



Female Foeticide : Gender Violence

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India is tipped to be the next superpower. India is said to be the next economic powerhouse. India is said to be the upcoming global leader. Decades ago, our forefathers saw a bright and powerful future for India as they fought for independence. But, the harsh reality is, the judging by the direction in which India and its basic sense of morality is heading, none of this is important. In a country where basic human qualities of morality and righteousness are simply missing, what use is economic and scientific development? In a society where an entire gender is disrespected, disregarded, ill-treated, subdued and deprived of basic rights - including that of living - what value does innovation and invention have? Where people have no shame and feel no guilt at murdering a defenseless, innocent, unborn baby - where (unborn) children are slaughtered by their own parents - what is progress and development? Where words like justice, respect, honour, care - simply remain words.

Female foeticide is simply the most heinous, atrocious, and disgusting practice humans could have come up with. Just where is the humanity in these humans? If India has to develop or progress, if it has to be something more than a piece of land on the world map, if it has to take even one step further for something good - it'll have to first, and foremost, eradicate this menace of female foeticide.

The consequences are severe. What could happen is already happening, and it could easily worsen. The very civilization India has been building in all its years of history, could come crumbling down. And it will, unless we learn to respect and value the fairer sex.

Now India is a land that has grown immensely over the years. But it is also a land that is bogged down so heavily by acute problems on the inside, that it has no chance facing problems from outside. It is also a land that needs to realize and understand the value of a human life. It is land where the girl child is considered as 'Devi' (Goddess). But it is also a land where this very 'Devi' has no respect, no dignity, no value.

We need to come together. We need to work and work hard. Till this evil is not completely eradicated from our system and from our society. Because unless we learn value the female gender, we are not going to progress. Because unless we learn to respect her, we are going down - and the fall is irreversible. India is going no further in any field till it learns to treat its women

with equal dignity, respect and honour. And unless we do anything about it now, we are going to learn this the hard way. Change will not take place overnight - it never does. It may already be too late. But every moment we put off the action, the consequences will turn graver. The disruption this practice has caused, will take time to erase and to disappear. It will take time to make things right. But we cannot sit waiting for it to become alright. Because, unless we - each one of us - stand up and raise our voices, it will never be alright. And that, trust me, is not a future we want - not now, not never.

As Justice YK Sabharwal, Chief Justice of India, very rightly said in his speech about the Eradication of Female Foeticide, on December 17, 2006 in Patiala. They say that "In law, everything has two sides. That there is no right and no wrong, no black or white - only shades of grey. But here, I honestly do not see two sides. Thought rare, it is true the sometimes what is wrong and I believe this is one such time. There are no grey areas when it comes to female infanticide or female feticide. It is simply wrong."

Luckily, people are awakening and individuals and organizations alike, are taking action. And yes, the government is doing some of its bit in helping undo what has seeped into the very roots of our existence. The Department of Social Security and Women and Child Development and the Department of Health are working towards this issue. Several awareness campaigns, surveys to monitor birth sex ratio, and proposed schemes for the girl child have come up. On 22nd January 2015 Government of India launched "Beti Bachao- Beti Padhao" yojna and promoting and honouring the parents who have girl child. This yojna has been target to save girl in Uttar Pradesh, Haryana, Uttarakhand, Punjab, Bihar and Delhi. Steps for enforcement of concerned laws and monitoring and registration of genetic centres have followed. Films like *Matrubhoomi* shook things (for a while), but more of the kind are required to actually make a difference. *Satyameva Jayate* brought the issue back into the limelight and showed a lot of promise - newspapers were filled with reports of arrests of doctors for the next few weeks - but we are yet to see how much of a lasting impact Amir Khan's show has made. Heart warming efforts are seen periodically Ishita Uppal's (a Class 10 girl) awareness drive in Haryana and Punjab in 2009, for example. However, this is not enough.

Violence against women exists in various forms, in all societies, the world over. However, the recognition that elimination of gender - based violence is central to equality, development and peace, is recent. In India, the landmark report on the status of women 1975 did not deal with this issue. In late seventies and eighties the Indian women's movement focused on the issues of dowry deaths, female feticide, sati, rape and other forms of violence. In 1996 the world

health assembly endorsed the fact that violence against women is a Public Health problem and female feticide is one extreme manifestation of violence against women.

Female feticide is now more widespread in the country than ever before. The practice was restricted to a few states a few years ago but has now spread all over the country. Girls and Women not only face inequity and equality, they are even denied the right to be born if their families do not wish so. In fact many families do not wish their women folk to deliver baby daughters.

Many voluntary organizations say at least 42,000 girls were lost due to terminated pregnancy in the last one decade. The organizations blame the rise in female foeticide on the use of cheap medical facilities like Ultrasound Scanning available in the market. The lack of females in India has been so obvious lately, that the authorities have forbidden the gynecologists to reveal the gender of the unborn child for the parents. But progress in technology has worsened the situation for women in India and have made it possible to determine the sex of the foetus, which has made female foeticide easy, convenient and cheap. This has become a thriving industry in many parts of India. There are doctors who are advertising aggressively: "Invest Rs. 500/- now, save Rs. 51 lakhs later" i.e. "If you get rid of your daughter now, you will not have to spend money on dowry". The Government's strict policy of two children per couple has also contributed to the large number of abortions.

The yearning for a son is a deep rooted social phenomenon in Indian society. States like Bihar and Rajasthan have a long history of female infanticide of girls poisoned, suffocated, drowned or left to die.

Sex selected abortion is a sought after solution to what is considered to be the ordeal of raising and marrying off a girl.

According to reports, more than two million foetuses are killed in India every year through abortion, simply because they are female.

Stringent laws to check female foeticide have been in place for almost a decade but they are unable to check this malpractice. In India's male dominated society, the women are blamed for bearing a girl child, who are considered non earning members and an additional burden as they have to be married off with a hefty dowry. In most cases mothers are harassed and sometimes even abandoned by in-laws for not bearing a boy, considered inheritor of the family name and assets.

Nevertheless, it is not only the Government who need to work on this - the society, which means we, need to work just as much. We, as citizens, can do our bit to work for this

cause support, stand, be aware, and aware others. It may not sound much, but it does help join causes and pledge your support. And those who feel up to it, donate. There are a lot of malicious people out there, but tread well and do a little research, and you'll find the ones who actually care. Write, Speak, Act, Go give a small talk in your child's school. Encourage friends, colleagues, seniors, juniors - step out of your comfort zone.

It won't affect us directly. But, it is a moral obligation for us to help improve the world you live in. It is a natural human duty to help. If everyone asks the same question, and stays glued to their seats - this will remain as it is. Nothing will happen, the situation will worsen and we will still be glued to our seat. Think - do we expect those who are committing this foeticide will work for the cause? Obviously not. It is the ones who do not do it, who have to work to stop those who do it. And that includes us. Use sitting back and complaining that this country will remain as it is', and 'this country is not going to improve', and 'no one can do anything about this country' and 'the government is useless', is futile.

India today, is not a very women-friendly place - as those unborn aren't allowed to live, and those alive aren't allowed to live. To eradicate the meance of female foeticide from the Indian society, one thing that certainly needs to be looked into is the law. Though changing the law or making it stricter will not immediately and completely bring a solution, it is a step. And when the evil is established to be completely illegal, it is slightly easier to pin down the problem.

There are three laws that need to be looked into - one regarding dowry (the major cause for female foeticide), one concerning sex selection, and finally, one about abortion.

Delving into dowry laws is not very difficult - dowry is simply illegal. Section 4 of the Dowry Prohibition Act (1961) states that a person shall be deemed guilty if he/she demands any dowry, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom. Section 3 of the same act condemns a person if he/she gives or takes or abets the giving or taking of dowry. The act defines dowry as any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage (or by the parents of one party or any other person to the other party or any other person)- basically, cash, property or valuable security offered as precondition to the marriage. Stridhan (property of the woman) is legal, however.

Sex selection is covered under the Pre-Conception & Pre-Natal Diagnostic Techniques Act, 2002. Originally, there was a Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, but due to the prevalence of pre-conception diagnosis, a newer law was put in order.

Chromosomal abnormalities;
Genetic metabolic diseases;
haemoglobinopathies;
sex - linked genetic diseases;
congenital anomalies;

It also states that "no person including the person conducting pre-natal diagnostic procedures shall communicate to the pregnant woman concerned or her relatives or any other person the sex of the foetus by words, signs or in any other manner" and "no person shall, by whatever means, cause or allow to be caused selection of sex before or after conception". Under the Act, the following people can be charged:- everyone running the diagnostic unit for sex selection, those who perform the sex selection test itself, anyone who advertises sex selection, mediators who refer pregnant women to the test, and relatives of the pregnant woman is considered innocent, "unless proved guilty".

The Medical Termination of Pregnancy (MTP) Act, 1971, legalizes abortion - however, under certain conditions. It states that pregnancy can be terminated by at least one registered medical practitioner (if the length of the pregnancy does not exceed 12 weeks) and by at least two registered medical practitioners (if the length of the pregnancy is between 12 and 20 weeks) who are of the opinion, formed in good faith, that

-the continuation of the pregnancy shall expose the woman to risk to her life or of grave physical or mental health.

(this includes women subject to rape, and pregnancy induced by the failure of any contraceptive device or technique used by a married couple)

-There is substantial risk that if the child is born she shall suffer from severe physical or mental abnormalities.

Pregnancies that can be terminated also include those in minors (under 18) or "lunatics" with the permission of a guardian.

As the law is always criticized, these three laws have also been under the scanner and several parts have been claimed to be extra or less strict - than necessary. The Dowry Law has been criticized by men's rights activists stating that the law is gender biased, and includes presumption of guilt (of the husband) and vague definitions of dowry and Stridhan.

It has been claimed that the PC&PNDT Act focuses solely on ultrasonography as a technique for sex - selection, and newer technologies like amniocentesis and biopsy, and other techniques that could come up in the near future (for example, a technique involving taking a blood

test isolating foetal cells from maternal blood hence enabling foetal sex detection is under investigation), which would be neglected under this Act.

The Medical Termination of Pregnancy Act has been said to 'legalize' abortion, but not present it as a 'right' for women. The twenty week limit (for abortion) has been criticized, stating that the sex of the foetus can be determined easily from the 12 week onwards. However, others claim that the limit must be extended, citing other medical reasons (for example, the Nikita Mehta case in 2008). Moreover, since there is no absolute definition to the phrase, 'severe physical and mental health risks', and that the opinion lies with the physician, illegal abortions aren't very difficult to carry out (not at least, at this day and age where everyone is more than ready to fish out a bundle of notes from their pockets to achieve what they want).

The laws in India have been laid out pretty well - covering at least the bare necessities. However, more important than the law is the implementation of law. The laws have been passed fine, but the reason sex determination and illegal abortions still take place is the improper and inadequate implementation of the law. The law is not being properly implemented, and proper action has not been taken against those found guilty. Of course, the official reason shall remain 'inadequate forces and staff and 'lack of funds', but we know better. And if female foeticide, is to be stopped, it is time that our officials and those who have been presented with 'power', dig their noses into the laws in our constitution, and begin taking severe and appropriate action. On paper, everything is fine what is written can be criticized numerous times - but when it comes to taking action, well, action needs to be taken.