

FEMALE FOETICIDE AND INFANTICIDE IN INDIA

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Abstract

Crime against women is an issue of national shame. However, gender selective abortions and infanticide are even more despicable. This paper draws attention to the growing menace of female foeticide and infanticide in India, which has led to skewed sex ratio in the country. The extent causes and effects of this menace are been discussed at length using data obtained from Crime in India Report, 2007. The paper underscores the need for social, economic and legal reforms to safeguard the female foetus from illegal abortion and to protect the human rights of the girl child. It is pertinent to note that until and unless this menace is controlled, the country is heading for a catastrophic gender imbalance, which in turn would affect the economic progress of the nation.

The paper has six sections. Section I provides a brief overview of the literature survey. The extent of female foeticide and female infanticide in India are discussed in Section II and Section III respectively. In Section IV, the causes and effects of this menace are been discussed. The social, economic and legal reforms required to combat this menace are been discussed in Section V. Finally, the major findings of the paper has been recapitulated in Section VI.

Overview of the Literature

Women are subject to various forms of violence in all societies across the world. Among them, gender selective violence is insidious. Female foeticide and infanticide are the two forms of gender selective violence that are prevalent in developing countries like India (Sarna, 2003). It cuts across barriers like castes, class and communities (Tandon and Sharma, 2006). Until few years back, this practice was restricted to few states but it has now spread all over the country. Research studies of numerous scholars' shows that advance in modern medical sciences are being misused for knowing the sex of the foetus with the intention of aborting it if it happens to be that of a female (Kulkarni, 1986; Diaz, 1988; Gangrade, 1988 and Bandewar, 2003). This heinous crime has gone unchecked despite enactment of laws preventing the same. While protecting the human rights of women has received much attention, at the same time some people have also got the 'right' to be inhuman and commit female foeticide and infanticide unabashedly.

Extent of Female Foeticide in India

In India, abortion is legal under the Medical Termination of Pregnancy Act, 1971 up to 20 weeks. In India, the law permits abortion on the following six grounds: (1) to save the woman's life; (2) to preserve physical health; (3) to preserve mental health; (4) in case of rape or incest; (5) for foetal impairment and (6) for economic or social reasons (United Nations, 2007).

Despite having one of the most liberal abortion laws in the world, women's group in India are fighting to prevent a liberal law from being misused for selective gender abortions. Their fear is not without reason. In India, over the last two decades, an estimated 10 million female foetuses had been aborted (The New York Times, January 2006). It was precisely for this reason that the government enacted the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse), Act, 1994. Section 5 (2) of the Act, prohibits any person conducting pre-natal diagnostic procedures from communicating to the pregnant woman or her relative, the sex of the foetus by means of words, signs or in any other manner. Section 6(b) prohibits the determination of the sex of the foetus and Section 20(3) which empowers the Appropriate

Authority (for e.g. the Chief Medical Officer) to suspend in public interest the registration of the clinic or laboratory without issuing any show-cause notice.

According to Crime in India Report, 2007 (NCRB, 2008), 96 cases of foeticide were reported in the country during 2007 as compared to 125 in the previous year indicating a decline of 23.2 per cent. A disaggregated analysis of foeticide cases indicates that inter-state variations do exist between states (See Table1).

Table 1
Incidence (I) Percentage Contribution of Foeticide to All India (P) of Crimes
Committed against Children during 2007 (State wise)

State	Foeticide		State	Foeticide	
	I	P		I	P
Andhra Pradesh	0	0.0	Maharashtra	1	1.0
Arunachal Pradesh	0	0.0	Manipur	0	0.0
Assam	0	0.0	Meghalaya	0	0.0
Bihar	0	0.0	Mizoram	0	0.0
Chhattisgarh	10	10.4	Nagaland	0	0.0
Goa	0	0.0	Orissa	5	5.2
Gujarat	1	1.0	Punjab	35	36.5
Haryana	4	4.2	Rajasthan	16	16.7
Himachal Pradesh	1	1.0	Sikkim	0	0.0
Jammu and Kashmir	0	0.0	Tamil Nadu	0	0.0
Jharkhand	0	0.0	Tripura	0	0.0
Karnataka	7	7.3	Uttar Pradesh	1	1.0
Kerala	0	0.0	Uttarakhand	0	0.0
Madhya Pradesh	10	10.4	West Bengal	1	1.0

Note: In the Union Territory of Delhi 4 cases of foeticide were reported in 2007

Source: Crime in India, 2007; Table 6.2

In 2007, Punjab had reported the highest number of such cases (35) followed by Rajasthan (16). These two States together had accounted for 53.2% of total such cases reported in the country. It is interesting to note that in 2000, Punjab did not report any case of foeticide, while Rajasthan reported nine such cases. Indeed, Punjab and Rajasthan, two most wealthy states in the country top the list of murdering girl foetuses.

Extent of Female Infanticide in India

In 2007, India reported 134 infanticide cases. This amounted to increase of 6.3 per cent over 2006. However, inter-state variations do exist (see Table 2). In 2007, Uttar Pradesh reported maximum cases (61) of infanticide followed by Madhya Pradesh (29).

Table 2
Incidence (I) Percentage Contribution of Infanticide to All India (P) of Crimes Committed against Children during 2007 (State wise)

State	Infanticide		State	Infanticide	
	I	P		I	P
Andhra Pradesh	1	0.7	Maharashtra	2	1.5
Arunachal Pradesh	0	0.0	Manipur	0	0.0
Assam	0	0.0	Meghalaya	0	0.0
Bihar	1	0.7	Mizoram	0	0.0
Chhattisgarh	8	6.0	Nagaland	1	0.7
Goa	1	0.7	Orissa	0	0.0
Gujarat	7	5.2	Punjab	3	2.2
Haryana	1	0.7	Rajasthan	1	0.7
Himachal Pradesh	0	0.0	Sikkim	0	0.0
Jammu and Kashmir	0	0.0	Tamil Nadu	10	7.5
Jharkhand	1	0.7	Tripura	0	0.0
Karnataka	3	2.2	Uttar Pradesh	61	45.5

Kerala	1	0.7	Uttarakhand	0	0.0
Madhya Pradesh	29	21.6	West Bengal	3	2.2

Source: Crime in India, 2007; Table 6.2

A comparison of data on foeticide and infanticide from Table 1 and Table 2 respectively reveals that few states have reported only foeticide cases or only infanticide cases. For instance, in 2007, Tamil Nadu did not report a single case of foeticide. However, 10 infanticide cases were reported for the said year. Similarly, Punjab reported 35 foeticide cases in 2007, while only 3 cases of infanticide. This trend could be attributed either to non-reporting of cases or because of cultural and social variations that may be specific to these states (Tandon and Sharma, 2006).

Female Foeticide and Infanticide: Causes and Effects

In India, the causes of female foeticide and infanticide are multifaceted (Venkatramani, 1986; Iyengar, 1993; Venkatachalam, 1993; Aravamudan, 1994, Harris-White, 1997; Jain, 1999; George, 2000; Agnihotri, 2003; Sarna, 2003; Patel, 2004; Sharma and Jain, 2005; Pande and Malhotra, 2006; Aravamudan, 2007). The important causes of female foeticide and infanticide as revealed by studies made by these authors are as follows:

1) Son mania

Indian society is patrilineal, patriarchal and patrilocal. Among the Hindus, the reproduction and heredity beliefs are governed by the laws of Manu (Corcos, 1984). Following this law, Hindus believe that a man cannot attain redemption unless he has a son to light his funeral pyre. Besides religious consideration, economic, social and emotional desires favour males, as parents expect sons but non daughters to provide financial support, especially in their old age.

2) Girl as a “burden”

The evil of dowry system has led to a belief that daughters have to be protected and sufficient financial resources have to be accumulated to support the marriage of the girl. Boys on the

other hand are considered as assets, who fetch a fabulous dowry for the parents. This has created a stereo-type notion of girl as a “burden” on the household.

3) Education and the gender skew

Contrary to the popular belief, Gita Aravamudan’s research shows an adverse link between education and the gender skew (Aravamudan, 2007). The more educated a women is, the more likely she is to actively choose a boy, assuming that she decides to have one child. The only educated women likely to keep daughters are the very independent minded. Educated men, especially in the business class, also want to have sons to carry on their business.

4) Marginalisation of women in agriculture

Although women contribute far more to the agricultural production, they are by far largest group of landless labourers with little real security. Modernisation of agriculture alleviates the burden of tasks that are traditionally men’s responsibility leaving women’s burden unrelieved. In some regions, the bias has led to shift from subsistence food (often women’s crops) to cash crops (often men’s crops). The systematic marginalisation of women in Indian agriculture has led to an increase in violence against women including the epidemic of female foeticide.

5) Misuse of technology

The tests like Amniocentesis and ultrasonography, which were originally designed for detection of congenital abnormalities of the foetus, are being misused for knowing the sex of the foetus with the intention of aborting it if it happens to be that of a female (Patel, 1984). Thus, female foeticide and infanticide is receiving fillip through misuse of technology, done surreptitiously with the active connivance of the service providers.

6) Weak implementation of laws

The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, prohibits determination of sex of the foetus. It also provides for mandatory registration of genetic counselling centres, clinics, hospitals, nursing homes, etc. However, the implementation of the law is weak and it has not been used to the fullest. The focus has been only on the registration of the number of ultrasound machines and not on the actual act of

abortions of female foetuses. Furthermore, in several cases the accused have not been booked under relevant sections of the Act.

The genocide of girl child, which continues unabated in the country, has led to skewed sex ratio in the country. The 2001 Census figures point to a sex ratio for 0-6 age group of around 927 females per 1000 males (See Table 3). According to some rough estimates from civil registration of births, the present sex ratio has declined to almost 882 females per 1000 males. Assuming an average of 900 females per 1000 males, this point out that almost 10 per cent of females are missing, that would amount to extermination of almost one million women every year.

Table 3
Sex Ratio in 0-6 Age Group for Selected States in India
(Per 1000 males)

States	Sex Ratio in 0-6 Age Group	
	Rural	Urban
Punjab	866	789
Haryana	884	809
Rajasthan	909	886
Delhi	917	866
Uttar Pradesh	928	880
Bihar	949	924
West Bengal	955	948
Orissa	949	927
Madhya Pradesh	960	941
Gujarat	908	827
Maharashtra	934	908
Andhra Pradesh	962	958

Karnataka	951	939
Kerala	958	951
Tamil Nadu	951	951
All India	934	905

Source: Census of India, 2001

It is crystal clear from Table 3 that skewed sex ratios have moved beyond the states of Punjab, Haryana, Delhi and Gujarat. With news of increasing number of female foetuses being aborted from Orissa to Bangalore there is ample evidence to suggest that the next census will reveal a further fall in child sex ratios throughout the country.

The consequences of missing women are disastrous to contemplate. It is a tragedy that the very fact that one million women are killed annually is not being seen as a reason to stop this genocide. The first major fallout of declining sex ratio would be increase in sex related violence against women. It is pertinent to note that, during the period 1953 to 2007, the number of reported cases of rape in the country increased by whopping 733 per cent (NCRB, 2008). This would further rise with decline in sex ratio.

Boys of marriageable age unable to find enough girls in their own state are already been reported from Punjab and Haryana. This could lead to increase in immortality and heightened prostitution. This in turn could lead to increase in incidences of HIV/AIDS.

Indeed, decades of sex determination tests and female foeticide that has acquired genocide proportions are finally catching up with states in India.

Section V

Measures to Combat Female Foeticide and Infanticide

Combating female foeticide and infanticide would require multipronged strategy. Such a strategy must necessarily encompass legal, economic and social reforms. While social reforms should be part of a long term strategy, legal and economic reforms should be taken up in the short and medium term respectively.

(A) Legal Reforms

Although India has enacted laws to prevent female foeticide and infanticide, their implementation has been lax. Furthermore, there are several loopholes in the laws due to which conviction rate are abysmal. Therefore, to combat female foeticide and infanticide, there is a need to begin with legal reform. In this regard, we make the following suggestions:

- 1) Rather than banning sex determination techniques (doing so would encourage them operate in a clandestine manner), registration and import of such machines must be made extremely difficult. For this necessary legal provision must be further tightened.
- 2) Clinics and organisations that spread awareness regarding sex selection techniques must be banned and a list of such clinics and organisations must be made placed in the public domain.
- 3) If more than 50 guests are entertained in celebrations such as birth of male child, it should be mandatory to file an income tax return.
- 4) Committing or supporting or non-reporting of foeticide and infanticide must be made a non-bail able offence.
- 5) Fast track courts must be set up headed by a female judge for quicker dispensation of justice.
- 6) Capital punishment must be awarded to people convicted for this heinous crime.

(B) Economic Reforms

Female foeticide and infanticide are committed by people across income groups. Hence, merely focusing on poverty alleviation as an antidote for this menace would not yield the desired results. Instead, economic incentives that would increase the opportunity cost of not having a girl child for a household must be at place. The following suggestions can be part of such an incentive mechanism:

- 1) Financial support for girl education up to graduation must be provided to every family having a girl child irrespective of the number of girl child.
- 2) Preference in bank loans at concessional rates should be given to those households having a girl child.
- 3) Connections for utility services like telephone, cooking gas, electricity, water etc; must be given to households having a girl child.
- 4) Access to public distribution system with increased entitlement should be given to households having a girl child.

(C) Social Reforms

Creating awareness and sensitising people would help in eradicating female foeticide and infanticide over time. The following suggestions are made in this regard:

- 1) A sustained campaign involving youth must be launched at the national level to provide information regarding the extent, causes and effects of female foeticide and infanticide. Furthermore, awareness regarding human sexuality must be generated among youths.
- 2) Ex-communicating households discriminating against girl child must be encouraged.
- 3) Women's studies must be made compulsory as part of school, college and university syllabi.
- 4) Religious leaders must be involved to advocate gender sensitisation. It would help in questioning the legitimacy of male child preference.
- 5) Parents must stop over patronising their daughters. Furthermore, they must not mystify their sons based on gender.
- 6) Parents and teachers must promote role fluidity.

- 7) The hierarchical and hegemonic relationship between the bride's family and that of the groom must be undermined.
- 8) The dowry system itself should be challenged instead of only dowry harassment and dowry deaths.
- 9) Newly married couples must be made aware that a small family need not only include male children.
- 10) Media should refrain itself from stereotyping and commoditising women.

Section VI

Summary of Major Findings

In India, the genocide against girl child in form of foeticide and infanticide continues unabated across castes, class and communities. Today, no major state in India is free from this menace. A combination of legal, economic and social factors have contributed to female foeticide and infanticide. This has led to adverse sex ratio, especially child sex ratio. In the coming years, if this problem is not effectively arrested, it would lead to social catastrophe. Therefore, a multipronged strategy encompassing legal, economic and social reforms is required.

Female foeticide and infanticide is not only about missing numbers. The very status of women, and the gains that have been made in this regard over the years, are at stake.

References

- Agnihotri, S. (2003). Survival of the Girl Child: Tunneling out of the Chakravayuha. Economic and Political Weekly, Vol. 38, No.41, pg. n.a; 11-17th October, 2003.
- Aravamudan, G. (1994). "The killing fields: female infanticide". The Week. April 03, 1986, Vol. 12, 1994.
- Aravamudan, G. (2007). Disappearing Daughters - The Tragedy of Female Foeticide. Penguin, March, 2007.
- Bandewar, S. (2003). Abortion Services and Providers' Perceptions: Gender Dimensions. Economic and Political Weekly, Vol. 38, No.21, pg. 2075-2081, May 24-30, 2003.
- Census of India (2001). Provisional Population Totals, Series 1, India paper 1, 2001.
- Corcos, A. (1984). "Reproduction and heredity beliefs of the Hindus based on their sacred books". The Journal of Heredity, Vol. 75, No. 2, pg. 152-154, 1984.
- Diaz, A. (1988). "Amniocentesis and Female Foeticide". Bulletin of the Indian Federation of Medical Guild, Vol. 56, July, 1988.
- Gangrade, K.D. (1988). "Sex Determination – A Critique". Journal of Social Change, Vol. 18 No. 3, pg. 63-70; 1988.
- George, S. (2000). "Female Foeticide in India". Health Action, Vol. 13. No. 9. pg. 23-26, 2000.
- Harris-White, B. (1997). "Development and death: adverse child sex-ratios in rural Tamil Nadu". Frontline, Vol. 89, April, 4, 1997.
- Iyengar, P. (1993). "Female infanticide: sex ratio in Tamil Nadu dips". Times of India, January, 30, 1993, Bombay edition.
- Jain, S. (1999). "Female Foeticide continues unabated: Save before they perish". Journal of Obstetrics & Gynaecology Vol. 4 No. 12, pg. 707-709, December, 1999.
- Kulkarni, S. (1986). Pre-natal Sex Determination Tests and Female Foeticide in Bombay City. The Foundation for Research in Community Health, Bombay.
- Pande, R and Malhotra, A. (2006). "Son Preference and daughter Neglect in India. What happens to Living Girls", International Center for Research on Women (ICRW), ICRW Information Bulletin, 2006.

- Patel, T. (2004). "Missing Girls in India". Economic and Political Weekly, Vol. 39, No.9, pg. n.a., 28th Feb – 5th March, 2004.
- Patel, V. (1984). "Amniocentesis and Female Foeticide: Misuse of Medical Technology". Socialist Health Review Vol.1, No. 2, pg. 69-71, September, 1984.
- Sarna, K. (2003). "Female foeticide on the rise in India". The Nursing Journal of India, Vol. 94, No. 2, pg. 29-30, February, 2003.
- Sharma, C and Jain, D. (2005). "Technology and its Impact on Female Feticide in India", May 2005, <http://www.govtech.com/gt/articles/94065> (accessed on December 25, 2009)
- Tandon, S. and Sharma, R. (2006). "Female Foeticide and Infanticide in India: An Analysis of Crimes against Girl Children". International Journal of Criminal Justice Science, Vo. 1, No. 1, pg.1-10, January, 2006.
- The National Crime Records Bureau (2008). "Crime in India, 2007". Ministry of Home Affairs, Government of India, New Delhi, November, 2008.
- The New York Times (2006). "India's Lost Daughters: Abortion toll in Millions" January 09, 2006, New York edition.
- United Nations (2007). World Abortion Policies, 2007. United Nations Department of Economic and Social Affairs, Population Division, New York, April, 2007.
- Venkatachalam, S (1993). Female Infanticide. HarAnand Publications, New Delhi, 1993
- Venkatramani, S. (1986). "Female infanticide: born to die". India Today. Vol.28, No. 15 June, 28, 1986.