

Female Feticide, its Social Issues and Legal Implications

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ABSTRACT

The long standing tradition of son preference over the girl in Indian society has given birth to many social problems and females feticide is one among all. The girl children become targets of attack even before they are born. This is evident from the declining sex ratio, especially in the northern states, according to census 2011 report. Sons are preferred over daughter for various social, economic and religious reasons such as family linkage, type of insurance for the future, prestige and power, financial support, salvation, dowry, low status of women, gender discrimination, family name as traditional causes and Pre-Natal Diagnostic Technology which is considered as bales of advancement in science and technology. In our society we all talk about equality in all walk of life, then, Why male are given the right to take birth and not women? It is well known fact that the latest advances in modern medical sciences – the tests like Amniocentesis and Ultra-sonography, which were originally designed for detection of congenital abnormalities of the fetus, are being misused for knowing the sex of the fetus with the intention of aborting it if it happens to be that of a female. Women are also facing various social problems like prostitution, trafficking, early marriage, dowry, illiteracy, and malnutrition and gender discrimination. There is a need to strength the ethical code of conduct and above all imbibe values among new generation. The aim of this article is not only to give stress over women's issues, but to highlight the problem of sex selection and its legal implication

Keywords: Female feticide, gender, sex ratio, sex selection technology Ultra-sonography, sex selective abortion, female infanticide

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INTRODUCTION

In India low gender ratio is the result of common custom of Gender Selective Abortion. Birth of a girl is considered as a curse and a punishment for parents. Moreover a girl has always been blamed for all the misery and misfortune. Female feticide has emerged as a burning problem during the last few years. A girl child is treated as a burden, an extra mouth to feed, a liability and another man's property

The long standing tradition of son preference, coupled with medical technology now gives to the status conscious Indian families, the choice between payment of large dowry for their daughters or elimination of daughters. The traditional method of getting rid of the unwanted girl child was female infanticide, where the female baby was done away with after birth in various ways – either by poisoning the baby or letting her choke on husk or simply by crushing her skull under a carpet (charpoy). With the advancement of medical technology, sophisticated techniques can now be used or rather misused, to get rid of her before birth. Through ultrasound scans, the sex of the fetus can be determined during the pregnancy of the woman and then the fetus is aborted if found to be female.

In Vedic period a woman was considered as guides, the mistress of the home, who have an equal share in the performance of religious rites. Manu, the law giver said, The gods are satisfied wherever women are honored, but where they are not respected, rites and prayers are ineffectual (Manusmriti 3.62).

In Muslim age their status suffered a sharp decline and in the British period was looked down upon as 'slaves of slaves' (Sachdeva 1998, p285).

Women in India have made progress in various fields such as education, health, economics as a result of science and technological developments. Though the number is small but today India has women in almost all spheres of life. Women of today are doctors, engineers, pilots, journalists, teachers, administrators, judges, state governors, ambassadors, members of parliament and ministers. India has had a woman Prime Minister and a President of the UN Assembly.

In spite of these achievements the fact remains that ordinary women's condition is a grim reality to have social sanctions.

SOCIAL ISSUES

Though we are talking about our achievements in all spheres but Indian society is still facing many social problems

Female Feticide and Infanticides

It is sex selective abortion before the birth. Sex selective abortion cases have become a significant social phenomenon in several parts of India. Diaz, (1988) states that in a well-known Abortion Centre in Mumbai, after undertaking the sex determination tests, out of the 15,914 abortions performed during 1984-85 almost 100 percent were those of girl fetuses. Similarly, a survey report of the women's center in Mumbai found that out of 8,000 fetuses aborted in six city hospitals 7,999 fetuses were of girls (Gangrade, 1988:63-70). Infanticide is a deliberate and intentional act of killing a

female child within one year of its birth. Official records indicate that 1,747 female infants have been killed since 1989 in 19 blocks of Salem district alone. Government hospital records show that out of the 600 girl babies born among Kallars (Tamil Nadu), 570 babies vanish every year and out of these, 450 are victims of infanticide (Krishna Kumar, 1992). According to Crime in India (2000) feticide cases reported an increase by 49.2 per cent over the previous year and infanticide cases increased by 19.5 per cent over the previous year.

Early marriages

Early marriages are favored in some Indian states like Rajasthan, because families favor younger brides. The biological family no longer has to support the girl. The husband's family may view her as cheap labor in the household and fields, and more accommodating, in that they do not question their husband's family.

Illiteracy

The illiteracy rate among girls is higher than that of boy's. The reason is that the parents prefer their son's education as an investment and neglect girls' education. They think that the girl will reach others house after marriage and her duty is to maintain home, but boy will look after their parents in old age. As per Census of India, 2011, the literacy rate for males and females works out to 82.14 per cent and 65.46 per cent respectively.

Women's Security

The multiple forms of violence threaten women's security in India. Son preference

has direct linkages to health and nutrition problem of women. Research conducted by the International Centre for Research on Women (ICRW) found that, although not universal, particularly in households where there is more than one daughter there are significant differences in nutrition and health levels between male and female children [10]. Additionally, at the household level, incest, rape and domestic violence continue to hinder women's development across India. In India of all sexual abuse cases 40% are incest, and 94% of the incest cases had a known member of the household as the perpetrator [11].

Trafficking

Trafficking in India is rising, and sometimes this, too, is driven by the value of the dowry. India is both a source and destination for trafficked women and girls into prostitution and bonded labour. Some of the girls have been trafficked from other countries. They marry Indian men in exchange for dowry.

Prostitution

It is the sexual exploitation or abuse of persons for commercial purpose. Prostitution is sometimes defined to be indiscriminate sexual commerce for gain. To satisfy the sexual appetite of men, women are exploited. It is the major problem of the society.

Dowry

Dowry normally means gifts given during the marriage to the son-in-law or his parents either in cash or kind. From the point of view of women's status, however, dowry has to be looked at as constituting

what is given to the bride, and is often settled before hand and announced openly or discreetly. The Dowry system has always given rise to innumerable socioeconomic problems. Of late, numerous incidents of bride burning, harassment and physical torture of the young brides and various kinds of pressure tactics being adopted by the husbands /in-laws pressurizing for more dowry.

Gender discrimination

The bias against females in India is grounded in cultural, economic and religious roots. Sons are expected to work in the fields, provide greater income and look after parents in old age. In this way, sons are looked upon as a type of insurance and responsible for preservation of the family name. Also, as per Hindu belief, lighting the funeral pyre by a son is considered necessary for salvation of the spirit [4]. This strong preference for sons, which results in a life-endangering deprivation of daughters, is not considered abhorrent culturally and socially [5]. As per Census of India, 2011, there are 940 women per 1000 men.

LEGAL PROVISIONS

Over the years, the Indian State has enacted special laws in addition to gender specific provisions .Some illustrations are

- The Immoral Traffic Prevention Act 1956 (ITPA) is the widely used law to prosecute traffickers, but also is invoked to target prostitution.
- The Dowry Prohibition Act, 1961 (DPA) to prohibit the practice of giving and taking dowry

- Medical Termination of Pregnancy Act, 1971. This law was conceived as a tool to let the pregnant women decide on the number and frequency of children
- The Commission of Sati (Prevention) Act, 1987 that penalizes those involved in the commission of sati and its glorification
- The Preconception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PC&PDT Act) to prevent the misuse of diagnostic techniques resulting in sex selective abortions.
- Domestic Violence Act, 2005 (PWDVA). It provides protection from violence in the household from not only male, but female also like mothers-in-law and other female members in extended families.
- The Prohibition of Child Marriages Act 2006.

CONCLUSION

We cannot even imagine the day when we will talk about, that there were women in this world. The poets and writers have nothing to write in the absence of inspiring spirit, ‘the women’. There will be no question of family linkage, salvation and the human race.

Even though the law is a powerful instrument of change yet law alone cannot root out this social problem There is an urgent need to tackle this brutal form of violence against women by changing the belief that son extends the lineage, enlarges the family tree, provides protection, safety

and security for the family and is necessary for salvation and it is possible through awareness, mass appeal, social action, voluntary organizations, active function of women's groups and media. It is not too late

to energize efforts to put gender equality at the top of the development agenda. Apart from the above, there is a need of value, moral and religious education.

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