

---

## AN ANALYSIS ON THE CONCEPT OF FEMALE INFANTICIDE AND ITS IMPLICATIONS

---

Carol James & Sri Rakshaa. B, Christ Deemed To Be University, Bangalore

### ABSTRACT

**“The Progress of a nation will be blocked, if its women are locked”.** With relevance to this quote, the research paper lays an emphasis on the hindrances that are faced by women in a global level. There are a lot of initiatives and development schemes to empower women, yet the status of women are still diminished in certain regions of the world including India. The United Nations in the year 2015 while passing the UNGA Resolution 70/1 adopted the 2030 Agenda which primarily focused on the 17 Sustainable Development Goals which include economic inequality, Sustainable consumption, Peace and justice. The authors of the research paper are focusing on the means to achieve 4 of the 17 Sustainable Development Goals of the UN. Primarily with regard to the Combination of Goal no.5 and Goal no.10 which discusses about Gender equality and reduced inequalities includes the methods of reduction of female foeticide and girl infanticide and the freedom of child bearing. And also explores Goal no.4 which specifies Quality education by providing Self-awareness which will in turn result in analysing the term “Empowerment”. Finally, Goal no.16 which ensures Peace, Justice and Strong Institutions focuses on evolving women from their submissive stage to the empowered stage. On Observation, it can be found that all these goals are interconnected and can be achieved by inculcating basic traits of Self-reliance, clarity of thought, Self-Confidence and Self-defence both physically and mentally. The authors of the research paper on a critical analysis have found that the suppression of women in certain parts of the country have waived their right to raise voice for themselves due to lack of awareness resulting in reduction of choice which had consequently increased the crime rates against them. On conclusion, the authors emphasise on three adjectives: **“Determination, decision and dedication destines the path for development.”**

**Keywords:** Sustainable Development Goals, United Nations, Empowerment, Female Foeticide, Girl Infanticide

## INTRODUCTION

The idea of the research paper is to emphasize on the means and mechanisms to combat female foeticide, infanticide which is an issue of contemporary relevance. The research focuses on all the aspects that have been taken both in the global aspect as well as in the societal aspect. A recent mechanism taken by the United Nations to resolve the problems faced by women was the proposal of the 2030 Agenda which comprised of the 17 Sustainable Development Goals. The authors of the research paper are supplementing the means to achieve 4 of the 17 Sustainable development goals. However, the researchers have given prime importance To “Quality education as a factor to tackle the crime rates”.

## FEMALE FOETICIDE AND GIRL INFANTICIDE

The paper focuses on two areas the right to be born (female foeticide) and the right to live (girl infanticide). These two areas are of meticulous significance in education of the concerned societies. The presentation of this paper is to coincide with the 51<sup>st</sup> session of the Commission on the status of women meeting in New York focusing on the “Elimination of all forms of racial discrimination and violence against the girl child”. It is hoped that this paper will serve as an educational and operational tool to combat girl infanticide.

### *Forms of Infanticide:*

1. The treacherous methods used for eliminating girl babies include poisoning, throat splitting, starvations, drowning which illustrates the value accorded to the young female lives.<sup>1</sup> This specific selection of women based on gender discrimination almost qualifies the intensity of the crime of genocide.
2. In Indian North villages the female infanticide cases were reported as natural deaths or still births or their bodies were burnt to destroy evidences. Further when evidences were exposed they adopted methods such as starving the baby to death.<sup>2</sup>

### *Causes and Consequences of Infanticide:*

1. Through various methods such as sex-selective abortion, neglect of female children the

---

<sup>1</sup> Gendercide Watch, Female infanticide 2000 p 1-9

<sup>2</sup> Nielsen, Liljestrand, Hadegaard British Medical Journal 1997, 24 May, Vol 314: 1521

crime of female infanticide continues to persist creating a disadvantage for the female gender. Though, it is not universally present yet it can be observed in various parts of the Indian society.<sup>3</sup> Such crimes increased in circumstances where a family more daughters than sons. The ratio of such crime rate were estimated to be 25:5.<sup>4</sup> The author Das Gupta in his book had mentioned the findings of Arnold et al that in the north-western states of India, gender identification through medical procedures such as ultrasound and amniocentesis tests was significantly higher.<sup>5</sup>

2. Irrespective of whether the families are rich or poor, female infanticide still continues to persist in many parts of the country. This scenario was witnessed during the nineteenth century when the British through its colonial administration in India came up with an economic solution in order to combat female infanticide. The penalty imposed to families that had indulged in infanticide was fines and land seizure.<sup>6</sup>

### **Cultural Factors:**

#### **INDIA:**

An age old fascination for boy child is always pragmatic in India. The culture in India is profoundly patriarchal and is a feudal civilization. Women were always under a societal pressure to give birth to a male child as a result women were measured as failure and hence they tend to feel guilty after giving birth to a girl.

Dowry system has been prevalent in India for ages. It was always perceived that a daughter is a liability since it is a notion that the day a female child is born in that family, the parents are under a pressure that they have to look after several monetary aspects such as saving money for her marriage right from the day she is born. If there is a failure in meeting out the demand of the dowry, the daughters were always subjected to domestic violence and torture. Hence, to have a liberty from such burden and distress, the families decide to subject their child to the crime of female infanticide.

In the case of the *State of H.P. v. Nikku Ram and others*, a two-Judge Bench of the Supreme

---

<sup>3</sup> 2001 and 2011 census

<sup>4</sup> Bhat and Xavier (2007: 2299)

<sup>5</sup> Das Gupta (2005: 531)

<sup>6</sup> RENU DUBE, REENA DUBE AND RASHMI BHATNAGAR, Women Without Choice: Female Infanticide and the Rhetoric of Overpopulation in Postcolonial India, *Women's Studies Quarterly* Vol. 27, No. 1/2, Teaching About Violence Against Women (Spring - Summer, 1999), pp. 73-86 (14 pages)

Court has expressed its agony thus: –“Dowry, dowry and dowry. This is the painful repetition which confronts, and at times haunts, many parents of a girl child in this holy land of ours where, in good old days the belief was : “Yatra Naryastu Pujyante ramente tatra dewatan” (where woman is worshipped, there is abode of God)

## **CHINA:**

### ***Historical Chinese Marital custom:***

1. “Ever since ancient times, there has been a saying that the three most delightful moments in one’s life come with success in the imperial examination, marriage and a birth of a son”<sup>7</sup>

### ***One – Child Policy in China:***

2. There are about 80 million one child families and inclination is given to the sons in the rural areas. China is still unwilling to give up its policy.

### ***Social and Economic Factors:***

#### ***Inheritance:***

In many rural regions in India there is a severe taboo on daughters inheriting a property; it was considered a loss of father’s lineage if she inherited and women were economically dependent on men who were the bread winners. It was believed the father achieves a superior status in society if he has a male child, whereas a daughter was considered a curse. Female child were not only measured inferior but also a burden for the families.

#### ***Consequences:***

In the next 20 years there will be a substantial increase of male population over the female by 12 to 15% in parts of India and china.

This may give rise to:

- Rape and other forms of aggression against women
- Drugs and alcohol mistreatment

---

<sup>7</sup> Historical Chinese Marriage customs in Travel China Guide, last viewed August 4<sup>th</sup> 2019

- Situations where men of a family share a wife
- Trafficking of women
- Rise in planned crimes

### ***Regulations across the World***

Several Governments have been taking initiatives to address selective abortion of female fetuses. Few of the laws in China and India are as follows:

In China laws such as Law of the People's Republic of China on Maternal and Infant Health Care of 1994, Regulations on Administration of Technical Services for Family Planning of 2001 and the Population and Family Planning Law of the People's Republic of China of 2002 prohibit sex identification of the foetus and sex selective abortions were passed. In India, the Pre-conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (amended in 2003) prohibits sex-selection or disclosure of the sex of the foetus. Additionally, India's Medical Termination of Pregnancy (MTP) Act of 1971 (amended in 2002) allows abortion only up to 20 weeks for an unintended pregnancy

### ***UN Initiatives to tackle female foeticide:***

1. Following are few seminars and conferences by the UN to address issues related to women
  - (a) World Conference of the International Women's Year, Mexico City 19th June – 2nd July 1975.
  - (b) World Conference of the United Nations Decade for Women: Equality, Development and Peace Copenhagen 14th July to 30th July 1980.
  - (c) World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi (15th July to 26th July 1985)
  - (d) 5th Annual Women's Empowerment Principles Event (WEPE), 6th March 2013.
  - (e) World Association of Girls Guides and Girls Scouts (WAGGGS) conference, Edinburgh Scotland (11th July 2011).
2. United Nations is of the view that only through implementation of cooperative strategies can the issue of female foeticide be tackled. Huge efforts made by the countries across the world reflect that there is uniformity of opinion to eliminate evil practices and recognize the rights of women.

3. The International regulations to combat foeticide are as follows:

***Charter of the United Nations:***

From the existence of the UN Charter, the United Nations has always supported the rights of women. United Nations has qualified female infanticide as the most horrifying practice which violates principles of gender equality and neutrality. It has got a new partner female foeticide. Enormous steps have been taken to put off the use of sex selection and foeticide. The UN general assembly resolution 51/76 highlighted the need for the member states to address the vulnerabilities and discrimination faced by women. It had also discussed about female foeticide as a violation of women right.

***United Nations Economic and Social Council(ECOSOC)***

The council stated that there was a striking reduction in the sex proportion of countries like India and China. It was observed that foeticide is a brutal act of killing female foetus with the cruel intent of male superiority. It condemned evil practices of discrimination and recommend restriction of technology misuse. It also recommends member states to institute laws to prohibit foeticide.

***UNICEF:***

It is of the opinion that it can be tackled only through execution of strict regulations

***U N Women:***

It is an amalgamation of 4 eminent parts of United Nations System, which concentrated on sexual orientation balance and lady's strengthening. The four parts are: 1. Division for Advancement of Women (DAW) 2. International Research and Training Institute for Advancement of Women (INSTRAW) 3. Office of the Special Advisor on Gender Issues and Advancement of Women (OSAGR) 4. United Nations Development Fund for Women (UNIFM) U N women holds United Nations in charge of its duties on sexual orientation uniformity.

***Universal Declaration Of Human Rights:***

Article 7 of the UDHR provides that every individual is rise to in the witness of the law and are qualified for equivalent insurance of law. Equal protection of law against any

discrimination and violation should be providing by every country to its entire citizen.<sup>8</sup> The practice of female infanticide is a victimization of women and equal opportunities to should be provided and gender imbalances to be corrected. UDHR focuses on promoting equality between individuals. This notion needs to be reviewed and unborn child should also be added to the procedure. The UN should make initiatives to come up with a explicit convention or treaty for female foeticide and girl infanticide.

### ***International Convention On Civil And Political Rights:***

Under Article 2 (1) of the Convention, it is the duty of each and every state party to respect and ensure to all its individual all the rights provided by the Convention without any segregation on the premise of dialect, religion, sex social cause, birth status.<sup>9</sup> This means that right to take birth is to be equally distributed between men and women. It is the right of every child to take birth, even though many countries have legalized abortion it does not include the heinous act of foeticide and such acts if conducted should be prohibited.

### ***Legal Initiatives taken in India:***

The Law relating to prohibition of female foeticide in India can be seen in three folds:

- Law on abortion was governed in the Indian Penal Code until 1970. It had allowed abortion for acts without criminal intent and in good faith to save the life of the mother.
- The above considerations had lead to the implementation of the Medical termination of Pregnancy Act, 1971. This act was conceived as an instrument to let the pregnant women decide on the occurrence and the number of kids. It further gave the women the choice of bearing. However this fine intention was misused and women were forced to abort the female child.
- In order to combat this female foeticide the Pre Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 was enacted and was enforced in the year 1996. This Act had elaborated on the security to women against sex discrimination and the penalties for violating the provisions of the act. Further it provided obligatory genetic counseling centers, hospitals, clinics.

---

<sup>8</sup> Article 7 of the UDHR

<sup>9</sup> Article 2(1) of the ICCPR

Both the above mentioned acts were passed with the intention to prevent female foeticide and permit legalized abortion. However, in practice it is noticed that the provisions of these acts are misused against the interest of females.

In the landmark case of *Centre For Enquiry Into Health And Allied Themes (CEHAT) v. Union Of India & Others*,<sup>10</sup> the petitioners in the instant case filed an application to move Union of India to the court with regard to the implementation and enforcement of the Pre-Natal Diagnostic Techniques Act, 1994. This act had failed in achieving its goal of preventing the crime of female foeticide. The court had provided a warning to the Centre, State and Union Territories that they have strictly comply with the rules mandated by the Act. The Court had also directed for an amendment of the act in view of the technological development and the act was subsequently amended in 2003 as the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

In the case of *Voluntary Health Association of Punjab v. Union of India*,<sup>11</sup> the petitioner had filed a writ in order to examine and analyse the ways in which the government of India has addressed the issues and concerns of sex selective abortion in India. The Court therefore had made an observation that the states had failed to comply and effectively implement the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition on Sex-Selection) Act, 1994. Justice K.S. Radhakrishnan issued several orders and notifications to map out clinics that were unregistered to ensure that unlawfully there was no usage of ultrasonography machines, and also it is necessary to inform the communities about the obligations under the Act. Justice Dipak Misra observed that, in order to have a strong and effective implementation of the act, the awareness campaigns must have both a social and moral impetus and keep up the spirit of “humanism”. For the act to be successfully enforced in a society the individuals are to be made known of the equal role of women.

### ***Social Initiatives to resolve Female Foeticide:***

*The existing positive initiatives taken by some countries:*

#### **INDIA:**

As discussed above India has criminalized sex discrimination by its 1994 legislation. However

---

<sup>10</sup> Writ Petition (civil) 301 of 2000

<sup>11</sup> Writ Petition (Civil) No. 349 of 2006

despite decades of policy framing efforts we haven't obtained the complete positive change.

## CHINA

The program "Care for Girls" was launched by the state population and the Family Planning commission of 2003 in 24 pilot countries. Several social and economic benefits were provided by this scheme. This measure had reduced poverty level in China and the families gained confidence in giving birth to a female child.<sup>12</sup>

## PHILIPPINES

An anti-child abuse, discrimination and exploitation division was established in Philippines.<sup>13</sup> Further initiatives such as children's guidance workshop on girl child were also conducted.

*Author's suggestion to resolve female foeticide and girl infanticide:*

*Awareness campaigns and strategies for elimination female foeticide:*

1. To resolve a crisis that has roots in prejudice and social behavior, mere implementation of legislation is not satisfactory. Several activities such as creating awareness against prenatal sex discrimination ought to be undertaken.
2. The Medias such as Doordarshan, AIR should be sought for the implementation of the act. They play an essential role to create positive image of a girl in the civilization.
3. In a country like ours which comprises of rural areas the reach of media is not that easy. Hence it is considered Medias with traditional equipments of communication is a better reach in the society.
4. A joint effort involving all sections of the society must be taken in order to curb the gender based discrimination. And achieve a balanced sex ratio. Keeping this in view the Government of India has recently launched a "Save the Girl Child Campaign" to enhance the gender equality. The West Bengal Government also conducted a "Beti Bachaon" campaign to tackle the gender imbalances in the state. These awareness programs should be conducted as a rally or in schools, colleges or work place.
5. The prevalent age old thought in the society that a female is a burden to the family can be eradicated if women are provided equal education, responsibility and employment

---

<sup>12</sup> China promotes girls to avoid glut of bachelors, china Daily, 08 August 2006

<sup>13</sup> Reported by Canadian International Development Agency (CIDA) Project, 2004

as men. Further it is recommended to initiate a scheme that provides incentives to women for education.

6. It is difficult to change the attitude of the society in a short span of time. Therefore couples and young women should be given counseling since they are bounded by in laws, neighbors who are in favor of infanticide.
7. The consequences and impacts of female foeticide such as the disparities in sex ratio and diminishing of future population are also to be educated to the community.
8. Further, it is suggested to keep a close watch on pregnant women for about 6 month's i.e 3 months before delivery and 3 months after it. A committee is to be constituted to keep watch over pregnant women.
9. In the international level the United Nations has conducted several conferences and has discussed and implemented resolution and treaties to empower and protect women's right. However to specifically reduce the female infanticide crime rate it is recommended that the member nations negotiate to form a separate convention for female foeticide and girl infanticide. Since this can result as a binding obligation on all the nations.
10. Finally, in the societal level coverage of these deaths has to be systemized. A panchayat group including a Chowkidar of the village should form a group to maintain record of the birth and death rate of women. The author concludes the research on resolving female infanticide by emphasizing "Don't wait for a global change rather initiate a change towards the globe".

## **CONCLUSION:**

In conclusion, the author emphasizes on the goal of quality education as the key factor to empower women and eradicate offences against them. The analysis and the examination done by the researchers in this paper provides an observation that various initiatives are already implemented in nations to tackle the crime of female foeticide and girl infanticide. However, there exists an inadequacy in the legislations and the authors of the paper have taken efforts to provide feasible recommendations to resolve the crime of female foeticide and infanticide. Finally, the authors conclude on a note that in order for a global change to occur, the first step is to initiate that change within oneself.

## REFERENCES

### A. ARTICLES:

1. Gendercide Watch, Female infanticide 2000
2. Nielsen, Liljestrand, Hadegaard British Medical Journal 1997, 24 May
3. Historical Chinese Marriage customs in Travel China Guide
4. "SHAHID PERWEZ, ROGER JEFFERY and PATRICIA JEFFERY," Declining Child Sex Ratio and Sex-Selection in India: A Demographic Epiphany? *Economic and Political Weekly*, Vol. 47, No. 33 (AUGUST 18, 2012), pp. 73-77
5. RENU DUBE, REENA DUBE AND RASHMI BHATNAGAR, Women Without Choice: Female Infanticide and the Rhetoric of Overpopulation in Postcolonial India, *Women's Studies Quarterly*, Vol. 27, No. 1/2, Teaching About Violence Against Women (Spring - Summer, 1999), pp. 73-86

### B. CHARTERS AND STATUTES:

1. Universal Declaration of Human rights, 1948
2. International Convention on Civil and political rights, 1966
3. Charter of United Nations, 1945
4. Rome Statute of the International Criminal Court, 1998
5. Indian Penal Code, 1860
6. Medical Termination of Pregnancy Act, 1971
7. Pre Natal diagnostic Techniques Act, 1994

### c. CASES:

1. Centre For Enquiry Into Health And Allied Themes (CEHAT) v. Union Of India & Others
2. Voluntary Health Association of Punjab v. Union of India

### d. RESOLUTIONS:

1. UN General Assembly Resolution 70/1