
INFANTICIDE AND FOETICIDE: “A LEADING SOCIAL EVIL AGAINST GIRL CHILD”

Prarabdh Tiwari & Ayush Vardhan, School of Law, Christ University, Delhi NCR

ABSTRACT

This research paper basically talks about the social evils of female foeticide and female infanticide. Furthermore, it talks about the probable causes of both of these. Female infanticide is the killing of a female child from the age group of 0-1 years old whereas female foeticide is the illegal abortion or killing of a female child in the womb of the mother. Both happen due to the society's obsession with a male child and their disrespectful perception towards a girl child. This paper also deals with the various preventive measures taken up by the government and other public institutions towards both foeticide and infanticide of women and it also various landmark judgements related to the topic. All in all, this paper gives a brief summary about the scenario of female foeticide and infanticide in India.

Keywords: Crime, abortion, illegal killing, dowry, foetus.

INTRODUCTION

As we already know that in India crime against women are not countable. In India the status of women has been through various changes in the past few years. In the modern India women have been given almost equal rights and positions, they have held high offices which includes the office of prime minister, president, speaker of Lok Sabha, leader of opposition, etc. Women's rights are protected under the Constitution of India which mainly includes equality, dignity, and prohibition from discrimination and also India has various laws governing the rights of women. India is the second largest country in terms of population and the rate of population is also going up day by day. According to various studies it is found that almost 26 million children are born every year but also it has been observed that there is a reduction of approximately 5 million of population which involves children of age 0-6 years and out of this approximately 3 million are girl child according to these figures, we can say that female infanticide is practised in various households and the causes involves many things like preference to the male child and many more things.

FEMALE INFANTICIDE

The practice of killing the female child within the age of 0-1 is known as female infanticide. The elimination of girl child intentionally is female infanticide and this includes by poisoning the girl child directly or indirectly by not giving them food. In Indian household a girl child is treated as a liability even by their own parents and it is obviously pathetic. This thinking of our society towards girls is rooted deeply and this is because of various social, economic and cultural factors. Many things have given the women a secondary status in our society which are dowry system, economic independence, social traditions, etc. In our Indian society a girl is treated like a burden over the family. According to section 315 of the Indian Penal Code infanticide is the killing of infant in the 0–1-year age group.

It is reported that female infanticide existed in India since 1789 in several districts of Rajasthan, along the western shores in Gujarat – Surat and Kutch; and among a clan of Rajput's in eastern part of Uttar Pradesh. Desai (1988) reported that female infanticide was so widespread in Jadeja (Rajput) families of Kutch and Saurashtra that only five of such families were found who had not killed their 'new-born' daughters. There are alarming reports of the baby girls being

murdered even in areas where this practice did not exist earlier. Poverty, ignorance of family planning, cost of dowry, etc, have been reported as the possible causes for this crime.¹

In Indian households' preference of children is given to boys and girls doesn't top on the priority list of the families because they are considered as a burden or liabilities upon the families. There are many causes for female infanticide which are as follows, although the causes for both infanticide and foeticide are almost same:

- 1. Girl child is treated as a burden in Indian Families:** Parents find it easier to kill their baby girl than to find a suitable marriage for them and to give dowry. They find it very difficult to protect their daughters. They think that girls are not capable of earning and only boys can earn and lead their family.
- 2. Preference for a boy child:** In India boy child is always given preference over a girl child, a boy is always a priority, it is believed that only a male child can continue their family traditions. A male child is often called as "Kul Ka Deepak" which means that source of light in a family. Sons are preferable in every aspect; they are both economically and socially desirable.
- 3. Girl child as a liability:** As we know that in India girl child are called as "parayadhan" which means that they don't belong to the family in which they are born, they only belong to the family in which they go after marriage. Girls are treated as an economic liability as at the time of marriage the family have to give dowry to her husband and it is said that girl child only drains the economic resources whereas boys earn.

A girl child is always discriminated i.e., from their birth till her death, they are not given equal rights like the boys, they are never given priority. Where the Indian families consider boys as a source of income or investment, they believe that girls do not qualify to be called as an investment, they believe that girl only drains the economic resources of the family. Right after when they are born the family makes them realize that they are not the permanent members of the house and that they have to go to other person house after marriage. They are always taught to be polite and adjust in any situation without asking any question. She can't take her parental surname and her stay is also temporary in her parental home and after marriage also she is neglected of her rights, they start to believe that their life is limited under one roof and four walls of their house, they re regarded as unproductive whereas boys are considered as a light

¹ Sneha Lata Tandon and Renu Sharma - Female Foeticide and Infanticide in India: An Analysis of Crimes against Girl Children, University of Delhi, Delhi, India.

which brings joy and happiness in a family. The main reason for this condition of girls is our tradition which has become outdated.

Female infanticide crosses all boundaries which are of social and economic nature. Thus, the practice involves a wide range of location specific and culturally motivated causes. In rural and poverty-stricken areas lack of education economic resources and access to healthcare are factors that lead to the murder of infant girls. In urban areas abortion is commonly practiced by people who are not satisfied by the gender the baby, with access to modern medical technology that allows for early detection of sex. Female infanticide continues to take place in various parts of the country even after government takes various steps to stop female infanticide also many human rights activists and organizations put so much effort by educating public at large, threatening them by various punishments, by financial means but all these are not effective largely and this is not enough to stop female infanticide.

FEMALE FOETICIDE IN INDIA-

Female foeticide is the process of killing a female foetus even before she is born inside the womb of her mother. The act is termed to be illegal but still is performed widely throughout the world and even in India. Female foeticide is the product of a gender-biased social construct that devalues women and believes they are less valued than men. In recent times due to various prenatal sex discernment techniques, it has become very easy for the parents to find out the gender of their baby which has thereby increased the occurrence of sex selective abortion solely due to the reason that a male child is preferred more over a female child in various countries throughout the world especially in parts of East Asia and South Asia. Female foeticide is the earliest possible form of discrimination against women and girls which starts even before the birth of the girl child. Female foeticide is a social evil which has been haunting the world as many girls are denied the right to live because they are simply a girl. Sons are chosen above females in this patriarchal society for a variety of reasons. Women and girls are viewed as weak and valued less than men, whether economically or socially. In this society, girls can be more expensive in terms of money because women are expected to marry off to another family. In India, it is customary for a lady to marry into a family with a better social position. So, if her parents want it to happen, they'll need to be able to provide a significant (expensive) dowry. A dowry might be in the form of land, property, or a sum of money. One of most efficient ways to find out the incidence of female foeticide in a society is to check the sex ratio of that place.

In India the natural sex ratio is thought to be between 103 and 107, and any value higher than that is thought to indicate female foeticide.

PREVENTIVE MEASURES AGAINST FEMALE FOETICIDE-

Female foeticide is a social evil which is running for a long time now in this patriarchal Indian society. The basic cause of which is the perception of Indian families that a female child is a burden upon them, and she cannot provide any social advantage to the family, another important factor prompting the occurrence of female foeticide is the family's preference for a male child. It is tough to say that preventive measures have improved the situation of female foeticide in a country like India but still they are attempts which aim at improving the social status of women in the country and therefore must be appreciated. We will be discussing about some of them briefly now: -

1. **The Pre-Natal Diagnostic Procedures (PNDT) Act of 1994**, enacted by the Indian government to combat female foeticide, forbids sex selection and controls prenatal diagnostic techniques to prevent their misuse. To that goal, the government set up a bureaucracy to oversee the sale and use of ultrasound machines, a vital diagnostic tool used to promote sex-selective abortions.
2. UNICEF is working in Southeast Asia to promote gender equality by addressing discriminatory policies and services, as well as socialisation processes and norms that negatively define gendered roles and practises. From early childhood to adolescence, UNICEF works with girls to adopt and develop more equitable gender relations, opportunities, and standards for all children.
3. Campaigns play a key role in creating awareness among the masses against any particular social evil. The government of India therefore recently launched a campaign titled **'Save the Girl Child Campaign'** whose primary objective is to reduce the obsession with the male child by highlighting the achievements and benefits of bearing a girl child. In addition to that it also aims at educating boys from a very young age about the rights of females and how important it is to save a girl child. The media should also come forward and show the importance of woman and portraying a positive image of women on the national platform. However, this should be accompanied with a focus on the problem of female foeticide and the hazards of a skewed gender ratio. Another similar campaign was the **'Beti bachao Beti padhao'**

campaign which aims at creating awareness against female foeticide and how can we save a girl child in order to educate her in future.

4. It is equally important for medical practitioners and medical colleges to raise awareness amongst their students against the pre-natal diagnostic techniques and its misuse by various parents. In order to achieve this goal, they can implement the following steps: -

- Raising awareness of the unfavourable sex ratio among medical students, with a focus on the ethical difficulties surrounding female foeticide.
- Hold monthly workshops/ Continued Medical Education sessions to emphasize the urgency of the problem in the country. Participation in such programs by private practitioners should also be encouraged.
- Organize public awareness campaigns in locations where field practice is conducted.

JUDICIAL PRONOUNCEMENTS –

The judicial bodies of India have time and time again talked about the evils of foeticide and infanticide and have given their valuable views regarding it and how it has affected the Indian society from many years. We will be discussing some of the landmark judgements and they are as followed.

- In the case of '**Mr. Vijay Sharma and Mrs. Kirti Sharma vs. Union of India (UOI)**', The court, through the Ministry of Law and Justice and the Ministry of Health and Family Welfare, declared that foeticide of a girl child is a sin, and that such behaviour degrades women's dignity. It diminishes their significance. It is an affront to a woman's right to live. It violates Article 39(e) of the Constitution, which declares that the state's policy is to protect women's health and strength. It disregards Article 51A (e) of the Constitution, which declares that it is the duty of every Indian citizen to abhor behaviours that are degrading to women's dignity.²
- In '**Vinod Soni & Anr. v. Union of India**', the validity of the PCPNDT Act, 1994 was challenged on the grounds that it breaches Article 21 of the Constitution to the extent that it includes the freedom to choose the sex of a child. The Bombay High Court dismissed the petition, and the Act was declared constitutional.³

² AIR 2008 Bom 29

³ 2005 CriLJ 3408

CONCLUSION

The evil of foeticide and infanticide is probably the most grievous and heinous crime that one can commit against a woman solely because of the reason that it starts from such a young age. In a country like India where crimes against women are so frequent, foeticide and infanticide are the earliest form of crime one can commit to a woman. It is clear from the above discussion that though there have been many steps taken by the government for the reduction of female foeticide and infanticide on paper, but the implementation of those measures is far from reality to happen and the rates of these types of crimes keep on increasing. It is thereby important for families to become compassionate and create awareness amongst their sons about the evils of female foeticide and infanticide and what are the benefits of bearing a girl child. We should change this perception that a male child is only the bread winner of the family, and a female child is only a liability because in this generation everyone is equal, and women are also achieving great things in their respective fields.

In the end we can conclude that it is important for the people of this country to come together and become united against this evil and understand the importance of a girl child and totally change the perception that they have towards bearing the girl child.

REFERENCES

1. www.jstor.com
2. www.academia.edu
3. www.unicef.org.in
4. Sneh Lata Tandon and Renu Sharma - Female Foeticide and Infanticide in India: An Analysis of Crimes against Girl Children, University of Delhi, Delhi, India.
5. Mahfuzar Rahman – Female Infanticide in India/Gender Equality.
6. Desai, N. (1988). Born to die. The Indian Post, 7th October, 1988, Bombay.
7. ‘Death Before Birth’- A study on female foeticide in India by Aznarul Islam.
8. Female foeticide in India: Issues and concerns, Department of Community Medicine, Maulana Azad, Medical College, New Delhi.