



MALE –CRAVING SOCIETY “EATS FEMALE BEFORE BIRTH”- A MANIFEST VIOLATION OF WOMEN’S HUMAN RIGHTS

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ABSTRACT

This is the reality of nature that **NO PRESENT, NO PAST, NO FUTURE** without females. India has globally become one of powerful country and this makes each one of us very proud. But there still are some bad truths that need to be think and it's high time that we stop turning a deaf towards them. Female infanticide –Female feticide are such social issues .Cases like sex selection, illegal abortion and female feticide, may be seen and heard as a social phenomenon in many parts of India. Such incidents are not related to any caste, class, religion, community or border. There can be many reasons for such incidents, but the most important reason is the technology:-amniocentesis and ultra-sonography of science which was created, to find fetal abnormalities, but it is also used illegally for fetal screening. These machines can be used to check the sex of the unborn child, which is illegal in India, but the most heart-wrenching situation arises when a female fetus is killed and thrown in the garbage can. This paper analyzes and discusses the cases of feticide and the dreadful status of female infanticide.

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INTRODUCTION

Ena Singh, assistant representative for the United Nations Population Fund in India told Reuters, women who constitute half a human "*The 2001 census was a wake-up call for all of us and much public awareness have been created on female feticide since then,*" "*But initial figures show sex ratios are still declining as female feticide is becoming more widespread across the country and it is likely to be worse in the next census in 2011.*"

For selfish greed to get male child, to attack girls in the womb, snatching the right to live from them, this is a very shameful thing and shameful condition for the developing country like India. The roots of this evil are very strong in our country and its feet are spread in every class, caste.

In most parts of India, sons are given high status in the family and, they are considered to be caregivers in old age. At the same time, girls are considered a burden for the family, behind which financial liabilities are a big reason. Boys are taught that their best education is taken care of because they have to earn for the family in future. But even today in 21st century, there is a perception towards the girls that she has to go to someone else's house, It is better to arrange dowry than to spend on education. Many researches have to say that dowry system and poverty have always been the reason behind feticide in India. People even say about girls that girls' upbringing means, give water to a neighbor's tree. That's why poverty supports feticide that it cannot bear the pressure of dowry.

Women have to face many challenges to live their lives, either by killing them in the womb and taking away the rights to live from them. Or have to fight with rape, sexual harassment, eve teasing, abusing, domestic violence, harassment, exploitation, gender discrimination, inequality throughout life¹. Even if the parents educate the girls well, their concern remains, social norms are imposed on them, like coming home before night, don't wear short clothes, don't do that, don't go there, don't talk to them, use your sixth sense to recognize new people.

This brutal incident shook the Country and forced the Legislation and Government to take the toughest decision on crime against women “Nirbhaya case”² of Delhi, which has put humanity to shame, we have seen how a parent made their daughter an education, a doctor, an open-minded person. But in the bus moving inside the capital, some deformed animals raped her, killed her, right to live, to be happy was taken away from her. Why only Females have to give a exam to live freely in the society or do struggle to prove themselves? Why a woman cannot roam alone at night, such questions have been arising in the society and will continue to arise. The answer lies with the society but its stereotype mindset does not allow it to find the answer. This is the reason that even if girls reach the moon, but in our society they will be considered as a burden.

¹ Abdulkadir: Female Foeticide

² Mukesh and anr vs state for nct of Delhi & ors

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Foeticides and Female infanticides

Female foeticide is a procedure that is test in the womb by modern machines like ultrasound and they are terminated when the female fetus is found. India condemns and declares any such observation to be illegal. This is a very shameful thing for a doctor who uses his knowledge to kill someone before birth. On the other hand, those parents also shame humanity, who want boys and kill girls. Rather, in the scriptures, or in any other religion, or in history, there is no provision for foeticide.

In the Vedic age. Abortion was always considered to be a sin for which, however, expiation ceremonies were prescribed in Taittiriya apanishad and also in Arunam. Manu said in his code of conduct, that a killer of a priest or destroyer of an embryo casts his guilt on the willing eater of his provisions.³

Kautilya’s Arthashastra provides for the highest punishment for causing abortion by physical assault. It refers to Yajnavalkya and Manu as well as Vishnupuran. Lesser punishments are also provided for inducing miscarriage by drugs⁴.

In pre –Islamic Arabia, female foeticide was common. But Muhammad, and the Holy book “the Qur’an” female infanticide was strictly forbidden, and regarded as seriously as adult murder. According to muslim jurists ,abortion is “haram” when the foetus is completely formed and has been given a soul, and not allowed to do violence on the pregnant women ,once pregnancy occurs .while Islam permits to preventing pregnancies but not allowed infanticide.⁵

The Qur'an on female infanticide:

When the infant girl, is buried alive, is questioned, for what crime she was killed⁶.

You shall not kill your children for fear of want. We will provide for them and for you. To kill them is a grievous sin⁷.

“The **Catholic Church** has always denounced and opposed abortion. It has consistently defended the right of the unborn to live. Christian belief is that human life comes from God at the time of conception and that man is only the custodian of his life rather than the owner and abortion represents an act that denies the sanctity of life on the assumption that the woman is the owner of her life and that of her unborn child⁸”.

Kolloor (1990)⁹ defines infanticide as, “Killing of an entirely dependent child under “one year of age” who is killed by mother, parents or others in whose care the child is entrusted”.
Infanticides

Female Infanticide - act of killing a female child within one year of its birth which is Another form of eliminating the girl child. It is either intentional or directly by using poisonous ,chemicals and from any acts done by the parents or any other to cause the child's death.According to previous research and

evidence, foeticide and infanticides mostly happened in stereotypy family.¹⁰ This type of discrimination towards girls can be seen in some parts of Gujarat, Rajasthan and Uttar Pradesh.

Its prevalence in India dates from 1789, and during research it was found that there are only five families of Rajput (Jadeja) in Kutch (Gujarat) and Saurashtra like this who did not kill their newborn daughters¹¹. And if we talk about those areas where this practice was not popular, but there are also shocking news come about evils like infanticide. There are the alarming report which may hinder growth of our country . Social evils poverty, illiteracy, child marriage, dowry system, births to unmarried women, female genital mutilation, famine, maternal illness, sex-selective abortion, those are the possible cause of Infanticide.¹²

The major reason for preferring son over daughter is, India's families have stereotype opinions about a girl child that she has to go to another house and serve them after marriage and that is why she considered as an extra mouth to feed and financial burden. Therefore, there is no recognition of their opinion, no need to educating or socialize them.

It is the dark truth of India that, despite being widespread, barbaric practices like infanticide are committed crimes which is not reported. In India, girls have to fight for their rights even before birth, they have to face discrimination in society, family and their home that shows the preference of boys in comparison to girls and the decreasing sex ratio of the country.

Causes

Son Preferences:- Indian society is male dominated, patrilineal, patrilineal society. The law propounded by Manu is prevalent and governed among Hindus. According to the Code of Conduct of Manu, in Hinduism, a man gets heaven when his son performs the last rites of his father. Meaning Manu has laid great emphasis on the fact that it is necessary to have a son. He alone can give fire to the father's pyre. For this reason, the interest of the people towards sons always increases compared to daughters.

Daughters as a “Liability”:- The dowry system is such an evil that it has devastated so many daughters. The dowry system has given rise to a belief that if there is a daughter, then the expenses will be born. Due to the expenditure of dowry, the daughter is considered as a liability, the right to live, right to education, even to good nutrition is also taken away from her. On the other hand the boy will bring dowry, lineage will increase, will serve in old age, then he is considered as assets for house.

Technologies “amniocentesis and ultra-sonography”:- It is hidden from anyone that, with the passage of time, the misuse of technologies is increasing. And it is also a fact that the government is also keeping its screws on this like, The Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994. But it has not been of any special benefit,

³ Manu smriti, Chapter VIII, Verse 317

⁴ Shaw, S.F., Encyclopaedia of Laws of the Child in India, First Edition, 2000, p. 99.

⁵ Shaw, S.F., Encyclopaedia of Laws of the Child in India, First Edition, 2000, p. 201.

⁶ Surah AL- ISRA 81 v 8 - 9

⁷ Surah AL-ISRA 17 v 31

⁸ Shaw, S.F., Encyclopedia of Laws of the Child in India, First Edition, 2000, p. 99.

⁹ Kolloor, T.M. (1990). Female Infanticide: A psychological analysis. Grass Roots Action, special issue on Girl Child, 3 April 1990.

¹⁰ Srivastava, S.P. (2001). The Perils of Pre-Birth Murder – A Sociological Analysis of Female Foeticide. Journal of Social Welfare, Vol.47, No. 10 January 2001, pp. 7-12.

¹¹ Desai, N. (1988). Born to die. The Indian Post, 7th October, 1988, Bombay

¹² Tandon, S. L. (1999). Penal Sanctions on Violence Against Women: An Appraisal, In: Centre for Social Research, Violence Against Women in Delhi: Determinants and Remedies, New Delhi; Centre for Social Research pp. 46-57.

the one who want to check the gender or do it, does it. Now this is different thing that prenatal check done on the strength of money or emotionally.

Dilution of Law:- In India, it is illegal to check gender before delivery, and if someone is caught doing this, then along with the punishment, his registration will also cancel. Therefore, wherever there is an ultrasound machine, that hospital, clinic, nursing home will have to register all its machines. But it is the irony of our country that here the focus is on the registration of ultrasound machine, not on female foeticide done by it. This is the reason why it is difficult to crack down on the accused, and daughters are killed before they come into the world unabated.

Impact of Sex selection

The United Nations Population Fund claimed and make the report of continent-wise analysis of infanticide patterns. "It sets the tone by stating that 117 million girls demographically go "missing" due to sex-selective abortions".¹³

As per the decennial Indian census, Sex Ratio (male and female) of India is 107.48. It means 107.48 males per 100 females in 2019. Therefore India has 930 females per 1000 males. So, India has 48.20% female population compare to 51.80% male population.¹⁴

Crime against women

Ranjana Kumari said¹⁵ "There already is this phenomenon all over the country where there is a lot of sexual violence and abuse against women and children across the country."

Where there are fewer women, Experts say about practices of polyandry, many men share the same wife, this is the type of crime and against women's desire, are already developing in areas where there are fewer women.

One child policy-In July 2021, suggested that India should adopt one child policy as china for good growth. As per UN Population fund report, leaving china behind -India will overtake highest population in 2030. And Indian Medical Association (IMA) president Sudipto Roy has claimed- it will push the country into a state of "total anarchy". As India- A developing country is already struggling with many social evils like imbalanced population, female foeticide, trafficking and other crime, having one-child policy would only increase such social evils, instead of family planning with one child we should work out on the solutions that how to spread awareness among youngster about gender equality.

But it is neither possible and nor success in India, because there is lack of education and awareness among the people. Here is a traditional son preference culture, which will increase the chances of crime, violence and accidents against women. Even they will not be allowed to be born; the right to live will be taken away from them. For that due to the one child policy, increase Abortions: This norm may lead to increase in female foeticide (In India, already North states have sex ratio below 900 females/1000 males).

¹³The United Nations Population Fund Female Infanticide Worldwide: The case for action by the UN Human Rights Council

¹⁴ Women & Men in India (A statistical compilation of Gender related Indicators in India) 2019, 21st Issue Social Statistics Division National Statistical Office Ministry of Statistics and Programme Implementation Government of India

¹⁵ Ranjana Kumari, director of the Centre for Social Research, a New Delhi based think-tank.

President of the Indian Association for the Study of Population, "Mr S c Gulathi" Said, "The one-child norm will not succeed in India. There is a cultural preference for sons and a one-child norm runs the risk of increasing female foeticide, female infanticide, and even abandoning of girl children".

According to Vijay Rai, Project Coordinator at Plan International (India), the alarming rate of female foeticide has led to a dangerously declining sex ratio, "with negative results that are already making themselves apparent in India. These include an increase in sexual and social crimes against women, such as rape, abduction, bride selling, etc., which in turn will lead to an increase in prostitution and sexual exploitation and cases of Sexually Transmitted Diseases and Human Immunodeficiency Virus and Acquired Immune Deficiency System, with a resulting increase in physiological and psychological disorders, particularly among women, as well as unwanted pregnancies and forced abortions."

Sex selection techniques –During the pregnancy of women, the sex of the foetus can be determined through the advancement of medical techniques which are ultrasound scans and amniocentesis, if foetus found a female then the fetus is aborted by medically or surgically. The invention of these techniques was done to understand any imperfection in the child born in the womb. But by looking at the decreasing sex ratio, it is known that the incidence of its misuse is high.

According to S. K. Ghosh, "The girl child's first right is the right to be born and not to be aborted purely because she happens to be a girl. So far there are no fail—safe ways of preventing the misuse of foetal sex determination through amniocentesis or ultrasound tests to ensure this right"¹⁶.

The government of India is trying to come up with various legal provisions and programmatic interventions

There has always been a provision in law to preserve human life born and unborn. The purpose of life protector, it always fails, due to which there is no proper implementation of law or lack of legal process. It is a fact that, despite the law of any country being the most powerful, it cannot root out the social evils like Female foeticide and infanticide. The orthodox ideology like the attachment of having a son has to be removed from the society.

Until the 1970s, all abortion-related matters were governed by the provisions of the Indian penal code 1860. But slowly over time with the aim of improving the status of women, like; to save the life of the pregnant mother, the Indian Penal Code 1860 gave legal permission to abortion. The purpose of this permission was that "abortion done without crime, with good intention". People also advocated liberalization of this law, to stop the population. Keeping this kind of liberalization in mind, the Medical Termination Act was brought in July 1971, which came into force in April 1972.

- Medical Termination Act 1971, whose purpose was, the decision to be taken by the women that should be the number of children. It was the right of the women whether to have a child or not, which helped them to decide. But this right was visible that Because of having a girl in the womb, the abortion work was going on forcibly from the women.

¹⁶ Ghosh, S.K., Indian Panorama—Triumphs and Tragedies, Vol. III, 1999, p. 1187

- (Regulation & Prevention of Misuse) Act 1994 was passed which came into force in January 1996. Under this, all the hospitals, clinics, nursing homes wherever this type of machine was being used, it has become mandatory to register them so that gender test cannot be done. And if misuse like gender test is found, then provision of registration number cancel and punishment was made.

Dowry, poverty, expenditure on education of girls, all these are main reasons of female infanticide and foeticide, to deal with which the government keeps on creating and modifying new laws from time to time.

- Maternity Benefit Act ,1861
- Dowry Prohibition Act, 1961(Amended in 1986);
- Hindu Marriage Act, 1955;
- □Hindu Adoption and Maintenance Act, 1956
- Equal Remuneration Act, 1976 etc.
- Immoral Traffic Prevention Act, 1986
- Sexual Harassment of Woman at Workplace (Prevention & Reddresal) Act, 2013
- Equal Remuneration Act, 1976
- Protection of women from Domestic Violence Act-2005
- Muslim Women (Protection of Rights on Marriage) Act, 2019

In the matter of Voluntary Health Association of Punjab Vs Union of India & Others¹⁷. The Court also stated that "we would require the States to give suggestions by a separate affidavit, if some incentives can be given to the family who show respect and honour for the girl child and give birth to girl child so that the sex ratio is improved."

Apart from the above legislations, the Government of India has taken several programmatic interventions for ensuring the safety and security of women in recent years those are following:

1. Beti Bachao Beti Padhao (BBBP)-It aims to prevent gender-biased sex selective elimination, “save the girl child” and “educate girl child” The scheme was launched by the Prime Minister, Mr .Narendra Modi on 22nd January 2015 in Hariyana. Targets of the scheme to protection and education for the girl child and also focused on low child sex ratio.
2. One-Stop Centres (OSCs)- It has been established across the country to strengthen mechanisms for addressing concerns of women affected by violence, facilitate access to an integrated range of services including medical aid, police assistance, legal aid/case management, psychosocial counseling, and temporary support services to women affected by violence.
3. Universalization of Women Helpline (WHL) Scheme- It is being implemented since 1st April, 2015 to provide an immediate and 24-hour emergency and non-emergency response to women affected by violence across the country by referral service.
4. Swadhar Greh Scheme- This programmed launched for supporting widows, destitute women and aged women.

5. Sexual Harassment Electronic Box (SHE-Box, www.shebox.nic.in) -It is an online portal developed to enable women to file complaints related to sexual harassment at the workplace irrespective of their work status.
6. National Cyber Crime Reporting Portal- It’s a online platform of file complainys of online Child Pornography/ Child Sexual Abuse Material or sexually explicit content such as Rape/Gang Rape content which developed by the Ministry of Home Affairs.

CONCLUSION AND SUGGESTIONS

As we know that female feticide and infanticide is a social evil as well as a heinous crime which is against nature. Female feticide is such a murder which is done because of the desire of the son. We should know that or go to the root of why girls are not even allowed to be born for the sake of boys. There are some suggestive to eliminate this evil in the society which is as follows:-

- For female feticide, there should be a strict law where there should be a provision of immediate and definite punishment if the crime is found. In this, the parents should also in the same punishment as the medical staff too.
- If this crime is found in any hospital, clinic or any medical related department, then its registration and license should be canceled immediately and the news of his cancellation of registration should be circulated in the media for that which no other medical department or doctor can think of doing .
- Marketing of such medical tools should be banned, which are used for sex determination.
- Awareness campaigns and seminars, among Rural, Urban Areas and Young Couples should be run by NGOs, Government, Schools, Universities and Nukkad Natak.

If you kill the daughter, then from where will you bring the daughter-in-law, it is a fact that in the future, there can be a very dangerous result of female feticide. Therefore, demography report have repeatedly warned India, looking at the sex ratio in population , that if the unnatural sex ratio in India will not correct then In the coming two decades, there is every possibility of increase in crime against women. Now it becomes the responsibility of us Indians to keep the sex ratio right and eliminate the crimes against women. We should know and understand that rules and regulations, the government, alone cannot do anything, against social evils like female feticide; we all have to fight untidily. Now it is necessary to understand that the days are gone when girls used to be a burden on the family. Now is the time to give them priority like sons. To give them all the facilities which they are entitled to since birth and the right to live is one of them. We should pay attention to her education that it is not the "Educated girl, lighten the house", it is true that if the daughter studies, then the universe shines with her knowledge. Together we build such a new India where there is no difference between boys and girls, everyone should have equal respect.

¹⁷ Order of the Supreme Court of India. dated 25/11/2014 regarding female foeticide, Writ Petition (Civil) No. 349 of 2006