

## Female Foeticide: Causes and Cure

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Women constitute half of the World Population, perform nearly two-third of work hours, receive one –tenth of the world’s income and own less than one-hundred percent of world’s property. Keeping in view all these things it can be mentioned at this stage in respect of women inequality and suffering in the following lines:

“ Woman you brought with you a new song

But we did not let you speak out

Although yours is the voice of half the earth”<sup>3</sup>

The unholy alliance between tradition (son preference) and technology (ultra-sound) has a played a havoc in Indian society. The interference with the natural pattern of birth not only throws the normal social life out of gear bringing in all sorts of crimes, but also tends to disrupt the demographic character of a heterogeneous society, producing some of the most unexpected trends in the distribution of population and ushering in grave cultural changes in its wake.

The Census Data of 2011 clarifies the sorry picture of the female children in India. The 0-6 sex ratio has touched 914:1000 which is the lowest ever since we have gained independence.<sup>4</sup> In the wake of such a stringent law as is vivid from the census reports it is a jigsaw puzzle to solve that how and why are the efforts of the legislators going waste, why such a progressive legislation is not able to constrain the evil of female foeticide. This paper

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<sup>3</sup> *Struggle for Gender Justice, Justice Sunanda Bhandare Memorial Lectures, edited by Murlidhar C.Bhandare, Penguin Books India, 2010, New Delhi, p-117.*

<sup>4</sup> *www.mapsofindia.com as on 30 April 2012.*

tries to find out and determine the reasons for which this evil is raising its evil teeth and eating into our society.

So grave is the situation that President K.R. Narayan, in his Republic Day address in 2002 referred specifically to female foeticide in the context of the 'deplorable status' of women. He also referred to the increasing incidence of rape, domestic violence, sexual harassment at workplaces and trafficking of women. In the powerful words of the President,

"The crime statistics are indicative of women's traumatized existence. No place is safe for them, not even their mother's womb. They are put to death before they are born."<sup>5</sup>

India's legal framework stipulates equal rights for all, regardless of gender. In practice, however, unequal power equations between males and females have led to violations of women's reproductive rights. India's legal framework provides for equal rights for all, regardless of gender. Article 21 of the Indian Constitution boasts of providing the Right to Life to all individuals, besides this there exist a number of rights to promote justice in the society. What to talk of other rights, women are not even given the right to be born today. Owing to technological advancement the females are not even allowed to be conceived.

This sorry state of affairs has made the researcher curious to dig out the reasons for the continuation of this evil and the efforts needed to be done to contain this evil.

The girl child has often been a victim to the worst forms of discrimination. Gender bias, deep-rooted prejudices, and discrimination against the girl child have led to many cases of female foeticide in the country. Strong male preference, with the extreme consequence of elimination of the female child, has continued to increase rather than decline with the spread of education and economic development.<sup>2</sup>

It is sad that on the one hand the Indian culture and tradition consider womanhood as sacred and sacrosanct and on the other hand Indian women are killed in the mother's womb.<sup>6</sup> It is a

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<sup>5</sup> Ashok K. Jain, *The Saga of Female Foeticide in India, Socio-legal offshoots, Ascent Publications, 2006, p-4.*  
<sup>2</sup> T.V. Sekhar and Neelambar Hatti "Unwanted daughters; Gender discrimination in modern India" in Tulsi Patel, *Sex selective abortion in India Gender Society and New reproductive technologies, Sage Publications, New Delhi, p-1.*

<sup>6</sup> *Female Foeticide: A Socio- Legal Analysis, Dr. Binayak Patnaik, Cr.LJ, Dec.2006, P-313*

grievous situation which is staring in the face of Indian society that the sex ratio as per the census of 2011 is as low as 914:1000 in 0-6 years category. It has become clear from the above data that the sex ratio is dipping with every passing day. This problem should not be taken lightly, it has potentiality of an atom bomb.

UNICEF, 2007 has warned that the “alarming decline in the child sex ratio is likely to result in more girls being married at a younger age more girls dropping out of education, increased mortality as a result of early child bearing and an associate increase in acts of violence against girls and women such as rape, abduction, trafficking and forced polyandry.” Over the next 20 years, in parts of China and India there will be a 12-15 percent excess of young men leading to obvious bride shortage: between 2015-2030 there will be 25 million men in India who have no hope of finding a wife. The decline in the number of females in society is increasing sexual and social crimes against women, such as rape, abduction, bride-selling etc.. an increase in prostitution and sexual exploitation and cases of HIV-AIDS. This will lead to physiological and psychological disorders, particularly among women. Individual woman’s health will be affected by repeated pregnancies and forced abortions. Situation where all men of the family share the same wife.<sup>7</sup>

*The Pre-Natal Diagnostic Techniques Act 1994* which was amended in the year 2003 hoped to constrain this crime against humanity. The legislation has done nothing to check illegal abortions, infact, the legislation has done only one thing and that is that they have made the abortion process and the sex determination tests more expensive and hence promoted corruption. The doctors charge as much as they want from the people who wish to get sex determination tests and abortion done, as they conduct these tests stealthily. The condition that the pre natal diagnostic tests may be performed on patients only if it has been referred by a genetic clinic has done nothing but encouraged malpractice and corruption. Money exchange hands, false ultra sound scan reports are prepared and illegal abortions go on in the garb of termination for the sake of pregnant woman’s health. The mandatory reference letter from genetic clinics is managed and the law is flouted. Thus the regulatory provisions don’t have any practical utility, and these laws have proved to be mere paper tigers. Until and

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<sup>7</sup> *Declining Child sex ratio in Punjab: A Case Study, Piar Chand and Shashi Poonam, www.punjab.333.org as on 15 May, 2009.*

unless the doctor realize, that they are not supposed to DESTROY THE CREATORS, the laws will remain on paper.

The census data of 2011 presents a sordid picture of the fact that the preference of Indian parents for a male heir is a centuries old malady which refuses to fade away notwithstanding the stringent laws and the reformation in girl child's status. Leave alone equal economic and social rights, women and girls have not even got a violence free existence to boast of.<sup>8</sup> It is a matter of great shame that in Punjab even after 7 years of the new Act's passage the male-female sex ratio is as low as ever, it is just 798 females per 1000 males as on 20 July, 2009.<sup>9</sup> Also there are 1355 registered ultra sound centres in Punjab out of which 322 centres have indulged in violation of this Act.<sup>10</sup>

District	Sex-ratio 0-6 yrs	No. of Regd. Centers	Action taken for violation of the Act <sup>11</sup>									
			Upto year 2006		Year 2007		Year 2008		Year 2009		Total upto date	
			Court cases	Under sec 20	Court cases	Under sec 20	Court cases	Under Sec 20	Court cases	Under sec 20	Court cases	Under Sec 20
*Amritsar	790	154	10**** ***	21	-	4					6	25
Barnala	786	17	1	4							1	4
Bathinda	785	91	11	27	1	3		2			12	32
Faridkot	812	31	4*	5	1	-		4**			5	9
F.G. Sahib	766	18	5****	3	-	-		1			5	4
Ferozepur	822	74	2	22**	1	2					3	24

<sup>8</sup> *The Tribune, 12 April, 2011.*

<sup>9</sup> *Department of Family Welfare, Chandigarh.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

Gurdaspur	789	86	1	11	-	-					1	11
Hoshiarpur	812	68	3	4	-	4		3			3	11
Jalandhar	806	231	7	55	1	-	1		1		10	55
Kapurthala	785	44	5	13*	-	1					5	14
Ludhiana	817	230	8	13*	1	10	1	16	1	5	10	44
Mansa	782	21	2**	4	-	-					2	4
Moga	818	42	2	7	-	-					2	7
Mohali	811	36	5	6	-	-				2	5	8
Muktsar	818	34	2	9*	-	-			1		3	9
N. Shahr	808	29	6	15	-	-			1	1	7	16
Patiala	777	63	9***	12*	-	1		2			9	15
Ropar	794	15	3**	6	1	1*				2	4	9
Sangrur	786	37	6***	13*	-	-	1	2		5	8	20
*T. Taran		34			-	-		1			4	1
<b>State</b>	<b>798</b>	<b>1355</b>	<b>92</b>	<b>250</b>	<b>6</b>	<b>26</b>	<b>3</b>	<b>31</b>	<b>4</b>	<b>13</b>	<b>105</b>	<b>322</b>

It is vivid from the data that has been availed from the Family Welfare Department of Punjab that the sex ratio in Punjab has not improved even after the 2003's amendment. Till August 2009, out of 1355 registered ultrasound centres, 427 centres have been prosecuted.<sup>12</sup> Only 15 doctors have been convicted so far out of these rest are pending in the courts. Out of these 15 also most of the cases are again in the courts as appeals against the lower court's order.<sup>13</sup>

At the national level too the results of this Act are not encouraging. It is shocking to know that at an all India level just 13 convictions have been reported in this year as far as this Act is

<sup>12</sup> *Ibid.*  
<sup>13</sup> *Ibid.*

concerned. The data released by the government gives a shocking insight into how the country, including rogue states of Haryana, Punjab and Delhi, continue with its lackadaisical approach in the implementation of the 'strengthened' Pre Conception and Pre-Natal Diagnostic Techniques Act. Just 13 cases of conviction under the PNDT Act were reported in 2010 exposing the complete failure of all state governments in effective implementation of the law to prevent the killing of unborn daughters while also bringing related schemes under the scanner.<sup>14</sup>

For a meaningful study, the law and social realities subjected to it have been critically examined in this paper. The Census Data, demographic data published by the other agencies and the statistics collected from the office of Registrar of Births will also be analysed to identify the status of women population in the Indian society and more particularly in Punjab State. In addition to this data will be taken from the Family Welfare Department as to the enforcement of the PC and PNDT Act, 1994.

The causes of female foeticide and infanticide lie buried deep in the social structure of our society.<sup>15</sup> It has been found that this evil is a result of a number of social ills and the reasons for this practice tend to be so inter mingled that it is hard to determine a single cause for this menace's prevalence.

In India the religion is the principal magistrate of the society. The Hinduism i.e. the dominant Indian Religion, accords sons with certain unique responsibilities..The son confers the benefit upon the souls of dead ancestors by offering 'PINDA' and 'WATER' to them on the occasion of 'SHRADDHA'. He also conducts funeral rites. According to Vashishtha,"When a father sees the face of his living son on his birth, the debt is transferred, attains immortality and, there are innumerable heaven for a man who has a son and there is no place in heaven for a sonless man. The son keeps the continuity of lineage.<sup>16</sup> Then there is the religious obligation to carry on the VANSHA or lineage and in order to get the boon of a male-a number of females are sacrificed.

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<sup>14</sup> *The Tribune, 4 August, 2011.*

<sup>15</sup> *Female Infanticide and Foeticide, A Legal Perspective, Avashesh, NLSUI, Series 1, No. 1.*

<sup>16</sup> *Female Foeticide: A Socio- Legal Analysis, Dr. Binayak Patnaik, Cr.LJ, Dec. 2006, P-313*

Most of the parents who have only daughters feared for their social security in old age.

Another reason given for the existence of female foeticide is the problem of huge dowries needed to wed daughters. The dowry or groom price is so staggeringly high, irrespective of the class structure that generation may have to toil to repay the debts incurred during marriage. The Indian society's thinking is quite vivid in the famous Tamil proverb, which proves amply that the Indian society considers women no more than a liability. It says:

**NURTURING A GIRL CHILD IS LIKE WATERING YOUR NEIGHBOUR'S PLANTS.**

In today's material world a woman is fast being relegated to the rank of commodity and marriage has become more of a business alliance than a sacred bond between two people. The Indian society's mental outlook can be traced in a U.P's old folk song:

'Prabhuji mein tori binti karon,

Paiyan padoo baar baar,

Agle janam mohe Bitiya na dijo,

Narak chahe dijo dar....."

"Oh God I beg of you,

I touch your feet time and again,

Next birth don't give me a daughter,

Give me hell instead....."<sup>17</sup>

A study of National Law School of India University, Hyderabad also reveals this bad practice. "We were told in Gohad Block (Bhind district, Madhya Pradesh) that when a child is born, the men collect in one room and the women in another. If the child is a male, they bang a thali (metal plate) or fire shots in the air to announce his birth. If a girl is born, an elderly

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<sup>17</sup> Zaila Zaidi, [www.sikhspectrum.com](http://www.sikhspectrum.com) as on 15<sup>th</sup> April 2009 .

woman of the house goes to the members and asks 'BARAT RAKHNI HAI YA LAUTANI HAI?(SHALL WE WELCOME THE MARRIAGE PROCESSION OR SHALL WE BID IT TO RETURN?), every woman leaves the room and the mother of the newly born is asked to put tobacco in the girl's mouth. There is no question of resistance as it would mean that the mother herself is at risk of either being killed or thrown out of the house."<sup>18</sup>

The social activists point out the nexus between dowry customs and daughter disadvantage, and irrational justification of solving one discrimination(dowry) by resorting to another (foeticide).The Dowry Prohibition Act should so be implemented more rigorously and stringently to ensure the parents that daughters are not a liability on the family.

Crime against women is ever increasing and it is becoming a herculean task to keep daughters' dignity safe. This is regarded as one of the major causes that people prefer not to have female children. They are responsibilities, their chastity is required to be protected always. What happened in Delhi on 16 December 2012 is a reason enough of the fact that women deem girl children to be social burden. In Ludhiana in the year 2009 a little infant girl of 6 months was raped by a migrant labour<sup>19</sup> and in Surat an old lady of 90 years was made the sacrifice of the lust of a 25 year old man. On an average, every single day 42 women are raped and almost 18 cases of dowry deaths occur each passing day. Further, 5 women are estimated to face cruelty every hour, while in similar amount of time, 4 cases of molestation are reported.<sup>20</sup> According to the National Crime Records Bureau 2011, a total of 228560 incidents of crime against women (both under Indian Penal Code-IPC and Special and Local Laws-SLL) were reported in the country. 8618 dowry deaths were reported, 24206 cases of rape were 2012<sup>21</sup>.

This is just the tip of the iceberg as these are the reported cases and God knows how many cases go unreported. In such a sorry state of affairs people prefer that the girl child is not born

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<sup>18</sup> Female Infanticide and Foeticide, A Legal Perspective,,*Avashesh, NLSUI, Series 1, No. 1, P-18*

<sup>19</sup> *The Ludhiana Tribune, 25 August, 2010*

<sup>20</sup> Female Foeticide in Punjab, Jagbir-Singh, *Army Institute of Law Journal, Vol-1, 2007, p-178*

<sup>21</sup> [www.ncrcb.nic.in](http://www.ncrcb.nic.in) as on 16 Jan., 2013.

to them. Because of socio-economic and cultural reasons and also the prevailing security risk, in general couples have to opt for sex selective abortions. Even careerist women who have 9-5 jobs decide to keep a male foetus, because she knows that in her absence from the home, it will be difficult to look after the girls and provide them with a secure environment. In the matter of sex of the child, the inner feelings of the rural Indian women as well as the political figures and urban women dignitaries is similar. Therefore the sex test is the proof that education and material progress alone cannot alter traditional attitudes. Even to counter this, the measures adopted through education, incentives to girls, and their parents or restrictions to sex determination tests have not been effective.<sup>22</sup>

### **The Cure for this disease:**

The law can only facilitate an environment, but it is public awareness which is most important. We need attitudinal change as well as laws. What is needed is a structural overhaul of society.

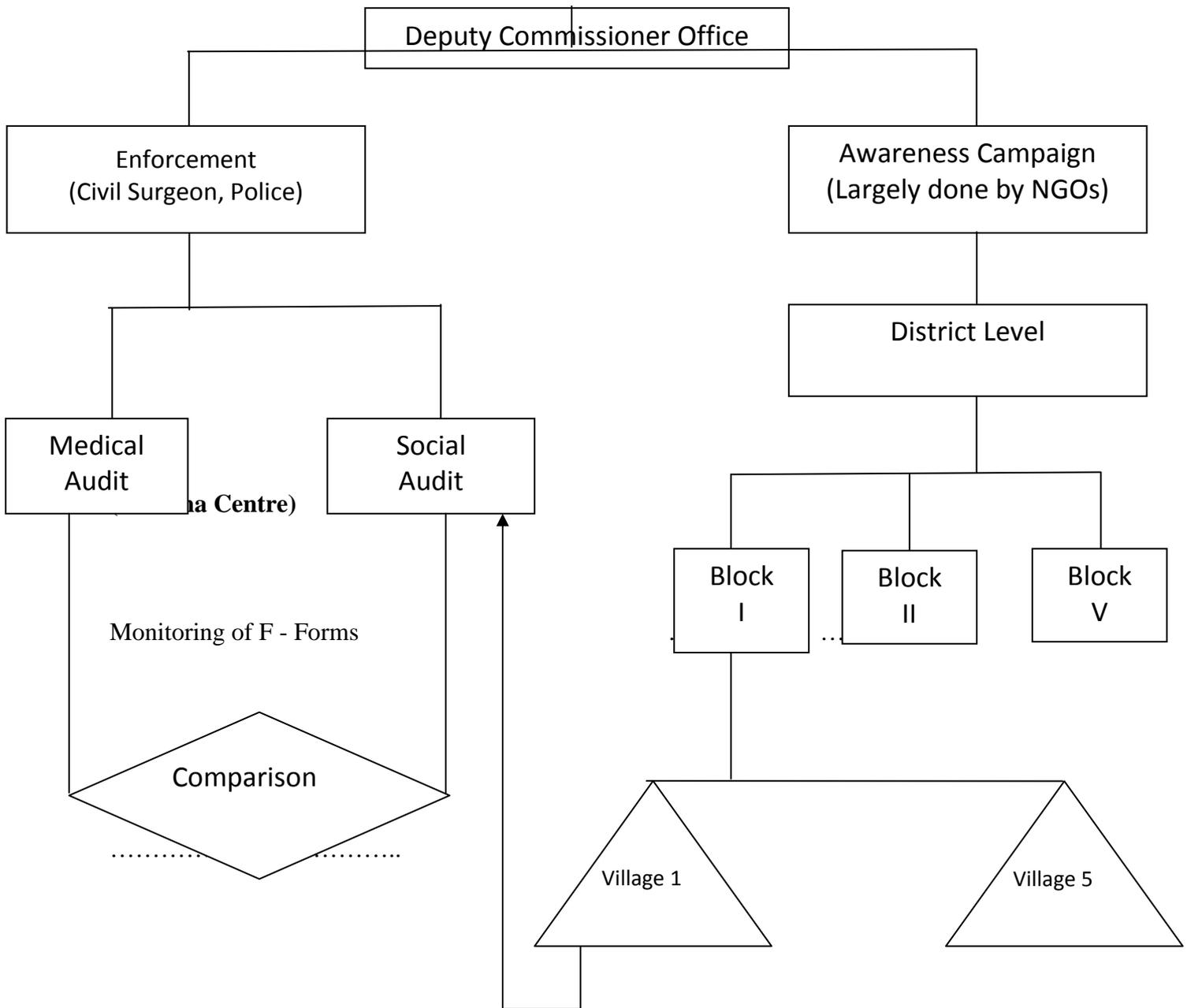
The people need to come together in a flock and fight this evil collectively. It has been proved that the model adopted by this small township of Nawanshahr, Punjab is very efficient and deserves to be emulated by all the states grappling with this demon called female foeticide. It is said that law alone cannot bring about social change what is required is the collective fight of law and social groups which brings about change. In the year 2005 when Mr. Krishan Kumar was appointed as the Deputy Commissioner of this town, the sex ratio of 0-1 years was an abysmal 780. He divided the entire programme to check this evil into two-one awareness campaign and other enforcement measures by:

- a) Medical audit
- b) Social audit

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<sup>22</sup> Socio-economic Explanation for declining child sex ratio: A study of North- Western States in India ,*R.S.Bora and R.P. Tyagi, Demography India, Vol.37, no.(2008), p47-62*

**Flow Chart For Campaign against Female Foeticide<sup>23</sup>**



In Nawanshahr the Deputy Commissioner first of all noticed that the efforts of the Child development and Health were not proving fruitful in checking sex determination and the consequent female foeticide. He himself became the steering wheel having in control all the machinery i.e. he brought all the social groups and NGO's together and assigned each of them particular areas and they were asked to set up village level committies and block level

<sup>23 23</sup> The report presented by Nawanshahr administration to the then Governor of Punjab in Aug.-2006.

committees, for strengthening the grass root of the society. Block level meetings were organized by village lambardars (headman), sarpanches along with ANM's and LHV's of health department participated. Thereafter district level meeting was held by all Municipal Councilors and also the social activists. It came to be seen that the survey of the pregnant ladies was not being done in a fair manner, it is a known fact that the period for sex determination is 3-5 months of pregnancy where there are maximum chances of their being aborted. Realizing this, a computer software was prepared which carried all the details of the expecting lady i.e. her age, number of the children she already had, her telephone number and in case she does not have a telephonic contact then the sarpanch's number. After this a list was prepared giving details of mothers having pregnancy from 3<sup>rd</sup> to 5<sup>th</sup> month and then a female operating from the deputy commissioner's office telephonically asked these ladies about the well being of their foetus, which leaves an indelible mark on mind of the lady that she is under constant vigil and she should not indulge in the heinous task of sex determination. This computer software also generated a list of those ladies whose date of delivery had passed, and the D.C. office telephonically confirmed it again whether the child born was a male or female and in case no child is born then a proper investigation regarding it is carried out. The minute examination revealed that ANM's and medical practitioners had a jinx and they are the ones who took the expecting mother to scanning centres and arranged for elimination of the foetus. To break this nexus, all midwives, ANM's and nurses were identified their telephone numbers were recorded and they were advised strictly to refrain from such activities or cases would, be registered against them. They were asked further to bring in those couples who wanted to get these tests done. Also it was seen that at least 65 government departments were free from their own work for most part of the year, their services were also taken and every such officer was allotted 5 villages. Every such officer would monitor sex ratio in these villages. In addition to this the DC indulged the youngsters of the town in this programme, they were invited for meetings with the DC and were told that they would be given a cash prize of Rs.100 if they inform the DC office regarding any expectant mother. Also to generate awareness regarding this menace personal letters to lady sarpanches are issued, various cycle/scooter rallies are organized. Mourning of baby girls is done in case an abortion of a foetus takes place preceding sex determination. The DC's have been sending congratulatory messages to the families on birth of females.

So as to intensify the enforcement measures it was felt that all the scanning centers need to be monitored more strictly. All scanning centres are supposed to furnish the details of the scans

conducted by them during particular month, but it has been seen that the scanning centres omit providing this information. In order to analyse the data submitted by the scanning centres in a more effective manner, a software was prepared by the district administration and all the data collected from scanning centres on 5<sup>th</sup> of every month was fed in the computer. Subsequently medical audit reports were generated and the scanning centres who indulged in any malpractice was suitably punished.

So the campaign from both sides i.e. SOCIAL AUDIT and the MEDICAL AUDIT certainly helps to bring down the cases of female foeticide. The number of children born in Nawanshahr in the last 11 years bears it out that the law has to be armed with societal efforts and vice versa to the top of it the administration should be strong willed to weed out certain evils from the society. Now, Mr. Krishan Kumar though is not in Nawanshahr but his predecessors have emulated him and have been able to keep female foeticide at bay.<sup>24</sup>

This model has received appreciation by the Punjab and Haryana High Court. It has been realised that the societal efforts if enforced by the administration bring positive results so it has directed all the “DEPUTY COMMISSIONERS IN THE STATE” to personally monitor the implementation and progress of the Nawanshahr model.<sup>25</sup>

### **Conclusions and Suggestions:**

The urgent necessity, therefore is to bring about a radical change in the societal attitude towards women along with strict implementation of law.. The possible courses of action for the effective implementation of the PC & PNDT Act is to increase sensitization and concern for gender based discrimination and educate the masses about the utility of the girl child. The failure of the PNDT Act to check female foeticide bears that the women still occupy the lower rung in the Indian society. An evil practice can be curbed not by cutting the stems growing on the trunk above the ground, but by eliminating the roots beneath. However the Government and the people on their personal level can take following cures for the disease called female foeticide:

1. Well-designed financial incentives by Government can transform negative perceptions regarding daughters and make people view them as assets. Incentives can effect behaviour

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<sup>24</sup> *Upkar NGO, Nawanshahr, Punjab.*

<sup>25</sup> *The Tribune, 27 September 2012.*

changes and attitude about girls. Girl children should be provided free and compulsory education up to higher secondary level. This would decrease the so called 'heavy investment on girl children' made by the parents on their daughters. They would stop thinking their daughters as liability. Government should start various employment schemes for females where 100% reservation could be made for women in different occupations.

2. Religious Gurus can play an important role by spreading awareness about female foeticide. They can create awareness about wrong myths and wrong beliefs mostly spread in each religion about the status of girl child. Religious education can play a role by preaching against female foeticide, dowry and discrimination against the girl children. Jathedars of Takahat Shri Damdama Sahib and Anandpur Sahib have come forward in a big way in lending cooperation and support in improving sex-ratio in the state as their preaching and advocacy has a lot of impact on the mindset of the society. They have issued a Hukamnama from Akal Takht that any Sikh indulging in female foeticide will be excommunicated.<sup>26</sup> Further Radhasoami Dera Beas in Punjab has a large following, they have started showing a documentary before their sermons for saving the unborn daughters and various books have also been published by the Dera favouring women and calling for their rights.

3. Cultural programmes with social messages can do better in favour of girl child. In case the same message against female foeticide is repeated by different leading film-stars' political leaders will be provoked at least, to think once afterwards.

4. Seminars, declamations, debates, women awareness camps, wall writings and pamphlets about female foeticide can create awareness. Self dependant groups panchayat Pradhans, Zila Parishad members, Block Samiti members, women self dependant groups, Mahila Mandals can do a lot of work against female foeticide.

5. Electronic media as well as print media most efficiently can aware people against female foeticide. By giving space in editorials, more news and articles about and against female foeticide will aware people.

6. In Punjab, people often listen to their favourite singers. Singers can make their music in the background of social message against female foeticide. They can come to the aid of

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<sup>26</sup> *The Tribune, 19 April, 2001.*

unborn daughter by their special song based on female foeticide. Singers can incorporate social message in their albums even if in small numbers.

7. Writers and poets can come forward to aware the society about the sin of female foeticide. They can compose poems against female foeticide. A new Punjabi film has been made on this issue-“Akheeyan Udeekdiyan”, it is a touching story which gives the social message of saving the females.

8. The trend of giving and taking dowry which takes place mostly in educated and upper class homes cannot be discouraged by laws alone. It is entrenched in the mindset of India's people and no amount of preaching would stop it. However efforts should continue to be made at the individual as well as at the government level. Stringent and effective laws should be supported by speedy trials, dowry giving and taking cases should be tried by special courts and short stay homes should be set up for battered women.

9. Efforts and provisions should be made to provide social security to parents who are above 65 years of age and have only daughters. They should be provided with old age pension if they do not have a son.

10. Women's right to own and inherit property and the social obligation of policy intervention to inculcate these new values in households as well as legal support to implement these values should be provided.

The conclusion emerges out that the problem of female foeticide is a great social disease which needs to be cured at the earliest. Society has discriminated a female child in number of ways as regard to her rights are concerned. Women have been subjected to deprivation for centuries. Now this discrimination can be seen, when the female child is still in the womb of her mother. Many female children are killed even before they attain the age of viability in the mother's womb. The evil of female foeticide is increasing day by day due to the unchecked commercial sectors in the form of nursing homes and clinics and installation of ultrasonography devices in various towns and localities. What is required is that not only the PC and PNDT Act but the other allied laws are made more meaningful and properly implemented so that the daughters are not considered a burden. There is a need for total revolution of the society, where law will prevail, co-operation of religious leaders and

N.G.O.'s will be there and the people will have a progressive and positive attitude towards female children..