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BATTLE BEFORE BIRTH: CRITICAL ANALYSIS OF FEMALE FOETICIDE
IN INDIA

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ABSTRACT
Female foeticide has become a social hazard of global significance in the era of ultrasound technology and commercial modernity. The worst manifestation in our globe is the concept of gender discrimination. India is one of the several countries where stands in the position of a higher sex ratio and is observed and equally patriarchal. The right to life is a very vital and broad concept and has been recognized under our Constitution. A person’s life begins at birth and completes with death with the result the pre-birth and post-death these two stages are devoid of any existence. Globally, different Constitutions recognize the sanctity and importance of life, but they have completely unsuccessful to provide adequate protection to the life of foetus. Despite the existence of legislations, there is a need to strengthen this law since
the number of convictions is miserably low as compared to the burden posed by this crime. The deep trouble is when these abortions are carried out well beyond the safe period of 12 weeks endangering the women’s life. Judicial decisions are also not conclusive and alter in accordance with different jurisdictions. These issues need to be addressed carefully to evolve a strategy to combat the problem. This paper tries to focus on the life of an unborn child in the womb then examine the various rights of the unborn child and verification of different laws and its constitutional provisions in the context of female foeticide.

Keywords: Female foeticide, ultra sound, gender discrimination, right to life, constitution, judicial decisions

I. INTRODUCTION

One of the greatest dangers to our contemporary human progress is nothing but the threat of skewed sex portion. The expanding irregularity among males and females are most encouraging numerous violations such as polygamy, rapes, illicit and trafficking of ladies etc. Where these crimes are promoting the fear factors for parents and to the community in large. Among the most violent crimes on planet which is going or being practiced is Female Foeticide and where we all are aware why it is happening. But the community also be aware of the laws which are specifically made in regard to these heinous crimes.

Ancient Indian Vedic gave importance to the worship of goddesses. A woman is referred to as “saamraajini” who represents as the head or the queen of the home, who was to have an equal share in the performance of religious rites. Although the preference for bearing sons has been prevalent in Indian household from time immemorial, Vedic society did not disturb that part of the society that gave prominence to female supremacy under its fold. There are still few events which takes place when a woman becomes pregnant, other women in the family chant mantras exhorting the female foetus to be transformed into a male foetus. There is no doubt, if this practise continues these would constitute a great impact on the society and it will disturb the social balance and it may lead to serious problems like increase in sexual offences, sharing of women within and outside the wedlock and which creates a greater insecurity to women. God is to be the author of each individual and nobody has the right to destroy it.

II - FACTORS RESPONSIBLE FOR FEMALE FOETICIDE
2.1 ECONOMIC FACTOR
The female foeticide in the present era has a great deal to do with the monetary modernity. The reason behind this consists few aspects.

In rural household in regard to the landed property there is a clear inverse correlation between the earning level and child sex ratio. These kinds of aspects are usually noticed in southern part of India and there are few industries or the work place where the wages are being paid in accordance to gender. As we are aware there is a thought process that, any work which a woman does instead of a man the females are paid less wage. Hence, there is a gender-based wage level still existence. In most of the cases the women enter in domestic non-payment services which a male-controlled society gives little or no respect, value at all, so they are considered as liability than assets.

The Culture practice of Dowry in the Indian Society has a lot of reasoning to this phenomenon and since the turn of the century the recorded dowry deaths have been increasing and the existing laws are not establishing any difference. Around 8000 per year brides are being misused, tortured and murdered due to non–payment of dowry. Subsequently, there are cases where the brides are committing suicides in regard to dowry. Females are being treated only in accordance to the economic factors now a days and the reproductive practice make daughters into such economic burdens, the threat of having to mass dowry is the main motive enough to dispose female commodities. (Barbara Harriss-White, 2009)

The practice of removal of foetus has been commercialized and this process has identified as one of the way or the field to earn. The member of the national commission for women Malini Bhattachgarya admitted that in the era of liberalisation “one has to allow freedom of choice to the service seeker and the freedom to sell by the service provider”. United Nations Children’s Fund (UNICEF) estimate that the turnover of foeticide industry has now reached around 244 million dollars from 77 million dollar in the year 2006. These are the few points in regard where the females are not desired.

2.2 SOCIO-RITUAL FACTOR
Females are at risk to brutalities of few male in the forms of physical, mental and sexual assaults etc in the present era. Still in the developed society females are subjugated, condemned, and given less importance towards them through their life. Every parent is at risk and where these factors make them to think twice before taking any decisions. Coming to rituals where for the funeral ceremonies of the parents, presence of son is must and these socio – rituals factors including illiteracy and orthodox community norms lead to option of a male or female and in respect of these above-mentioned factors leads to crave for a male baby and discard the females.
2.3 TECHNOLOGICAL FACTOR
Technologies can be bane for us in regard to this. Where Female foeticide is a latest and ongoing trend of long-established gender bias. We are all civilized with the time and our killing of female babies have also been civilized. The availability of low-cost technologies such as ultrasound have made a way to identify the foetus and have led to sex-based abortion particularly of female foetus.

2.4 POPULATION POLICY
In regard to the Indian Scenario the family planning policies usually promote a two children family and where health workers say this often leads to abortion of female foetus in efforts to have a complete family with at least one child and where they can take care of them family properly due to economic factors also.

2.5 STATUS OF WOMEN
The vital factor in regard to decreasing sex ratio in India women coupled with traditional gender bias. Majorly in the field of education of a girl has been waived still in few rural areas. As mentioned earlier in Vedic period the females were worshipped as goddesses. However, as the time goes the information mentioned manuscripts are not taken into consideration at all. Studies have been said that women in respect to southern India enjoy a better status irrespective of their literacy in comparison to other wing.\(^*\&†\)

2.6 GENDER DISCRIMINATION
The biased views against the female babies in India is grounded in cultural, economic and in religious roots also. Males are expected to earn to work in the fields, provide much more income and take care of the parents and their families. In this way, sons are treated as insurer. In regard to taking care of the family males play a dominant role. Also, in regard to the Vedic beliefs, lighting the funeral pyre by a son is considered as necessary for salvation of the spirit.\(‡\) This strong preference or bonding towards males members in the family which may results to life endangering deprivation of daughters, is not considered abhorrent culturally or socially.\(§\) In few parts of our Country, girls currently constitute around 65% of unwanted births and the elimination of unwanted fertility in this manner has the potential to raise the sex ratio

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\(^†\) Bhat PN, Zavier AJ. Fertility decline and gender bias in northern India. Demography 2003; 40:637-57
at birth to 130 males per 100 females.

2.7 DOWRY
Dowry has been considered as one of the evilest practices in India. As a result, daughters are measured to be an economic liability. In regard to more rigid system the child sex ratio is low in the northern states of India.

The evil practice of dowry is widely widespread in India. As a result, females are considered to be an economic liability. The dowry system is being more rigid in its terms in the northern states of the Country which is likely to contribute to the lesser child sex ratio.

Women have little control over economic resources and the best way for a young north Indian bride to gain domestic power mainly comes from her ability to produce children, in particular, sons. Most often in south Indian communities, marriages are not exogamous (but often consanguineous), and married daughters usually stay close socially and geographically to their original family. Until recently, dowries were unheard of and benefits of inheritance for the daughters were not ruled out. In the Muslim community, paying of high dowry is not a prevalent practice. Also consanguineous marriages are highly prevalent and women are entitled to a portion of parental inheritance.

III – RIGHT TO LIFE (ARTICLE 21)

Our Indian Constitution is one among the greatest constitution and where our constitution provides Equality which has been states under Article 14 and article 21 deals with Right to Live with dignity where both goes in hand in hand. As mentioned, the sex detention test completely violates both the provisions. Right to life is a deep-rooted and established right and where there is various international convention which recognise Right to Life.

The question which arises is whether the practise of female foeticide amounts to violation and does the foetus has the right to enjoy?

Generally, the Constitution throughout the world recognises the sanctity of life and yet have failed towards the protection of the female killings. As we all are aware that our Constitution guarantees to Right to Life to each and every person and the concept of personhood complicate

the positioning of the legal status of foetus. Even the unborn child is entitled to protection by the law immediately from the moment of its conception. The theory seems to be logically perfect, but pragmatically impracticable. On the other wing, at the other end of the scale is the second view, the other extreme stand namely, life begins only on birth. In regard this theory we just lead into confusion.

On this logic whether or not a mother should be free to abort belongs almost is entirely to the category of the individual therapeutic issue. No country given an absolute choice to the women through the period of pregnancy. It has been observed that during the second or third trimester, almost each and every country restrict interference with the foetus except on the medical grounds which implies that they regard interference with the foetus as deserving the legal condemnation and this condemnation could only be on the basis that there is some kind of life deserving protection.

The Article 21 of the Indian Constitution guarantees Protection of Life and Personal Liberty. Indian Constitution has recognised the right to life under Article 21 as also recognised in several cases. But this is hardly available to the unwanted girl child and in regard to this the right of the girl child may be constructed in broader terms and should be inferred as Right to be born and not to be aborted unless and until there is threat to the mother’s life and its left to discretion of mother to decide.

Usually, courts are reserved while dealing with these types of matters and complex issues which give a raise to in determining when does the foetus attain personhood? This issue is baffling the courts through the universe and there is a need for the courts to come to a clear understanding on this issue and recognize the right of the foetus.

In Davis v. Davis, where a divorced wife and husband disputed on claiming the right on the Frozen Pre-embryos for implantation to have a child, the Judge concluded that as a matter of law, human life begins at conception and the legal provisions governing a human being existing as embryo in vitro to be those of child custody law, dominated by the obligation to seek, protect and advance the best interest of the child.

Since time immemorial the Indian law too treated the termination of pregnancy as an offence. According to Hinduism abortion or killing of foetus was considered a sin. According to Islam

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§§ Indian Constitution (1950) Article 21: Protection of Life and personal liberty – No person shall be deprived of his personal liberty except according to procedure established by law.

*** Menaka Gandhi versus Union of India, AIR 1978 SC 597


‡‡‡ (1989) 15 FLR 2097.
after a foetus is completely formed and given soul, abortion is considered to be ‘haram’ (forbidden).

The Madras High Court considered some important views on the subject quoting an article ‘Legal Protection for the Unborn Child’ in the following words: “The fact that the unborn child is physically dependent on its mother prior to birth need not lead to the assumption that it has no relevant separate existence or to the assumption that it has no moral or legal significance”. A child in the womb of the mother is for most purposes under English law regarded as already born but in Hindu law a child in his mother’s womb is equal in many respects to a child actually in existence. 

In the light of the discussion above it is agreed that foetus should enjoy the right to life. The foetus should be recognized as a separate entity enjoying distinct legal right and is not a part of the mother. The concept of personhood is a myth and a mere creation of law. This legal fiction must not come in the way of conferring rights to the foetus. Failure to recognize the rights on the foetus would amount to discrimination thereby violating the right to equality enshrined in Article 14 of the Indian Constitution.

IV – LEGISLATIONS AND INTERNATIONAL CONVENTIONS

INDIAN PERSPECTIVE

As stated, until 1970 the provisions contained in the Penal Coded which has governed the law in regard to abortion. The IPC, 1860 permits “Legal Abortions” which undergoes without any criminal intent and in good faith for the express purpose of saving the life of the mother. Liberalization of abortion laws which was advocated as one of the measures in regard to the population control. In regard to this female foeticide many laws have been passed in regard to control this activity.

4.1. Medical Termination of Pregnancy Act (MTP), 1971

The Medical Termination of Pregnancy Act (MTP) which was passed in July 1971 and which came into effect in April 1972. This legislation was conceived as a material to let the pregnant women to decide on the numbers and the frequency of the children and it also further gave them an authority to decide on having or not having the child. Where this concept and the process was a good initiative which was being used to force women to abort the female

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foeticide. The MTP Act, 1971 provides for limited and restricted right to terminate the pregnancy, when the life of the giver the mother is at stake or there is a substantial risk to the life of the child. What is to be noted here is that the MTP Act, 1971, does not recognize the right of the mother to abort, this right to decide on termination of pregnancy vests with a registered medical practitioner. It is said that the maximum time limit for terminating the pregnancy under above stated grounds is 20 weeks. Particularly 20 weeks is considered as a suitable duration only because only after 20 or the 21st week the foetus starts showing movements. Therefore, till that duration the foetus is considered as non-viable.


During 1980’s, sex screening technologies in India was easily accessible to each and every one. In regard to this a large number of reports started pouring in about the abuse of the sex screening technologies. Considering this problem, the Government of India passed this Act. In order to get way with this, the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act had to be passed in 1994, later which in came into force in the January 1996. The aim of this act is to prohibit determination of sex of the foetus and stated punishments for the violation of the rules and regulations laid down in the act.

The State of Maharashtra was the first in the country to ban pre-natal sex determination through enacting the Maharashtra Regulation of Pre-natal Diagnostic Techniques Act. The Pre-conception & Pre-natal Diagnostics Techniques (PC & PNDT) Act, 1994 was enacted in response to the decline in Sex ratio in India. This also provides for mandatory registration of genetic counselling centers, hospitals, clinics, nursing homes etc.

To combat of this practice of female foeticide in this country through misuse of technology, done secretly with the help of the active connivance of the service helpers or the providers and the individuals seeking such services, the PNDT Act was enacted. It seeks to regulate the use of pre-natal diagnostic techniques for legal or medical resolutions and prevent misuse for illegal purposes. The act impowers for the setting up of various bodies along with their composition

**** Section 3 (2), Medical Termination of Pregnancy Act, 1971
†††† Ibid.
§§§§ Explanation I to Section 3(2) of MTP Act, 1971: “Where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by such pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman.” In D. Rajeswari vs. State of Tamil Nadu and Others (an unmarried girl of 18 years requested the court to allow her to terminate her unwanted pregnancy of a child of 3 months which has caused her great anguish and mental illness, since the pregnancy was the result of a rape. The Court granted the permission to terminate her pregnancy)
***** Non-viable means not capable of living, growing and developing on one’s own.
powers and functions and this includes central supervisory board, appropriate authorities and advisory committees. Violations of the PNDT Act carry a 5 years of jail term and a fine of about 2,300 U.S. dollars.

Later, on the Act was amended 2003 following a vo filed in 2000 to improve regulation of technology capable of sex selection and to arrest the decline in the child sex ratio as revealed by the Census 2001. On February 14 of 2003, the amendment took place later on the is known as the Preconception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

Amendments took place due to various reasons and, it finally became Pre-Conception and Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) (PCPNDT) Act in 2004. Prevention and punishment of prenatal sex screening and female foeticide stands as its aim. Legal initiatives to curb gender discrimination and its manifestations in the form of foeticide have been in force since the inception of the practise. With the modernization of the medical stream and the use of technology for diagnosing the foetus, there was a dire need to draw up new effective legislations to rein in the problem of sex-selective abortions.

4.3. Indian Penal Code, 1860 and Code of Criminal Procedure, 1973

Under IPC they are Section 312 to 316 deals with miscarriage and death of an unborn child and depending on the severity and intention with which the crime is committed, the penalties were set from 7 years to life imprisonment for 14 years.

- **Section 312 – Causing Miscarriage**

Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the women, be punished with imprisonment of either description for a term which my extent to three years, or with fine, or with both, and, if the woman be quick with the child, shall be punished of either description for a term which may extent to seven years, and shall also be liable to fine.

Explanation - A women who causes herself to miscarry, is within the meaning of this section.

- **Section 313- Causing miscarriage without woman’s consent.**

Whoever commits the offence defined in the last preceding section without the consent of the

††††† Section 312 of Indian Penal Code, 1860
woman, whether the woman is quick with child or not, shall be punished with 4 [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

- **Section 314. Death caused by act done with intent to cause miscarriage.**

  Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

  **if act done without woman's consent.** - and 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.

  Explanation. - It is not essential to this offence that the offender should know that the act is likely to cause death.

- **Section 315. Act done with intent to prevent child being born alive or to cause it to die after birth.**

  Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

- **Section 316- Causing death of quick unborn child by act amounting to culpable homicide.**

  Whoever does any act under such circumstances, that if he thereby caused death, he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child,

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"**** Section 313 of Indian Penal Code,1860

"$$$$ Section 314 of Indian Penal Code,1860

"****** Section 315 of Indian Penal Code,1860"
shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.††††††

**CODE OF CRIMINAL PROCEDURE, 1973**

- **Section 416 – Postponement of capital sentence on pregnant women**

The provision mandates that the High Court shall order of execution of capital sentences on a pregnant woman be postponed or it may commute the sentence to imprisonment for life, thereby indirectly recognizing the right to life of foetus.

**4. CONSTITUTION OF INDIA, 1950**

Article 14 speaks about Right to Equality and Article 21 speaks with Right to Live with Dignity. Whereas mentioned the practice of Sex – Detection tests violates both these rights and it has been recognised Article 21 in several cases. But as said this is hardly available to the unwanted girl child. Hence the right of the girl child may be construed in broader terms and should be considered as Right to be born and not to be aborted only because she is a girl, Right of the girl child to her mind her body, right to childhood and right to a healthy family environment and Right to remain alive after birth and not to be harmed or killed at any moment after birth.

**Case Laws**

In *M.C. Mehatha V State of Tamil Nadu and others*†††† a three judge bench, while dealing with the magnitude of the problem in engagement of the child labour in various hazardous factories or mines, commenced the judgment thus, when the female foeticide takes place every women who is a mother of the child must remember that she is killing her own child despite being a mother that is what abortion would mean in social terms. Abortion of female child in its conceptual eventuality leads to killing of women.”

In the case of *Vinod Soni and Anr. Vs. Union of India,*§§§§ The petitioners, who are married couple, seek to challenge the constitutional validity of Preconception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act of 1994. The Hon'ble Apex Court held that, “cases are permitted as mentioned in sub clause 3 of section 4, where certain dangers to the

†††††† Section 316 of Indian Penal Code,1860

††††† AIR 1997 SC 699.

§§§§ 2005 Cril. L.J. 3408.
pregnant woman are noticed. A perusal of those conditions which are five and which can be added to the four, existence on which is provided by the Act. It will therefore be seen that the enactment does not bring about total prohibition of any such tests. It intends to thus prohibit user and indiscriminate user of such tests to determine the sex at preconception stage or post conception stage. The right to life or personal liberty cannot be expanded to mean that the right of personal liberty includes the personal liberty to determine the sex of a child which may come into existence. The conception is a physical phenomenon. It need not take place on copulation of every capable male and female. Even if both are competent and healthy to give birth to a child, conception need not necessarily follow. That being a factual medical position, claiming right to choose the sex of a child which is come into existence as a right to do or not to do something which cannot be called a right. The right to personal liberty cannot expand by any stretch of imagination, to liberty to prohibit coming into existence of a female foetus or male foetus which shall be for the Nature to decide. To claim a right to determine the existence of such foetus or possibility of such foetus come into existence, is a claim of right which may never exist. Right to bring into existence a life in future with a choice to determine the sex of that life cannot in itself to be a right.”

Voluntary Health Association of Punjab Vs Union of India & Others******, The Supreme Court of India pertains to the increase of female foeticide and resultant imbalance of sex ratio and the indifference in the implementation of the stringent law that is in force in India. The Bench directs the States and Union Territories to implement the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) (Six Months Training) Rules, 2014 forthwith “considering that the training provided therein is imperative for realizing the objects and purpose of this Act.”

Mr. Vijay Sharma and Mrs. Kirti Vs. Union of India†††††, while upholding the constitutional validity, the Hon'ble Bombay High Court has held that the section 4 cannot be called that it violates Art 14 of constitution of India. Section 4 regulates use of the said techniques. Section 4(2) states that the said techniques shall not be conducted except for the purpose of detection of (i) chromosomal abnormalities; (ii) genetic metabolic diseases; (iii) haemoglobinopathies; (iv) sex linked genetic diseases; (v) congenital anomalies or any other abnormalities or diseases as may be specified by the Central Supervisory Board that too on fulfilment of any of the conditions laid down in subsection (3). Thus, the said techniques are to be used only to detect

****** W.P (Civil) No. 575 of 2014
†††††† AIR 2008 Bom. 29
abnormalities in the foetus and not for sex selection or sex selective abortions to couples who are desirous to have a male child even after birth of daughter.

INTERNATIONAL PERSPECTIVE

International Measures Against Female Foeticide deals with the international perspective and the methods and steps taken by the world across to prevent the crucial practice of female foeticide.

The Universal Declaration of Human Rights, 1948

Where the UDHR the first piece of International Law which represents in the initial stage while investigating whether a foetus has given any right and any status. It speaks in its Preamble ‘equal and inalienable rights of all members of the human family, and it states that ‘everyone has the right to life’ and ‘Everyone has the right to recognition everywhere as a person before the law.’ and adds the notion of equality: ‘All are equal before the law and are entitled without any discrimination to every protection of the law’. The wordsmith of the declaration deliberately kept the subject of the foetus at bay but and elected for broader interpretation and affirmed that unborn or the foetus is does have the right for having human life and it deserves an equal status and even deserves the legal protection at an early state. Each and everyone have understood to mean “every mother of the human family” the provision delivers a meaning and which establish a meaning and it is beyond debate that a foetus has the right to life and is considered as a human being.

The International Covenant on Civil and Political Rights, 1966

ICCPR affirms that “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” Again, the term ‘every human being’ has not been defined but neither is it limited, and hence one can easily maintain that it includes the unborn life also. Further, it goes on stating that, “no one “must mean “no human being” or the expression itself would be rendered meaningless. As stated, “Sentence of death shall not be ordered out on pregnant females”. This clearly states that not only emphasizes the right to life, but also expresses a shared understanding that an unborn foetus is a human being. In regard to this the foetus also has an independent identity and protection also. So, there can be no explicit recognition that this in international law that human rights enjoyed

Article 3 of the Universal Declaration of Human Rights, 1948.
Article 6 of the Universal Declaration of Human Rights, 1948.
Article 7 of the Universal Declaration of Human Rights, 1948.
Under Article 6, paragraph 1 of The International Covenant on Civil and Political Rights, 1966
Under Article 6 (5) of ICCPR, 1996
by each and every identity of the human family also included the unborn.

**American Convention on Human Rights, 1969**

This Convention clearly states that everyone has the right to have his honour respected and his dignity recognized and no one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honour or reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Convention on the Rights of the Child, 1989**

CRC Convention contend that “States Parties shall ensure to the maximum extent possible the survival and development of the child.” Does this necessarily follow from this that foetus is protected? This is an ongoing issue which still going on. While there are some states believe that it offers a protection to the unborn child, there are others that do not. The latter group is of the opinion that an unborn child is not literally a person whose rights could already be protected, and that the main thrust of the Convention was to protect the rights and freedoms of every human being after his birth till the age of 18 years. The Convention defines a child as “every human being below the age of eighteen years unless under the laws applicable to the child, majority is attained earlier.”

However the article does not state ‘every human being from the moment of conception’, it could be broadly interpreted that the words do not exclude the unborn.

**4.4 GOVERNMENT POLICIES**

The National Plan of Action exclusively for the girl child (1991-2000) which was formulated in the year 1992 for the “Survival, Protection and Development of the Girl Child”. The Plan recognized the rights of the girl child provide the equal opportunity, to be free from hunger, illiteracy, exploitation and ignorance. The objective towards ensuring the survival of the girl child are:

1. Prevent cases of female foeticide and female infanticide and ban the practice of amniocentesis††††† for sex determination.

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††††† Amniocentesis is a procedure in which amniotic fluid is removed from the uterus for testing or treatment. Amniotic fluid is the fluid that surrounds and protects a baby during pregnancy. This fluid contains fetal cells and various proteins. (Amniocentesis - Mayo Clinic.)
2. Also reduce deaths due to diarrhoea by 50% among the girl child under 5 years and ensure immunization against all forms of serious illnesses

3. End gender disparity in infant mortality rate; expand nutritional interventions to reduce severe malnourishment by half and provide supplementary nutrition to adolescent girls in need; eliminate gender disparities in feeding practices, and

4. Provide safe drinking water and access to ensure fodder and drinking water near residences.

**Balika Sam Riddhi Yojana**

The Yojana was launched in the year 1997. Where this was a major initiative by the Government to raise the status of the girl child. Its main initiative was also to change the family and community attitudes towards the child and the mother.

This helped financially also such as 25 Lakh girl children was born every year in families below the poverty line are to be benefited or helped. The first criteria of this scheme, which has already launched, is to provide Rs.500/- as a post delivery grant to the mother of the girl child as a symbol of gift from the Government and the other components proposed under this scheme are provision of annual scholarships to the beneficiaries when they go to school and assistance for taking upon income generating activity when they attain the age of eighteen.

Beside dealing with specific legislation and policy proclamations to deal with this menace, the precipitating factors such as dowry, woman’s dependence in regard to monetary and poverty etc. leading to the problem of female foeticide which have been addressed by enacting various legislation as :- a) Dowry Prohibition Act,1961 (Amended in 1986) ; b)Hindu Adoption and Maintenance Act,1956 ; c) Hindu Marriage Act,1955 ; d) Immoral Traffic Prevention Act,1986 ; and e) Equal Remuneration Act,1976 etc.

These are the various other legislations and policies which intend to bring about women’s economic and social empowerment to the max and it is hoped that such measures which would be helpful in adopting their rights.

**V. ROLE OF MEDICAL COLLEGES AND MEDICAL PRACTITIONERS**

Many medical practitioners have been engaged in crusade against the misuse of these technologies with the support of professional associates, some have been included as the strong supporters of sex selective abortions by making a ground that it is the family’s personal decision to determine the sex of their offspring. Hence, the role of medical colleges and

******** Diarrhoea, also spelled diarrhoea, is the condition of having at least three loose, liquid, or watery bowel movements each day. It often lasts for a few days and can result in dehydration due to fluid loss.( Diarrhea - Wikipedia.)
professional bodies such as Indian Medical Association (IMA), Federation of Obstetric and Gynaecological Societies of India (FOGSI), and associates of radiologists, in countering this vital issue needs to be given due importance. This may include as 1) Informing the medical students in regard to the adverse sex ration with reference to the ethical issues involved in female foeticide. 2) Also, conducting regular workshops/Medical Sessions which would really makes a great impact to reiterate the importance of this issues in our country. 3) Organize awareness camps through the country according to their respected educational sector location.

The country has to travel a long way in its fight against the pre-birth elimination of females. Time is quickly ticking away. A concerned effort should be made by the medical fraternity, the law, media, teachers, NGO’s, political leaders, and by the whole community itself which is the need of the hour.

**CONCLUSION**

The legislations enacted in regard to this problem are not sufficient to curb the heinous crime. Orthodox views in regard females are supposed to be changed. The PCPNDT Act is to penalize and punish the violators of this crime strictly. Therefore, the necessity of mobilizing the political will to ensure proper and better implementation of the Act. The malicious acts of female foeticide and forced abortions have to end before women becomes endangered species. Days are not so far, when there may be emergence of the situation where brides will not be available for the marriage of the sons to maintain lineage and continue the human race of even those people who believe on long standing tradition of son preference, that “only sons can offer Pyre Pindadana, Mukhagni and not the daughters”. Therefore, it is felt that the mindsets of the people should be changed right from now towards the importance of the girl child in the family.

Legal measures will not bring about revolutionary change in existing women’s conditions but it acts as supplement. Both print media and electronic media plays a very vital role in removing gender bias and developing a positive image of the girl child in the society. It is not easy to change overnight the attitude of women towards female foeticide. It takes time to change the mindset of the public. The government has initiated many programs like Beti Bachao, Beti Padhao and Sukanya Samridhi Account to encourage the birth rate and for the educational purpose of the girl child and also end gender discrimination practices Government should take initiatives in regard implementation of these schemes, policies etc, and finally the directions of the courts regarding the prevention of female foeticide should be strictly followed by the
Central Advisory Board and Appropriate Authority. We need to understand the importance of a female. After all, they constitute one-half of the society. The implementation of term “Equality” is in our hands. They should be given the same preference and respect which a male gets in the society.

Apart from the above, a feeling has to be indoctrinated in the minds of the people that she is the daughter, she is the sister, she is the life partner of man and ultimately, she is the mother.

REFERENCE

9. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
10. Article 3 of the Universal Declaration of Human Rights, 1948.