



International Journal of Allied Practice, Research and Review

Website: www.ijaprr.com (ISSN 2350-1294)

Human Rights and Female Foeticide

**Dr. Meenakshi Khangarot,
Assistant Professor,
HCM RIPA, Bikaner, Rajasthan, India**

Abstract - People's thinking about the birth of a girl child in India has not changed for centuries. In this society with male mentality, the birth of a son is considered as a boon while the birth of a girl child is considered as a blessing. In spite of more than seven decades of independence, there is still inequality between sons and daughters in India. Parental discrimination and neglectful treatment of daughter, illegal abortion and female foeticide are examples of inequality. The practice of killing girls born involuntarily in Indian society has been around for centuries. Freedom of "live life" is the greatest human right of every person, but to snatch this right before it comes into the world is the biggest ruckus on humanity and it is a gross violation of human rights. Man is the eater of man, this statement is related to female foeticide. The killing of a girl child in her mother's womb is called female foeticide. It is the gory practise of sex-selective abortion, which renders the girl child a victim of the highest degree of gender-rooted prejudice. It has been flourishing in India for some decades due to the desire to have only male child and the misuse of new technology. The objective of this article is to examine the issues related to these and to study the causes and consequences in this regard. An analysis of the Pre-Conception and the Pre-Natal Diagnostic test is also made. At last there are some suggestions for achieving this end.

Keywords - Human Civilization, Human Rights, Female foeticide Statistics.

I. Introduction

Human Rights

Meaning - Ever since the emergence of human civilization, human rights have also been associated with them i.e. human rights are as old as human civilization. Man is an intelligent creature and because of his qualities, he gets some basic rights for his development automatically. And since he gets these rights automatically due to his existence, these are also inalienable, which we usually called as natural rights. These natural rights and the rights conferred by the state, we call them human rights, which have equal importance for all individuals, irrespective of their race, religion, gender, language and nationality. They also help in the growth of physical and moral welfare. In the absence of these rights, no person can do his all-round development and for this reason these rights are also called fundamental rights, natural rights and birth rights.

They are inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom of slavery and

torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.

The definition of human rights, according to the Human Rights Protection Act of 1993, is as follows:

"Human rights" means the rights guaranteed by the constitution or included in international covenants and promulgated by the courts in India, which are related to the life, liberty, equality and personal dignity of any person and guaranteed by the constitution and which can be enforced by the courts of India. "

In short, the centre of human rights is a man who comes into this world with his innate equality and human dignity. They are commonly understood as inalienable fundamental rights to which a person is inherently entitled simply because he or she is a human being. They are those basic standards without which a person cannot live in dignity.

Therefore, all those rights and all the fundamental freedoms which nurture the free and equal existence and development of a person, we call them human rights.

II. Female Foeticide Statistics

In the new century, a new image of women is emerging. Since many years, she is trying to create her new identity. But despite such advancement of women, committing a heinous crime like female foeticide in society is a matter of shame in itself.

Women and men complement each other. The other side is incomplete without one side. The family is not made up of men only; it is made up of a combination of both men and women. Due to this tendency of women and men to depending on each other, families are formed and a society is build from the families. But today's man is bent on distorting this social system. It is necessary to maintain equitable social systems in the ratio of men and women. If you look at the male to female ratio in the last hundred years, then there has been a huge decline in it. According to The United Nations, an estimated 2,000 unborn girls are illegally aborted every day in our country. According to Amartya Sen ,in his famous article " more than 100 million women are missing" , 100 million women are missing from the 3 billion combined population of India, other South Asian countries, West Asia, North Africa and China.100 million The figures of 2001 Census and 2011 Census indicate the imbalance of sex ratio. According to the 2011 census , country's total population of 121 crores, 3.73 crore women are less than the men. Punjab, Haryana, Chandigarh have a shocking situation in the country. In these states, if the abortion of the female foetus is not possible and the girl is born, she is killed by putting tobacco in her navel or she is negligent in her upbringing. For this reason, girls in the age group of 0-4 have a large share in the mortality rate.

The situation of human rights violations in India is getting frightening; it shows us the Statistics of female foetus. According to a recent estimate, five lakh female in India are killed every year.The number of girls continuously decreasing has become a matter of concern. People misused technology development for their selfishness. The condition that the ratio of children in the age group of 0 to 6 years was 962 in 1981; it remained 945 in 1991, 927 in 2001 and 914 in 2011. It shows considerable disparity in the sex ratio in this age group. Table 2 shows that the ratio of the girls as compared to boys in the country's population is very low. Nutrition level is also lower than that of the boys. The death rate of the girls is high and the enrolment rate in schools is low as well as the dropout rate is high as compared to the boys.

Sex imbalance in India

Millions more men than women

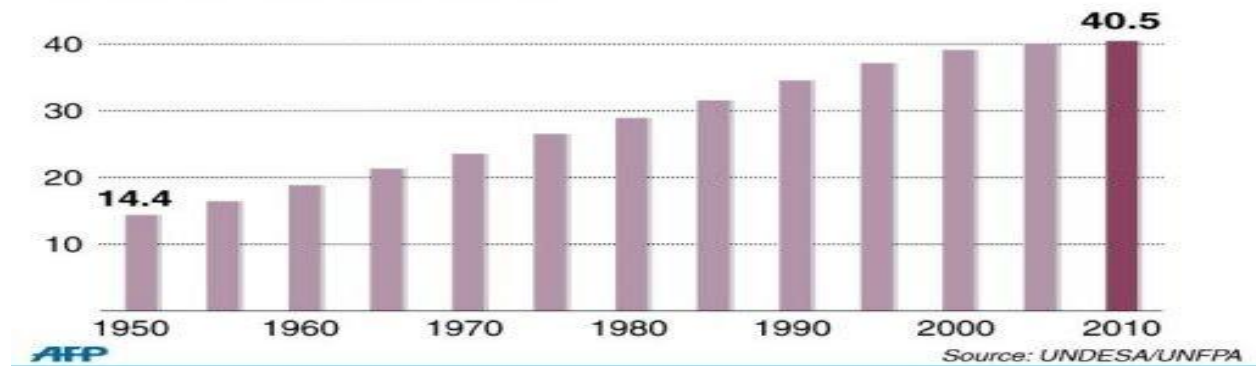


Image I

Year	Females per 1,000 males
1901	972
1911	964
1921	955
1931	950
1941	945
1951	946
1961	941
1971	930
1981	934
1991	927
2001	933
2011	940

Table 1:- Trends of Sex Ratio in India between 1901—2011

Source:-Registrar General & Census commissioner, India (2011)

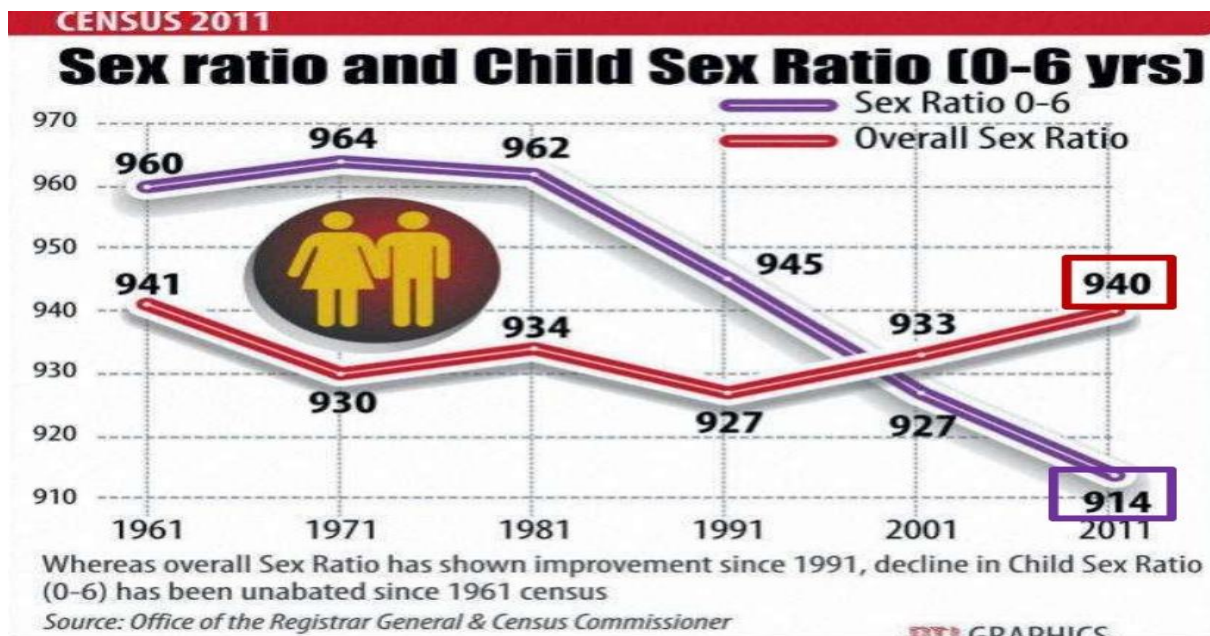


Image 2

Census year	0-6 years boys per 1000 girls
1961	960
1971	964
1981	962
1991	945
2001	927
2011	914

Table 2 (Children's Sex Ratio from 0-6)

Source: - Registrar General & Census Commissioner, India (2011)

The frequency of female foeticide in our country is suppose to be an estimation from its high birth sex ratio that is the ratio of boys to girls at birth. The natural ratio is assumed to be between 103 and 107 and any number above it is considered as suggestive of female foeticide. According to the decennial Indian census, the sex ratio in the 0 to 6 age group in India has risen from 102.4 males per 100 females in 1961, to 104.1 in 1981, to 107.8 in 2001, to 108.8 in 2011 (see table 3). These figures are quite shocking and further this data can be increase again if we do not declare our war against female foeticide not only from today but also from now on.

Census Year	Sex Ratio in (0-6) age group Males per 100 Females
1961	102.4
1981	104.1
2001	107.8
2011	108.8

Table 3 (Children's Sex Ratio from 0-6)

Source: - Registrar General & Census Commissioner, India (2011)

III. Sex Tests and Abortions

Ultrasound technology was an important discovery of embryology in 1970. It uses sound devices and examines the sex of the foetus with the help of cytology, hysteroscopy, and radio immunity. By ultrasound technique (images obtained from sound waves) a linear picture of the foetus is obtained on the computer. If there is a girl in the womb then her abortion is done. Abortion is a serious and punishable crime, yet this crime is happening openly in the country every day. The unlucky girl's children are either aborted as a foetus, or abandon in infancy. As per findings 90% of 11 million abandoned children are girls. Every year more than 1 lakh women in India suffer death due to pregnancy related reasons and most of the deaths occur only during abortions of female foetuses. As per UNICEF report (2007), over 43 million still have been victims of female infanticide. It is estimated that there are about 1.5 crore abortions every year in India, most of which are illegal.

IV. Root cause of the problem

In the orthodox and male dominated Indian society which gives preferences to men in different fields reduces women to the status of second class citizen. She was not given the right to equality in any era. According to the report of UNICEF (2007), a large number of parents in India do not want to take girls to the health centre, while the health of the boys is taken care of. Girls are also discriminated in education, food, clothing and proper take care. In a male dominated society based on gender discrimination, the story of atrocities on women starts not from birth but from within the womb itself.

Dowry System

In India, marriage is a costly and expensive custom and giving more dowries is a matter of social prestige. The parents have to spend a lot of money on their marriage. The rich class increases their prestige by spending money in marriages, while the poor get married as soon as they can. Due to this reason, the middle class of the society considers the birth of a girl as a curse. Female infanticide is often blamed on the economic pressure of dowry. The dowry system effectively commodified women, so they came to be seen as expensive, as well as less powerful in the economic exchange within the joint family system.

Succession and old customs

There are such systems in the customs and traditions of all the castes and classes of the society which hinders obstruct the upliftment of the girl child. A son is also considered as a successor of his family name and lineage. Furthermore a son is assumed to be capable of performing some special Hindu rituals like Punsan Sanskar, Peendan, Tarpan, Shraadh or the lighting up of the funeral pyre which is very important to attain Salvation or Moksha. In the educated society, such narrow mindset has given the women very low status.

Lack of sexual awareness

Being a mother before marriage is not considered good in India. Many youngsters are surrounded by this problem due to lack of awareness regarding sex education. This problem is more serious in small towns and villages. Many girls remain unaware that she has conceived and when she comes to know, she wants to kill this foetus for fear of slander. The sexual awareness is low so unsafe sex among rural youth have to be forced them to abort later and adopted during a manner that they also prove to be fatal for pregnant women.

Financial Reasons

In our society the son is always considered as an asset to the family while daughter is always considered as a liability on the family. The parents think that the boy will earn a lifetime for them and pay attention to them while the girl will get married and leave. Apart from this, one of the main reasons for considering the girl as a burden is illiteracy, insecurity and poverty of the people.

V. Impact and loss of female foeticide on society

Female foeticide will bring our society nowhere but in a dark corner from where it will not be possible to go in any direction. The United Nations has recently released that the increasing female foeticide in India is a matter of concern that will lead to many crimes in the country like female trafficking, kidnappings and in increase in assault and rape against women. As a result, human trafficking has become common in various states of India where teenage girls are being sold for cheap money by poor families. The girls are treated as sex objects and more than half of such cases go unreported. Because of child marriages and other discriminations against her, maternal deaths are also increase. Suicide rates in women will also increase.

VI. Global effort for women equality

The following efforts have been made at the global level for women's equality and to end gender discrimination: -

United Nations Convention 1976

The Convention on the Elimination of all forms of discrimination against women was announced in 1979 and entered into force in the world in September 1981. In this charter, the belief in equal rights of men and women was accepted and it was said that all human beings are entitled to free and equal rights from birth and without any discrimination including gender discrimination, they are entitled to get the rights mentioned in the UN declaration.

In Article 1 of this Convention shall mean any discrimination is restricted on the basis of gender. Article 3 of this convention says that women are fundamentally equal with men in all spheres of life. States should take action to ensure women can enjoy basic human rights and fundamental freedom.

The Universal Human Rights Declaration also included the right to gender equality in 1948.

Article 1 of the Universal Declaration of Human Rights states that, “all human beings are born free and equal in dignity and rights.”

Article-2 states that each person has the right to freedom and all rights mentioned in this declaration without including any form of discrimination.

Thus the Universal Human Rights Declaration clearly prohibits gender discrimination.

The following international human rights documents show the concern about gender equality.

1. Convention on the Political Rights of Women.

2. Convention on all forms of discrimination against women.
3. Convention on consent to marriage, minimum age for marriage and registration of marriages.
4. The International Supplementary Convention on Abolition of slavery.
5. Equal remuneration Conventions.
6. Discrimination (Employment and Adjudication) Convention.
7. Right to Work (Women) Convention.

In **Article 55** of the Charter of the United Nations, there has been talk of not discriminating on the basis of race, gender, language or religion. For the upliftment of women and their sustainable development, the following two institutions were formed under the United Nations system.

1. Commission on the status of women
2. Committee on the Elimination of Discrimination against Women.

The Commission formed at the level of women is the Executive Commission of the Economic and Social Council.

The Commission on the status of women (CSW)

It was established in 1946 by the Economic and Social Council. This commission consists of 45 original members. In which 13 member African states are elected from 11 member Asian states, 9 members from US states and 8 members from European states. Decisions related to the achievement of the goals of women's equality of their rights are taken at the level of women by the Commission Economic and Social Council and the General Assembly.

The Declaration on the elimination of discrimination against women 1967

Female human rights are most violated on the basis of gender discrimination. The Declaration was issued on 7 November 1967 by the United Nations on the end of discrimination against women. The following principles have been laid down in this manifesto to end gender discrimination: -

1. Discrimination against women is fundamentally unjust.
2. Gender discrimination is a crime against human dignity.
3. The customs and traditions that exist in the world today are discriminatory against women. These should be eradicated so as to provide real protection to the rights of women.
4. Conservative tradition and other customs based on the ideals of inferiority of women should be abolished.
5. Women should also be provided equal opportunities as men to hold public office so that they can share in power.

6. Married and unmarried women should have the same civil rights as men.
7. All the provisions of the Code of Criminal Procedure which discriminate against women should be abolished.
8. Girls, unmarried and married women should also be provided equal opportunities of education as men.
9. Effective measures should be taken to protect women and young girls from exploitation of prostitution so that they can live their lives with dignity.

Female Foeticide and Constitutional Provision

Sex selective abortion violate the right of a individual that is Right to Equality(article 14) and Right to Live with Dignity(article 15).it is also violate the article 21 that is right to life in several cases. But in the case of unwanted female child it is hardly recognised .So the right of the girl child may be construed in broader terms and should be read as:

1. Right to be born and not to be aborted only because she is a girl.
2. Right to remain alive after birth and not to be killed at any moment after birth.
3. Right of the girl child to her mind her body, right to childhood and right to a healthy family environment

Indian society is a patriarchal society where women and men are not getting equal status. In order to get rid of this high and low status of men and women in the society and to prevent atrocities on women and to reduce the violation of the right of women, the Indian constitution provides for human rights.

Article related to female foeticide

Article 14 - There is a clear provision under this article that all are equal before the law. The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. There is a prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 15 - The State shall not discriminate against any citizen on any basis. A citizen shall not be subject to any exercisable obligation or condition on the basis of religion, clan, caste, sex only. No provision of Article can stop the state from making specific provisions for women and children. The state will not discriminate against any citizen on the basis of religion, sex, caste, species, place of birth, language, etc. In relation to shops, houses, hotels, public recreational sites, wells, ponds, bathing Ghats, roads, public places of residence, which are made out of full or restless government funds, or declared for public use, religion should be given to any citizen. Language will not be denied on the basis of population etc. The state has the right to make specific provisions for the development of women, scheduled castes, scheduled tribes and backward classes in general and educationally.

Article 21 - This article provides for the right to life, personal freedom and protection. This right gives equal protection to the male and female.

Therefore, it can be said that female feticide is a violation of Article 14, 15, 21 of the Constitution. Stopping any organism before it comes into the world and denying it the natural right to live is a gross violation of human rights.

Pre-Natal diagnostic techniques PNDT (Regulation and Prevention of Misuse) act 1994 and Female Feticide: - (With reference to India)

Before 1950, the laws governing abortion were very stringent in many countries of the world, abortion was completely prohibited but illegal abortions took place. In 1970, on the basis of the report submitted by it, the Medical Abortion Act was enacted by the Parliament, which took place on 1 April 1972 in the whole country, Entered into force from 1972.

It regulates the use of pre-natal diagnostic techniques, like ultrasound and amniocentesis by allowing them their use only to detect:

1. genetic abnormalities,
2. Metabolic disorders,
3. Chromosomal abnormalities,
4. d. certain congenital malformations,
5. Haemoglobinopathies,
6. Sex related disorders

Provisions related to preventing feticide have been made in sections 312 to 315 of the Indian Penal Code.

Section 315 provides for imprisonment of up to 10 years or fine or both imprisonment and fine, for the person related with the act of preventing a child from being born alive or killing him after birth.

Pre-Natal diagnostic techniques PNDT (Regulation and Prevention of Misuse) act 1994,

which is assented to 20 September 1994 and commenced from 1 January 1996 Enacted by the parliament of India. In this act, the use of ultrasonography method for the examination of the foetus has been completely banned from the information related to the sex of the foetus.

In an important decision in PNDT act the Supreme Court has asked the companies, who are making and selling ultrasound machines to provide the list of hospitals and clinics to which they have supplied the equipments.

There is a provision in article 3 of the PNDT act that no testing lab or clinic shall conduct any examination before registration.

The law also mentions the circumstances in which a doctor will allow a PNDT test.

1. If the woman is over 35 years of age.
2. A pregnant woman has had two or more miscarriages in the past.

3. The woman suffers from a serious illness or contraction.
4. There is a case of mental or physical impairment in the family of a woman or there is a genetic disease.
5. It has also been clearly stated that this test should be conducted only after the written consent of the woman.

Any person who puts an advertisement for pre-natal and pre-conception sex-determination facilities in the form of a notice, circular, label, wrapper or any document, or advertises through interior or other media in electronic or print form or engages in any visible representation made by means of hoarding, wall painting, signal, light, sound, smoke or gas, can be imprisoned for up to three years and fined Rs. 10,000. Along with this, there is a provision of 5 years imprisonment, and fine up to Rs 50 thousand to the doctor who violated it. But even after the implementation of the stringent laws related to female feticide, we are not getting the expected results.

This **Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PNDT)**, was amended in 2003 to **The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT Act)**. The main aim of this act is to improve the regulation of the technology used in sex selection and to stop female foeticides and arrest the declining sex ratio in India.

VII. Solutions and Suggestion

The skewed sex ratio in our country reflects a worrying situation. If the situation remains the same then the situation may become even more frightening in the coming years. Women and men are not even equal in terms of with the population in the country. Female feticide is making a huge difference in the number of men and women in the human society of the country. Many steps have been taken to prevent this, such as the country's first woman President Pratibha Patil launched the ministry of health and family welfare's signature campaign on "save the girl child" by being the first signatory on the 138 birth anniversary of Mahatama Gandhi . The Government of India and the State Governments have made several efforts to deal with this situation at their own level. But till we all stand against this abominable evil, freedom from it does not seem possible and for this we need to launch a movement across the country.

If we oppose the dowry system, we can curb female feticide to some extent because female feticide is often blamed on the economic pressure of dowry .We can reduce female feticide by spreading social awareness. But to eradicate it completely, we must first bring humanity into our mindset.

We should raise our voice against female feticide on a regular basis. It is true that sex education has increased among urban youth, but it still needs to be widely spread. Further steps needed to be taken to prevent the killing of the foetus also fall on the sex ratio of the killing. There are 940 females for every 1000 males in 2011 census which has improved as compared to 933 in 2001 census.

People from villages and small towns should be made aware of the social harm caused by female feticide at regular intervals.

In schools and colleges students should be taught about the dangerous consequences of female foeticide.

Governments (central and state) should take intensive and integrated action, taking into account the identification of districts with low sex ratio. According to the 2011 census, there has been a decrease in the child sex ratio in 27 states, while a decrease in the child sex ratio has been recorded in 461 districts.

The judiciary of the country should make the strict laws against those who promote female feticide. Lab, clinic, hospital and doctors should be closely monitored as it is secretly hidden with the help of a degraded work doctor. Also, making laws is not enough, but it should be emphasized that how much is being followed. Because female feticide is not a natural cause but it is a man-made problem. Therefore, we will also have to find a solution for this.

The support of NGOs, self-help groups and all the main partners should also be taken so that this movement can reach the local residents.

No movement can be successful without political will, so the participation of women in our political corridors (Lok Sabha, Vidhan Sabha and local level) should be further increased. There is a need for the police and law enforcement structures to be reconstructed today, creating an environment where women can easily register complaints of atrocities against them and they can get justice immediately. For this, we also need to bring sensitive creative officers and employees on fire.

The Internet and social media should make a medium to express their voice against female feticide. For this, we will have to organize Seminars, Workshops, Training, Nukkad Natak etc., on a large scale. The public will have to be awakened by propagating the punishment and provisions of female feticide on Akashvani and Doordarshan.

The development of any country is not possible unless the women there do not get enough opportunities for progress. How can we imagine the development of a country which lacks women? Women may have the most important role in controlling and ending female feticide. But only literate women are able to protect their rights, so we should pay special attention to women's education.

Women also have to be strengthened financially. Women can be empowered only if equal opportunities are available in the economic sector. It is a legal imperative to give equal pay for equal work in all areas. It is necessary for women to ensure financial security in the same manner as unemployed, accident, retrenchment etc. Community insurance for women, health service, and establishment of child care centre for young children will increase the participation of women in social work. Providing training to women entrepreneurs, facilitating loans for trade and making arrangements to sell the produce in the market will help in preventing the exploitation of women. The ownership of a woman in land and immovable property should be ensured. Free legal assistance is required in all matters with the right of women to property.

VIII. Conclusion

In conclusion, we can say that somewhere behind the increasing incidents of female foeticide we all are responsible. Since independence, India has developed a lot in all fields such as in the field of education, science, health or in the economy, but unfortunately in India, we did not bring equality to male and female sex ratio. This difference cannot be bridged until a radical change in our thinking towards women. For this, we need a movement that can bring about such a change in the thinking of the people to an extent in which in the mirror we cannot see the difference between boy and girl. For this, the government can make laws; the implementation is in the hands of the public. The expected result of any law or rule can be obtained with the help of the public. We should first learn the importance of girls and respect girls in our homes and we should respect girls' thinking and desires. Girls should not consider it as a burden and they should participate in their happiness and sorrow. Human rights are not only for the men but women also have a human right as a human being, For this, we must work with the cooperation of

voluntary organizations to create awareness. A woman will also have to come forward against female foeticide because foetal-testing and abortion cannot be done without her permission. If the woman can make her own decisions in all areas of life, especially her natural right to bring her child to this world, then the concept of women's empowerment will be proved meaningful and the human rights of women will be properly protected. Therefore, the woman herself, her family and society will raise their voices against female foeticide together only then this sin will be eradicated from the human society.

If, along with the above provisions, these suggestions are also considered, then the human rights of Indian women can be properly protected and women can make their special contribution in strengthening the social system by becoming an integral part of the society.

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