)
6. Indian census reports prior 2010
7. Mishra O P, *Law Relating to Women and Child* 69-75 (Central Law Agency, 2nd end, 2003).
8. The Times of India (Kolkata, June 25, 2006).

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