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FEMALE FOETICIDE: MEASURES TO CURB THIS EVIL

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A female plays many roles like mother, a sister, a companion, a friend, we all love our mother but we don't want a girl as a child, we all need a partner but we won't let a girl child see the world, we protect our sister but we see other girls like an object. Yes, by we I mean society, the parents who won't let her live just because she is a girl.

Female foeticide is a heinous crime in which abortion of a female fetus takes place. Female foeticide is one of the major social evil which can be linked to dowry system even though the dowry system is been abolished under the Prohibition of Dowry Act, 1961 but the

wanting of boy child over the girl child still prevails in our society. The very concept of the boy is an 'asset' and the girl is a 'liability' in our society is the reason for female foeticide, according to the 2011 census of India the sex ratio in the 0-6 age group in India went from 104.0 males per 100 females in 1981 to 109.4 in 2011, and this ratio is increasing at a higher rate and more in the states like Punjab and Haryana. In India, everyone has patriarchal thinking that men hold the most power than women's on the contrary women are considered as burdens.

The very first law related to child abortion was **the Medical Termination of Pregnancy Act, 1971** which made abortion legal in overall India, this act was made for the medical complications for the mothers during the pregnancy and the victims of rape. But this act was widely misused for female foeticide all over India. In the '80s screening of sex in India was easily available to the common man and it was highly misused and the cases related to female foeticide started to increase so,

keeping them in mind the government introduced the **Pre Conception and Pre Natal Diagnostic Techniques Act (PCPNDT) in 1994**, this law was re amended due to many reasons into **Pre-Conception and Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) (PCPNDT) Act in the year 2004**, the main goal of this law was prevention and punishment of prenatal sex screening and female foeticide. Several changes happened in the PCPNDT act, 2004, the punishment was made more tough and difficult, the ultrasound was also brought under its ambit to prevent its misuse. The authorities were given the power to search, prevent, seize and seal the machines and technologies of the violators. Section 6 also makes it illegal to find the sex of the fetus.

There are several provisions to prevent foeticide in India such as **Section 312**, which says whoever causes a woman with child to miscarry that too voluntarily, shall, if such miscarriage be not caused in good faith for the purpose of saving the woman's life, be punished with imprisonment, **Section 313**, which says whoever commits the offence described in the above section without the consent of the woman, whether the woman is pregnant with a child or not, shall be punished with imprisonment for life or with imprisonment of either description for a term which may

extend to 10 years and **Section 314**, which basically says whoever, with intent to cause the miscarriage of woman with child, does any act which causes the woman to lose her life, shall be punished with imprisonment of either description for a term may extend to 10 years, and shall also be liable to fine, If the act is done without the consent of the woman, shall be punished either with imprisonment for life or with the punishment above mentioned. It is to be noted that it is not essential that in this offense that the offender should know that the act is likely to cause death.

In the landmark case of **Centre For Enquiry Into Health And Allied Themes (CEHAT) v. Union Of India & Others**, petitioners concerned about the implementation of the Act, the case was filed to ask the supreme court for effective implementation and execution of the provisions of the **Pre-Natal Diagnostic Techniques Act, 1994**, which had failed at achieving its goals of preventing female foeticide. The court warned the Centre, States, and Union Territories to effectively comply with the mandates of the Act and also clarified to the appropriate authorities that it was empowered to take criminal action against violators. The Court directed for amendment of the Act because of emerging technology and the Act was amended in **2003 to Pre-conception and Pre-natal Diagnostic Techniques**

(Prohibition of Sex Selection) Act, 1994. The Court also directed the formation of the National Committee (National Monitoring and Implementation Committee— NMIC) to monitor the implementation of The Act.

The main reasons for the prevailing female foeticide in our country are lack of education, patriarchy, safety. **Safety** is one of the main reason for the rising female foeticide is the increasing rate of crimes done against women in our society like sexual harassment, rape, and several other heinous crimes, boys tease girls daily whenever they find them alone on the bus stands, roads, it has become common in India to molest girls and get away freely. The fear of such crimes being committed with one's daughter to prove detrimental for some families and therefore, they find, killing the female fetus in the womb of the mother itself, a better option, **Patriarchy**, from the beginning itself females were considered as the weaker sex and the gender decriminalization can be seen everywhere starting from the home, school and to the workplace, women's are treated as weak and the men are treated as an asset. According to the patriarchal structure of society, girls tend to leave their parental home after marriage and move to their matrimonial home. Therefore, it is believed that girls cannot continue the lineage of the

family to which they are born. Not only shall the family lineage come to an end, but also, the parents shall be left on their own during their old age. Dowry is also the main reason because whenever a girl is born into a family the first concern of the parents is that they have to give dowry, even though the dowry system is abolished but we can still find it in some backward states where this system is still alive. **Lack of Education**, even to date more than 25% of the Indian population continues to be illiterate. Lack of education among Indians has proven to be detrimental for the development on the social and psychological front.

To curb this evil **education** can be the most important way through which we can curb female foeticide, by educating others only then the old rudimentary concepts that stills govern the mind of many Indians can be cured. By education we can teach everyone about the gender equality and prevent discrimination hence, **education is the most important way through which we can stop this evil**, the government should **create as much awareness to let the society know that females are not the stigma to the family and they are equally as important as the boy in the house**, there should be more and more reservation for the female child at school, they should be encouraged to attend school by providing free books

and study materials, the family of the girls child should also be encouraged by providing them some assistance during the wedding of their girl child, the authorities should assure that the females should not be married before the legal age that is **21 years**, there should be strict implementation of anti-dowry act so that no parents treat their girl child as burden, more emphasis should be given into **women empowerment**, by providing them equal opportunity as boys to prove the world their worth and to show the society they are equal to the men or we can say that better than men, yes, I feel that women's are better than men because the mental strength and the selflessness they have along with the ability to manage several things together, no man can ever have that. I always wonder by seeing my mother that how can she do all the work with ease without letting us know about her pain and sufferings, if my grandparents would not let her live then I never would have born or being loved by my mother, and the very idea of this makes me cry, a girl child whom we do not allow to see the world could be a wonderful sister, a helping friend, a caring mother or a lovely wife and could do a lot good to our society than a bunch of men could have done together. Not only I have a mother whom I want to give every happiness in the world but I am also blessed with an elder sister, I couldn't explain how happy it makes me

when I think I have someone who can correct me tease me and help me in everything, I am glad that my father loves my sister more than me because every sister in the world should get more love and respect than men even if not equal then at least equal because they deserve nothing less. This paper was a mean through which I can do a little good in this society and I feel changes start from home so, If everyone starts loving and respecting their mother and sister then they will surely respect others. Female foeticide is a crime that not only takes away the opportunity to live from the girl child but also discriminates against women in the very womb of their mother, and it should be stopped.

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