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## **Gender discrimination and female foeticide in India from the perspective of social justice**

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### **Abstract**

*The Gender encompasses both men as well as women, who are considered as complementary aspects of human existence. The origins of both sexes can be traced back to the earliest stages of life on Earth. The consideration of one entity necessitates the acknowledgement of the other in its absence. The inherent equality and dignity bestowed upon all individuals by nature have been compromised over time, resulting in the subjugation of women across various societal institutions. Various justifications may underlie discrimination, yet the presence of gender-based discrimination within society cannot be refuted. The inclusion of provisions for the protection of women in the Indian constitution serves as evidence of the prevailing status enjoyed by women in Indian society. Despite the existence of constitutional safeguards for women in India, achieving gender equality with men remains a challenge. The consequence of this disparity in social standing is that the presence of female children is actively discouraged. The current imperative of achieving social justice necessitates the provision of their rightful entitlements within society. Hence, this study aims to investigate the underlying factors contributing to the occurrence of female foeticide in India.*

**Key Words:-***Gender, discrimination, infanticide, female foeticide, and social justice.*

### **Introduction**

*“---All nations have attained greatness by paying proper respect to women. The country and those nations which do no respect women have never become great, nor will ever be in future---”*

**Swami Vivekananda**



The woman assumes various roles within the familial context, including that of a mother, sister, daughter, and wife. In her capacity as a mother, she undergoes the process of childbirth and assumes responsibility for the child's upbringing through the provision of nourishment and care. In the role of a sibling, she provides amiable companionship and evokes sentiments of love and affection towards her brother, as an inherent connection rooted in filial devotion. In her role as a daughter, she assumes the role of a cheerful and endearing presence within the familial unit, bringing joy and happiness to her parents. In her role as a spouse, she assumes the responsibility of experiencing both the joys and challenges of familial life alongside her husband, while also fulfilling her domestic obligations by providing care and support to other members of the household. She is deserving of utmost respect, admiration, and commendation. The participation of the wife as a Vamangana is considered essential for the completion of Vedic rites. She serves as the embodiment of Shakti, representing power and energy. In the act of worshipping Vishnu, there is an inherent veneration of Laxmi, while the worship of Shiva entails a simultaneous reverence for Parvati. The deity in question is revered in various manifestations, with devotees attributing divine feminine attributes to her.

The preceding paragraph demonstrates that women in India have historically held a position of elevated status and respect. However, one may inquire about the factors that led to the emergence of discrimination against a significant portion of the population and the prevalence of social issues such as female foeticide during the medieval period.

### **1.1. Infanticide**

Female infanticide is commonly understood as the act of intentionally causing the death of a female child, either through murder or deliberate neglect<sup>1</sup>.

### **1.2 Feticide**

Abortion, also referred to as foeticide, is the act of terminating a pregnancy by intentionally ending the life of the developing embryo or foetus. This practice involves the use of ultrasound

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<sup>1</sup> Tulsi Patel, Sex –selective Abortion in India, Sage Publication, New Delhi, 2007 P.236



scans, in-vitro sex testing, and subsequent abortion procedures to selectively terminate pregnancies based on the determined sex of the foetus. The practice of female foeticide involves the utilization of medical technology to ascertain the sex of the developing foetus, and subsequently, if it is determined to be female, the termination of the pregnancy through abortion. This practice is alternatively referred to as sex-selective abortion<sup>2</sup>.

### **1.3. Abortion**

In the medical context, abortion refers to the deliberate termination of a pregnancy prior to the point at which the developing fetus is capable of sustaining independent life outside of the uterus, also known as achieving viability. Viability is commonly delineated based on the gestational age and/or the weight of the fetus, and sometimes the length of the fetus. The Glossary of family planning terminology provides a definition of abortion as the removal of the placenta or membranes, either in its entirety (complete) or in part (incomplete), without the presence of a viable fetus, a live-born infant, or a stillborn infant weighing less than 500 grams. In cases where the weight is unknown, an estimated gestational length of less than 20 completed weeks (or 130 days) from the first day of the last normal menstrual period may be utilized<sup>3</sup>. Similarly, the Hutchinson's new 20th Century Encyclopedia defines abortion as the expulsion of the fetus prior to attaining a stage of development that would enable it to survive outside the uterus<sup>4</sup>.

### **2.The examination of the status of women across various historical epochs.**

The origins of this practice in India are challenging to ascertain. Female infanticide emerged as a direct consequence of the progressive decline in the social, economic, and political status of women. Although the precise origins of this abhorrent custom are challenging to ascertain, it became deeply entrenched during the medieval era. However, it is possible to categorize this into two distinct parts.

<sup>2</sup> Tulsi patel, Sex –selective Abortion in India ,Sage Publication, New Delhi , 2007 P.240

<sup>3</sup> Alnasir M.A. quotes in “Human Rights and female Foeticide”, in the book ‘Human rights in India, problems and Perspectives Ed. By B.P. Singh Sehgal, 1999 at o, 159,’

<sup>4</sup> E.M. Hoseley, “Hutchinson’s New 20<sup>th</sup> Century Encyclopedia” (1970).



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## 2.1 Foeticide in the Pre-Independence Era

According to historical accounts, it has been reported that this societal issue was widespread among the Jadejas of Kutch and Kathiawar in British India, as well as certain communities in the North-Western Provinces, namely Punjab, Oudh, and Rajasthan. This prevalence can be attributed to the significant influence of caste status on the marriage of young girls within these regions.

Certain restrictions were imposed on the choice of marital partners, and a sense of self-importance hindered individuals from marrying anyone other than someone recognized as an equal, typically, and in some cases, even superior. The challenge was further exacerbated by the lavishness of matrimonial ceremonies and the mandate to organize these events before puberty. The Shastras Consider daughter like commodities to be bestowed, often at an early age, without significant consideration for the cultivation of affection between parents and their daughters<sup>5</sup>.

The government at that time enacted a bill aimed at preventing female infanticide, which was subsequently enacted as Act VIII of 1870. This Act was implemented on April 17th of 1871. The aforementioned legislation established a mandatory registration system for births, deaths, betrothals, marriages, and remarriages. This system was overseen by a government-appointed Registrar.

The invocation of humanitarian considerations by certain British individuals and Indian reformers with progressive ideologies aimed to eradicate inhumane and objectionable social customs and practices, such as the act of female infanticide. Infanticide, a practice observed among the Jadeja Rajpoots, was found to be prevalent due to challenges associated with the marriage of female infants. This method involved the deliberate deprivation of adequate nourishment to the infants or, in some cases, the application of poisonous substances on the mother's breast. The existence of these inhumane practices elicited shock among certain individuals who possessed a heightened level of awareness. Both enlightened men and British

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<sup>5</sup> Chatterjee, B. "A Century of Social Reform for Women's Status, Indian Journal of Social work, Vol. XLI, No. October, 1980."



officers made efforts to intervene and halt these practices, although they encountered significant challenges in doing so<sup>6</sup>.

Nevertheless, their endeavors did not ultimately prove futile. As a result of these practices, a gradual aversion emerged, which was further intensified by the proliferation of eructation. To provide a brief overview, the endeavors of Wilkinson can be mentioned. Jacob Rottinger and Melville are widely recognized by literary scholars.

According to S.S.A.Rizvi“the birth of a male child was considered a favorable occurrence among both Hindus and Muslims, while the arrival of female children was met with less enthusiasm. Despite the Rajpoots engaging in polygamy, they held the belief that the birth of a female child was an unfortunate occurrence, resulting in the widespread practice of female infanticide”<sup>7</sup>. This practice was addressed by the implementation of the Bengal Regularity Act XXI of 1795 and Regulation Act VI of 1802, which officially classified female infanticide as an act of murder. Approximately one century following the official identification of instances of female infanticide in India, a legislative measure was enacted to eliminate this practice. Referred to as Act VIII of 1870 and commonly known as the 'Female Infanticide Act,' this legislation was formulated in response to reports received by the British government indicating a rise in villages and tribes lacking any female children (Millar, 1997). Initially, there was a lack of implementation of robust measures. Subsequently, the Act was vigorously implemented between the years 1876 and 1906. Regrettably, the practice gradually became obscured as a result of political coercion exerted by the groups engaging in it, juxtaposed with lackluster endeavors undertaken by the British governing body responsible for its implementation<sup>8</sup>.

## **2.2 Women in the Post-Independence Era**

One of the most significant occurrences subsequent to achieving independence is the formulation of the Constitution of this nation, which establishes and upholds the fundamental ideals of equality, liberty, and social justice. The individuals responsible for drafting the

<sup>6</sup> Cambridge History of India, Vol,VI, P.-240.

<sup>7</sup> S.S.A . Rizvi, The Wonder that was India, Vol, II, p. 240

<sup>8</sup>Tulsi Patel, Sex –selective Abortion in India, Sage Publication, New Delhi, 2007 P.236



Constitution possessed an understanding of the sociological complexities surrounding the issue of female emancipation. The recognition of the significance of equality for national progress became apparent. It became evident that in order to eradicate inequality and facilitate the exercise of human rights, the promotion of women's education and economic interests was imperative. Consequently, the State adopted the objective of safeguarding women from exploitation and ensuring social justice. The aforementioned ideals were codified in the introductory statement of the Constitution, commonly referred to as the Preamble. Jawaharlal Nehru's leadership was characterized by a commitment to pursuing social change through the establishment of formal equality, economic justice, and the transformation of the State into a welfare State.

The Preamble of the Constitution of India expresses the commitment to ensure justice - both social and economic - as well as political justice to all citizens. It also emphasizes the importance of upholding the principles of liberty, including freedom of thought, expression, belief, and faith. Additionally, the Preamble highlights the significance of fraternity in promoting unity and preserving the dignity of the nation. In order to achieve these objectives. The Constitution ensures the protection of specific fundamental rights and freedoms. Indian women, similar to men, are recipients of rights such as the protection of life, personal liberty, and freedom of speech and expression. Articles 14, 15, and 16 of the constitution guarantee the principle of equality and prohibit any form of discrimination, including but not limited to, gender-based discrimination.

Although the Directive Principles of State Policy are not justiciable, they are taken into consideration by the State when formulating policies and laws. Several directives include the provision of free and mandatory education for children, which is now acknowledged as a fundamental right. Additionally, these directives aim to ensure sufficient means of livelihood for both men and women, equal remuneration for equal work, and maternity relief. In summary, the fundamental Rights and Directive Principles serve as the structural framework for the realization of the principles outlined in the Preamble. The inclusion of upholding the dignity of



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women is acknowledged as one of the fundamental duties.

In response to a request made by the United Nations General Assembly, a Committee on the Status of Women in India (CSWI) was established in 1971. The primary objective of this committee was to prepare a report that would assess and analyze the current situation of women in the country.

- a) This study aims to analyze the Constitutional, legal, and administrative provisions that impact the social status of women, as well as their access to education and employment opportunities.
- b) In order to evaluate the effects of these regulations over the past twenty years on the societal position of women in the nation, with a specific focus on the rural domain, and to propose alternative strategies that may yield better outcomes.
- c) This study aims to examine the advancement of women's education and identify the factors contributing to the sluggish progress in certain regions. Additionally, this research intends to propose potential solutions to address these challenges.
- d) The objective of this study is to examine the challenges faced by women in the workforce, specifically focusing on issues related to employment discrimination and unequal compensation.
- e) This study aims to analyze the societal position of women in their roles as homemakers and mothers within the context of evolving social dynamics. Additionally, it seeks to explore the challenges they face in pursuing higher education and securing employment opportunities.
- f) To conduct surveys or case studies examining the effects of population policies and family planning programs on the socio-economic position of women.
- g) To propose additional measures that would facilitate women's active and significant participation in nation-building.





In December 1974, the Committee presented its report titled *"Towards Equality."* This report holds significant importance in the social history of India as it signifies a deliberate shift in attitudes, behaviors, legal frameworks, establishment of specialized institutions, and the development of infrastructure and an inclusive environment to promote gender equality for women.

The report provided valuable insights to government legislators, experts, and advocates in the field, as well as the broader community, regarding the disadvantaged position of women across various aspects. It shed light on the significant disparity between the constitutional ideals outlined in India and the actual implementation of laws, conventions, and societal practices. The achievement of equality appeared to be a remote objective. The Committee made observations.

The examination of the disabilities and limitations faced by women, resulting from socio-cultural circumstances, reveals that a significant proportion of women are still significantly distant from fully experiencing the rights and opportunities that are constitutionally ensured to them. A significant portion of women in this nation continue to lack awareness regarding the social laws designed to address the challenges they face in their familial roles. Consequently, their knowledge of their legal entitlements remains as limited today as it was prior to the attainment of independence<sup>9</sup>.

The report titled *"Towards Equality"* by the CSWI emerged as a seminal document in the women's movement within the country, similar to the impact of Betty Friedan's *"The Feminine Mystique"* in the United States. The concept of women's development experienced a significant transformation following the publication of the report. The adoption of a comprehensive and inclusive perspective towards mainstreaming and empowering women emerged as a significant development subsequent to the report, particularly in the 1980s.

Following the release of the CSWI's report, *"Towards Equality,"* the establishment of the National Commission for Women ensued, which subsequently embarked on an additional comprehensive endeavor to assess the prevailing conditions and circumstances pertaining to

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<sup>9</sup> "Towards Equality-The Unfinished Agenda-Status of Women in India 2001."The National Commission for Women's Report, p. -4





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women. The report titled "Towards Equality: The Unfinished Agenda - Status of Women in India" The Commission has provided comprehensive recommendations, totaling 200 in number.

It is apparent, nevertheless, that the categorical imperative principles established by the Founding Fathers are not inherently operational, but rather necessitate the enactment of suitable legislation by the State. In accordance with its constitutional mandate, the State has implemented legislation pertaining to a range of criminal offenses within the domains of personal laws, labor laws, and welfare provisions. Family courts have been established to facilitate the expeditious resolution of matrimonial disputes. Furthermore, a dedicated Commission for women has been established with the purpose of monitoring the current status of women and the legislation that directly affects them.

Despite the advancements made, persistent issues of inequality, discrimination, violence, and disempowerment persist. The journey towards accomplishment and fulfillment is often arduous, necessitating women to persist in their ongoing struggle.

### **2.3 Current State of Foeticide in India**

Indeed, as technology continues to advance, individuals have discovered novel methods to fulfill their fixations. The utilization of medical procedures such as amniocentesis, biopsy, and ultrasound scans, originally designed to monitor fetal well-being, has been observed to be misapplied by both parents and medical professionals. Presently, the predominant application of these techniques is for the purpose of determining the sex of the fetus. Consequently, there has been a proliferation of clinics offering ultrasound scanning services across the nation. Despite legislative measures that criminalize prenatal sex determination and the presence of conspicuous signage at these clinics, there is widespread noncompliance with this legal provision by doctors and parents alike. A survey conducted in the state of Maharashtra revealed a concerning trend, wherein 95% of amniocentesis scans were being utilized primarily for the purpose of sex determination.

A research study was undertaken by the C.S.G of Madras and Adithi, an organization dedicated to the empowerment of rural women, operating in both Patna and Madras. The results of this study indicate a significant prevalence of female infanticide in the Salem district of



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Tamil Nadu<sup>10</sup>.

In their seminal work, Chunkath and Athreya (1997)<sup>11</sup> conducted an extensive examination of juvenile sex ratios and primary health center data in Tamil Nadu. Their research yielded two noteworthy findings: firstly, the analysis of juvenile sex ratios can yield unexpected conclusions, and secondly, it can serve as a valuable source of data for assessing the long-term prevalence of female infanticide. As an illustration, it is noteworthy to mention that during the 1991 Census, the districts of Dharmapur, Salem, and Madurai in Tamil Nadu constituted 41 out of the total 46 blocks, exhibiting a juvenile female sex ratio below 900 per 1000 individuals. Moreover, it is apparent from an examination of previous census reports that this significant decrease has occurred relatively recently. The authors reached the conclusion that the same would hold true for female infanticide. This observation was further supported by the analysis of primary healthcare (PHC) data.

Multiple studies have demonstrated that among a sample of 1000 terminated pregnancies in India, approximately 995 of them are identified as female. The state of Tamil Nadu in southern India gained significant attention in recent years due to reported incidents involving the deliberate harm inflicted upon infant girls. These acts included methods such as asphyxiation using salt or sand, causing intestinal damage through the consumption of coarse grain, or applying poisonous substances to the mother's breasts. Based on statistical data compiled by the Dharmapuri office of the Directorate of Health Services and subsequently disseminated by the United States.. According to the State Department, a total of 1260 female infants were reported to have lost their lives within the district in the year 1997. The Tamil Nadu Human Rights Commission has recommended the implementation of a mandatory police investigation into the deaths of female infants due to the absence of such inquiries.<sup>12</sup>

The act of infanticide, specifically targeting female infants, is a prevalent occurrence in

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<sup>10</sup> Venkatachalam, R. and Viji Srinivas: Female Infanticide, 1993

<sup>11</sup> Chunkath, Sheela Rani and V.B. Ahreya, Female Infanticide in Tamil Nadu: Some Evidence, Economic and political Weekly, XXXII (17), 1997, WS 22-29

<sup>12</sup> Chunkath, Sheela Rani and V.B. Ahreya, Female Infanticide in Tamil Nadu: Some Evidence, Economic And political Weekly, XXXII (17), 1997, WS 22-29



the Thar desert region of Rajasthan, particularly within the Bhil Rajput community. The methods employed to end the lives of these infants often involve asphyxiation through manual strangulation or the administration of Opium. As a result of this practice, the male-to-female ratio in this area stands at 750 females for every one thousand males. According to the 1991 census, the gender ratio in Jaisalmer district is 800 females per thousand males. However, within the Bhatti Rajput family, this ratio is significantly lower, with only 550 females per thousand males<sup>13</sup>.

In certain cases, it has been observed that some women administer pesticides, drugs, or toxic herbs to their female offspring with the intention of causing their demise. The individuals exhibit a preference for retaining a buffalo calf over a female child due to the former's monetary value of Rs.100<sup>14</sup>.

A considerable proportion of female individuals are deceased, primarily as a result of being denied the opportunity to live. This denial is frequently observed through the practice of selective abortion following the determination of the fetus' sex during pregnancy, or alternatively, through neglect that occurs shortly after birth, sometimes within a mere few hours or even a single day. The underlying causes of this phenomenon can be attributed to a long-standing cultural preference for male offspring, coupled with the increasing societal pressures to limit family size in contemporary times. Consequently, these factors contributed in increase for foeticide and infanticide<sup>15</sup>.

In the context of India, the female child is often perceived and treated as a burden or an unfortunate circumstance. Due to the prevailing socio-economic circumstances. She consistently experiences distress, occasionally even during her prenatal development within her mother's womb. As a result of gender bias, she is subjected to treatment that positions her as a subordinate entity. The presence of economic limitations consistently poses a challenge for both

<sup>13</sup> Dhaundhial, s. ek Kanya Pujak Desh Ke Kanya Drohi, Saptahik Hindustan (Hindi,) Vol. VII(1) November 13-19, 1988, pp. 16-21

<sup>14</sup> 1993 (2) SCJ, Jour. 65

<sup>15</sup> Sherwani, Azim, The Girl Child in Crisis, p. 58. (See also The Hindustan Times, April 11, 2004, p. 1; October 12,, 2005, p.1)



the female child and her parents. The individual is obligated to provide payment for the benefit of her daughter. In India, a significant proportion of the population holds a negative preference towards having female offspring. A significant proportion of our society engages in the practice of aborting female fetuses or, in some cases, committing infanticide shortly after the birth of a baby girl, which is a cause for concern. Despite being in the 58th year of Independence, the protection of the right to life for female children remains inadequate. In light of the provisions outlined in Article 21 of the Indian Constitution, it is essential to critically examine our commitment to independence, civilization, and the preservation of the right to life for female children<sup>16</sup>.

The female child of the present day represents the future adult female. Unless there is a collective societal effort to combat the occurrence of female infanticide and foeticide, these practices will continue to be ingrained within the cultural fabric of India<sup>17</sup>

### **3. Social Justice and female foetus**

The implementation of specific personal laws within our nation has become a significant endeavor in the quest for gender equality, posing a noteworthy obstacle in this particular field. Within the domain of criminal justice, it has been noted that the gender-neutral application of legal principles has adverse consequences for women who face allegations. This is particularly evident in cases such as rape and dowry, where the burden of proof is often placed heavily on the female complainant. Additionally, certain areas pertaining to women's experiences, such as domestic violence and sexual harassment in the workplace, have been largely overlooked or inadequately addressed. The judiciary addressed instances of gender insensitivity and integrated them into legally binding decisions to promote social justice in areas lacking adequate representation. Despite the Court's various directions, the realization of a Uniform Civil Code remains an unfulfilled aspiration. Nevertheless, specific legislations, such as the Pre-natal Diagnostic Techniques (Prevention of Misuse) Act and the Medical Termination of Pregnancy

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<sup>16</sup> Ibid, p. 59

<sup>17</sup> The Pioneer. January 25, 2000, p. 10



Act, have been implemented to uphold principles of justice and humanity. These laws aim to safeguard the rights of individuals, even during the earliest phases of life. The failure to implement, insensitivity towards gender, and limited understanding of legal matters hinder the realization of the vision set forth by the framers of the Constitution. The prevention of the realization of the goal of ensuring dignity to every individual, regardless of gender, community, or place of birth, was observed in the case of Valsamma Paul v. Cochin University<sup>18</sup> by the Supreme Court. The court determined that human rights are derived from the inherent dignity and value of human beings. The Universal Declaration of Human Rights has reaffirmed the significance of Human Rights and fundamental freedoms, highlighting their interconnectedness and reciprocal support. The human rights of women, including young girls, are an inherent, essential, and indivisible component of universal human rights. The comprehensive advancement of women's personality development, fundamental liberties, and equitable engagement in political, social, and familial spheres, contributing to cultural, social, and economic stability and progress. Discrimination based on gender in any form is a clear infringement upon fundamental freedoms and human rights.

#### **4. Factors Contributing in Foeticide**

There are so many factors contributing for foeticide. We can find out major contributing factors are as follows –

##### **4.1. Socio-cultural**

- The preference for a male child within both familial and societal contexts is rooted in several factors. Firstly, the male offspring is seen as a means of perpetuating the family name, ensuring its continuation across generations. Additionally, sons are often regarded as a potential source of support during the later stages of their parents' lives, providing assistance and care in old age. Furthermore, the responsibility of performing the final rites during the cremation process is traditionally assigned to sons. These factors contribute to the prevailing preference for sons within family and societal dynamics.

<sup>18</sup> (1996) 3 SCC 248 : AIR 1978 SC 597



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- The societal and familial expectations placed upon women to bear male offspring.
  - The societal subjugation of women.
  - The inheritance system in question pertains to a scenario wherein a female child is deprived of any entitlement to her father's assets.
  - The societal phenomenon of dowry as a social evil.

#### **4.2. Economic Factors**

- The expenses associated with raising a child in relation to the potential advantages that may be gained as a result of parenting
- Undergoes the transition into adulthood.
- The topic of discussion pertains to the financial aspects associated with marriage, with a particular focus on the practice of dowry.
- A significant number of women experience a lack of financial independence.

#### **4.3. Political Factors**

- The matter fails to garner the attention of political parties.
- Insufficient implementation of extant policies and legislation designed to mitigate the aforementioned activity.
- There appears to be a lack of significant political enthusiasm in implementing innovative policies to address the aforementioned issue.

#### **4.4. Technological Impact**

The phenomenon of gender-based elimination and preferential selection of male offspring has been facilitated by the improper utilization of medical and reproductive technologies. There have been instances where doctors with a commercial mindset and questionable ethical practices have exploited advanced scientific techniques to selectively eliminate female fetuses based on sex determination.

While this behavior was commonly observed during ancient times, it has been gradually replaced by alternative methods of fulfilling one's fixations due to societal advancements. The



objective of technological advancements is to safeguard the well-being of both the afflicted mother and her offspring. However, it has come to light that this particular technique has been exploited by certain parents and medical professionals for the purpose of prenatal sex determination. There exists a clear correlation between technology and the practice of female foeticide. The presented table serves as empirical evidence for the identified problem<sup>19</sup>.

| Districts  | Total population<br>(in lakh) | Ultrasound Center | Female Child/ 1000<br>male child |
|------------|-------------------------------|-------------------|----------------------------------|
| Kushinagar | 28.93                         | 10                | 955                              |
| Saharanpur | 28.96                         | 49                | 872                              |

This implies that there exists a direct correlation between the sex ultra sound center and the sex ratio.

Despite the existence of robust legislation aimed at safeguarding against the misuse of sex selection technologies, there is a notable discrepancy between the intended enforcement of these laws and their actual implementation. The answer to this question can be determined by examining the relationship between law and public opinion in India, which differs from that in Western countries. In certain nations, the formulation of laws is influenced by public opinion, whereas this is not the case in developing countries such as India. The complete elimination of this issue cannot be achieved solely through legal means. There is a pressing need to mobilize public sentiment in support of gender equality, particularly with regard to females. Numerous social legislations enacted during the post-independence era were designed with the objective of effecting a substantial transformation in the societal position of women in India.

However, societal attitudes and cognitive processes persisted in being firmly entrenched in outdated and illogical customs, traditions, and biases. The promotion of gender justice through legislative measures is hindered by the prevailing societal and institutional biases against women. This account pertains to the legislators who endeavored to adopt more progressive stances on social issues, thereby surpassing the prevailing public sentiment. The

<sup>19</sup> The Times of India, Lucknow, Feb.12, 2008





initial enthusiasm displayed by the individuals quickly transformed into pessimism as they found it necessary to reduce their pace and make concessions, resulting in the dilution of the original intent of the statutes and the enactment of token and ineffective legislation. The effective implementation of these laws was hindered by conservative social values, resulting in their limited impact and rendering them as symbolic legislation lacking transformative potential.

There are numerous contributing factors that intertwine to give rise to this societal malady. There exists no singular cause. There has been speculation regarding the role of liberal abortion policies in contributing to the prevalence of sex-selective feticide<sup>20</sup>. It has been argued that the accessibility of abortion has been excessively facilitated. While it is undeniable that the implementation of more stringent abortion regulations may contribute to the reduction of female feticide, I remain skeptical about its ability to address the underlying issue comprehensively. The primary concern pertains to the selective choice of sex during pregnancy, as opposed to the act of abortion in general. Consequently, the practice of sex-selective feticide has arisen as a substitute for the act of female infanticide. In light of the current circumstances, it is crucial that any suggested course of action prioritizes the subversion of the underlying principles of these discriminatory practices.

### **5. Working of PC- PNDT Act 1994**

The legislation exclusively permits the utilization of amniocentesis for prenatal diagnostics, while disregarding all other forms of pre-natal sex determination tests that are flagrantly misused for the purpose of female foeticide. The focus is primarily on the technological aspects of implementation, while neglecting the various social factors that have contributed to the emergence of this negative phenomenon. This legislation refrains from explicitly specifying the particular disorders for which these tests will be authorized. The text exhibits a tendency to make broad generalizations and displays various shortcomings.

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<sup>20</sup> Panan Nair, "Are Liberal Abortion Laws Responsible for Female Feticide?" 5<sup>th</sup> October 2005, Countercurrents. Org (last visited June 12, 2008)



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The significance of the judiciary in addressing gender-sensitive matters such as female foeticide cannot be disregarded. The Indian judiciary has rendered several rulings in support of women, demonstrating its adherence to constitutional obligations. Notably, the Supreme Court has strongly criticized counseling centers that engage in sex-selective testing, which ultimately contributes to the tragic practice of female foeticide. It is imperative to raise awareness among individuals regarding this matter in order to encourage their participation in legal proceedings.

### **Conclusion and suggestions: -**

In conclusion, it is important to consider the aforementioned points in order to fully understand the topic at hand. We are faced with a significant challenge of altering the perspectives held by medical professionals and patients, in order to establish a socio-cultural environment that supports the survival of female children. Additionally, it is crucial to closely monitor the actions of profit-driven medical practitioners who perpetuate discriminatory biases. Only by doing so will we be able to effectively address the issue of the declining sex ratio, which has led to the concerning phenomenon of missing girls. In order to rectify the gender disparity prevalent in society, it will be imperative to garner support from medical practitioners and patients, as well as governmental and non-governmental entities, in recognizing the significance of upholding the principle that "Daughters are not for slaughter."

Regrettably, the implementation of several initiatives at both the state and central levels, such as the PC-PNDT Act, has proven to be ineffective in mitigating the magnitude of this issue. At this juncture, it is imperative to initiate the cessation of this particular practice by.

- This study emphasizes the integration of humanist, scientific, and national perspectives, while advocating for a departure from conventional instructional methods that endorse this particular approach.
- The promotion of gender equality and the implementation of strategies to address various forms of discrimination, such as dowry practices, are crucial aspects of women's empowerment.



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- Ensuring the development and provision of high-quality healthcare services, as well as facilitating equitable access to these services;
  - More streamlined approaches for the registration of complaints, specifically targeting women who are most susceptible to vulnerability.
  - The promotion of the cause via media channels and the dissemination of information to the public through non-governmental organizations (NGOs) and other affiliated entities.
  - Systematic evaluation and examination of key metrics pertaining to the condition of women, including but not limited to sex ratio, female mortality rates, literacy levels, and economic engagement.

In last, it is pertinent to assert that the issue at hand is more aptly characterized as a societal affliction rather than a purely legal quandary. It is imperative that we relinquish our preoccupation with having sons and recognize that our lives can be equally, if not more, gratifying if we were to have daughters instead. It should be noted that the law may still have a role to play. It is imperative that collective efforts are made to ensure equitable treatment for every infant girl.

There exists a necessity to alter the prevailing mindset of individuals with regard to the female gender, a transformation that can be achieved solely through the avenue of education. The current discriminatory provisions found in religious texts and statutory laws should be replaced with educational patterns and content that do not undermine the dignity and interests of women.