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**“ANALYSING THE LEGISLATIONS PERTAINING TO THE FEMALE  
FOETICIDE IN INDIA”**

**1. Dr. JYOTHI VISHWANATH**

ASSISTANT PROFESSOR P.G. DEPARTMENT OF STUDIES AND RESEARCH IN  
LAW UNIVERSITY LAW COLLEGE

BANGALORE UNIVERSITY

BENGALURU.

**2. Mrs. JYOTHI K. M**

RESEARCH SCHOLAR P.G. DEPARTMENT OF LAW UNIVERSITY LAW COLLEGE

BANGALORE UNIVERSITY,

BENGALURU.

**ABSTRACT**

A woman is a lovely combination of strength, intellect, emotional balance and beauty of mind and heart. But from ages, she has been ill-treated. India is mainly a patriarchal society due to which the women have always given a low position, remains under the control of her father, husband or son. Due to this patriarchal structure, India's socio-cultural environment always favored the birth of males over females. The preference for a son continues to be a prevalent norm in traditional Indian society. This is evident from the declining sex ratio which has dropped to alarming levels, especially in the northern states according to recent census reports and looking up to the son as a breadwinner has made the evil practice of female foeticide to become common in the middle and higher socio-economic households. Despite the existence of several acts, female foeticide is one of the most heinous crimes present in India; Perhaps the worst scenario is that the people who commit this crime belong to the educated classes.

This paper attempts to discuss the crime of female foeticide in India and its magnitude, various abortion laws, penal provisions, the objective behind their enactment, amendments and the reasons for failure in their implementation.<sup>1</sup> There is an urgent need to strengthen the prevailing laws as well as to enact new laws in combating the crime of female foeticide.

**Keywords:** Miscarriage, Induced Abortion, Foeticide, and Homicide.

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\*Assistant Professor, P.G. Department of Law and University Law College, Bangalore University, Bengaluru.

\*\*This paper is part of my PH.D Research, Research Scholar, P.G. Department of Law and University Law College, Bangalore University, Bengaluru.

<sup>1</sup>Vasu M. & Singh Dr.Meeta, The Rise of sex-selection in India, available at <http://www.ifes.org/publication/a8524e55a7d6c2fad0187772a374a5df/SinghMohan.pdf>



## **INTRODUCTION**

In ancient India, women held a place of high respect in the society as mentioned in Rig-Veda and other scriptures.<sup>2</sup> Volumes can be written about the status of our women and their heroic deeds from the Vedic period to modern times. But later on, because of social, political and economic changes, women lost their status and were relegated to the background.<sup>3</sup> Many evil customs and traditions stepped in which enslaved the women and tied them to the boundaries of the house.<sup>4</sup> No Human Problem can be solved in isolation detached from the other humanistic factors, least of all induced abortions.

A Pregnancymay be termed as unwanted when it is not desired by either or both the spouses or the society at large. The unwillingness may be because of various factors, of which, the economic consideration might have ranged the last, today it is the first. The other factors may be the moral and ethnic notions of the society at the relevant time. The Indian community in its early days did not suffer either with economic pressure or with such conservative and rigid sex taboos<sup>5</sup> as later developed. The ancient Hindus gave women a very high position in society, and great honor was given to motherhood. Childbearing was considered their essential function which they should discharge without any hindrance.<sup>6</sup> The life is divided into four periods<sup>7</sup> of which the only one is ordained for the worldly and family pursuits. In spite of the systematic lifestyle, the crime against women was in rampant.

The Semantic meaning of crime against women "is direct or indirect physical or mental cruelty to women". Crimes which are explicitly directed against women and in which only women are victims are characterized as Crime against Women<sup>8</sup> like the offences named Female infanticide, Female foeticide, Kidnapping, Dowry death, Rape, etc.,

India is the world's largest democracy and was one of the first countries to grant women the right to vote. The Indian Constitution is firmly grounded in the principles of liberty, fraternity, equality, and justice.<sup>9</sup> It affirms equality before the law and prohibits discrimination on the grounds of religion, race, caste, sex or place of birth.<sup>10</sup>

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<sup>2</sup>MitaBhadra, Girl Child in Indian Society, Rawat Publications-Jaipur and New Delhi.

<sup>3</sup>Supra note 2

<sup>4</sup><https://www.studymode.com/essays/Victimization-Of-Women-248590.html> (accessed January 02, 2019)

<sup>5</sup> In the ancient Hindu culture there was no pardahsystem, boys and girls both were entitled to get education. Marriages were also arranged by the choice of boy and girl themselves and the practice was known as swayambara.

<sup>6</sup>Mukherjee, S., "Some Aspects of Social Life in Ancient India", (1976) Allahabad: Narayan Publishing House.

<sup>7</sup> The four periods of life were Brahmacharya, Grihastha, Vanprastha and Sanyas. It was Grihastha when one was to enjoy comforts and indulge in procreation.

<sup>8</sup>Crime In The World - Term Paper, <https://www.termpaperwarehouse.com/essay-on/Crime-In-The-World/172937> (accessed January 02, 2019)

<sup>9</sup>Sex Selective Abortions - Academike - Lawctopus.(n.d.). Retrieved from <https://www.lawctopus.com/academike/sex-selective-abortion/>

<sup>10</sup>Article 21 of the Indian Constitution.



In spite of the rapid modernization experienced by some segments of Indian society, general social attitudes towards women have not kept pace with the country's economic and political development.<sup>11</sup>

The Indian Penal Code does not use the word abortion. Instead, the term 'miscarriage' has been used and causing it was made an offence thereunder. The 'abortion' or 'miscarriage' has not been given any statutory definition. However, in some legal dictionaries, it has been defined as "a miscarriage, or the premature expulsion of contents of womb before the term of gestations is over. In law, this means the confinement of a pregnant woman at anything short of full term, that is to say, her miscarriage..."<sup>12</sup>

The Encyclopaedia Britannica has defined abortion, "as the termination of pregnancy before independent viability of the foetus has been attained. Miscarriage is a folk term for spontaneous abortion".

Abortion has also been defined in the well-recognized Halsbury's Laws of England. It defines abortion as "a felony by statute (1) for any woman with child unlawfully to administer to herself any poison or another noxious thing or to use any instrument or other means whatsoever with intent to procure her miscarriage; or (2) for any person unlawfully to administer to or cause to be taken by any woman, whether she is with child or not, any poison or noxious thing with intent to procure her miscarriage, or to use any instrument or other means with that intent."<sup>13</sup>

### **MAGNITUDE OF THE PROBLEM IN THE COUNTRY**

A country's child sex ratio statistics can reveal that the country's social attitude towards its girl-children. Under natural circumstances, it is a general phenomenon that more boys than girls are born each year, but during the last few years, India has been experiencing an almost continuous increase in the overall ratio of males to females, is mainly because of excess mortality of girls.<sup>14</sup>

During the previous decades, the ratio of males to females at birth has also increased as pre-natal sex determination techniques have become available. The discriminatory practices against females—both before and after birth—continued in some parts of India are extreme by any standards. If not addressed properly, that is, what is likely to happen in the future. Clearly, for a country that is so vast and varied, there can be no simple answer to this question. However, in the end, that matter will depend upon how people come to value the lives of girls and women relative to those of men and boys.<sup>15</sup>

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<sup>11</sup>India is not alone; both China and South Korea have seen significant changes in the sex ratio at birth. Portner Claus C., Sex-Selective Abortions, Fertility and Birth Spacing, available at <http://are.berkeley.edu/documents/seminar/Portner.pdf>

<sup>12</sup>Earl Jowitt, The Dictionary of English Law 11(1959 edn.)

<sup>13</sup>Halsbury's Laws of England 730 (1955 end.)

<sup>14</sup>Supra note 2

<sup>15</sup>Supra note 1



Analysis of data from India's previous census reveals that between 22 and 37 million females are missing from its population. Some argue that natural population trends are causing this shift, but demographic factors alone cannot explain the disparities in the numbers.<sup>16</sup> It is overall acknowledged that this skewed sex ratio is a result of sex-selective abortions (female foeticide), the practice of killing infant girls (female infanticide) and neglect of the girl-child (resulting in increased mortality rates for girls). The steep decline of the sex ratio in many parts of India is evidence of a deepening crisis.

The data from the Indian census has refocused the world's attention on the dark side of India's demographic change – a low and falling ratio of girls when compared to boys. For the last 40 years, each successive census has found the number of young girls shrinking relative to boys. Interestingly, the deterioration in the child sex ratio has occurred in the face of rising living standards and improvements in every other indicator of demographic change and human development – average life expectancy, infant mortality, male and female literacy, fertility rate, and schooling enrolment of children.

### **CAUSES OF FEMALE FOETICIDE AND INFANTICIDE**

In our country, the causes of female foeticide and infanticide are multifaceted by many authors like Venkatachalam, Aravamudan, Harris-White, Jain, George, Pande, and Malhotra. The essential objectives of female foeticide are as follows<sup>17</sup>:

- 1) Indian society at all times is patrilineal, patriarchal and patrilocal. Among the Hindus, the reproduction and heredity beliefs are governed by the laws of Manu. Following this law, Hindus believe that a man cannot attain redemption unless he has a son to light his funeral Pyre. Besides religious consideration, economic, social and emotional desires favor males, as parents expect sons but not daughters to provide financial support, especially in their old age.
- 2) The evil of dowry system which is still prevailing in our society, has led to a belief that daughters have to be protected and sufficient financial resources have to be accumulated to support the marriage of the girl. Boys, on the other hand, are considered as assets, who fetch a fabulous dowry for the parents. This has created a stereotype notion of the girl as a "burden" on the household.
- 3) Contrary to popular belief, Gita Aravamudan's research shows an adverse link between education and gender skew (Aravamudan, 2007). The more educated a woman is, the more likely she is to actively choose a boy, assuming that she decides to have one child. The only educated women likely to keep daughters are very

<sup>16</sup>Dyson Tim, Foreword, (ed.) Patel Tulsi, *Sex-Selective Abortion in India: Gender, Society and New Reproductive Technologies*: New Delhi, SAGE Publications, 2007, p. 18.

<sup>17</sup>Dr. Vasudev P. Iyer, *Female Foeticide And Infanticide In India*, Episteme: an online interdisciplinary, multidisciplinary & multi-cultural journal Bharat College of Commerce, Badlapur, MMR, India, Volume 2, Issue 4 March 2014, BCC-ISSN-2278-8794



independent minded. Educated men, especially in the business class, also want to have sons to carry on their business<sup>18</sup>.

- 4) Although women contribute far more to agricultural production, they are by far the largest group of landless laborers with little real security. Modernization of agriculture alleviates the burden of tasks that are traditionally men's responsibility leaving women's burden unrelieved. In some regions, the bias has led to a shift from subsistence food (often women's crops) to cash crops (often men's crops). The systematic marginalization of women in Indian agriculture has led to an increase in violence against women including the epidemic of female foeticide.
- 5) The tests like Amniocentesis and ultrasonography, which were originally designed for detection of congenital abnormalities of the foetus, are being misused for knowing the sex of the foetus with the intention of aborting it if it happens to be that of a female (Patel, 1984). Thus, female foeticide and infanticide are receiving fillip through misuse of technology, done surreptitiously with the active connivance of the service providers.<sup>19</sup>
- 6) The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, prohibits the determination of sex of the foetus. It also provides for mandatory registration of genetic counseling centers, clinics, hospitals, nursing homes, etc. However, the implementation of the law is weak, and it has not been used to the fullest. The focus has been only on the registration of the number of ultrasound machines and not on the actual act of abortions of female foetuses.
- 7) Furthermore, in several cases, the accused have not been booked under relevant sections of the Act. Many studies have concluded that prenatal sex determination, followed by abortion of female foetuses, is the most plausible explanation for the low sex ratio at birth in India.<sup>20</sup> Patriarchy manifests itself in the social, religious, legal, political and economic organization of society.<sup>21</sup> They have led to the neglect of nutrition, health care, education and employment for girls.<sup>22</sup>

### **FEMALE FOETICIDE, INFANTICIDE, AND HUMAN RIGHTS:**

The Basic rights which are termed to be Human rights are very much essential for an individual. They are also necessary to create awareness with respect to save the females in society. Human rights also provide suitable conditions for the material and moral uplift of the human. Therefore, they must be preserved and defended if peace and prosperity are to be achieved — the Constitution of India which is the source of all laws guarantees and gives

<sup>18</sup><http://www.indianexpress.com/news/law-to-cover-new-techniques-of-sex-determination/761343>

<sup>19</sup> Supra note 4

<sup>20</sup> Supra note 5

<sup>21</sup> Nandi Arindam & Deolalikar Anil B, Does a Legal Ban on Sex-Selective Abortions Improve Child Sex Ratios? Evidence from a Policy Change in India, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1824420](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1824420)

<sup>22</sup> Patel Tulsi, "The Mindset behind Eliminating the Female Foetus" in Sex-Selective Abortion in India: Gender, Society and New Reproductive Technologies, (ed.) Patel Tulsi, SAGE Publications: New Delhi, 2007, p.142.



importance to the rights equal to all members of the society irrespective of the gender. Article 21 is specifically related to the protection of life and personal liberty of every person. Human rights apply to all age groups; foetus and even infant have the same status of human rights as adults. Female Foeticide and infanticide violate the human rights to lead a life with dignity. They also violate the right to birth, right to safety and right of self-determination.<sup>23</sup>

Today, female foeticide and infanticide are a blocking stone for the country's growth and also considered as a social evil because after independence some laws have been implemented to prevent female atrocities but majority failed and many programmes were set up for women empowerment and welfare were not fully successful. Women have got a respectable place in constitution, laws and the criminal justice system but today it is very sensitive to maintain the dignity of a woman and her rights.<sup>24</sup> In the Directive Principles of State Policy rights of men and women have been decided and treated equally under the right to equality, but in spite of women are killed before taking birth. There are many acts which were implemented for preventing exploitation of women in which Hindu Marriage Act 1955, Dowry (Prohibition) Act 1961, Prostitution (Prohibition) Act 1986, Pre-Natal Diagnostic Techniques Act 1994, and Domestic Violence (Protection of Women) act 2005, etc. But the data show that these acts have not been followed with obligation because atrocities against women are increasing fast day by day after implementing these acts also.

In eradicating the Female foeticide and infanticide, Police has a vital role to play. They are the one who is supposed to maintain peace and security in society. Thus it has been quoted about police by International Code of Enforcement Ethics "As a law enforcement officer my primary duty is to serve mankind, to defend life and property, to protect the innocent against the deception, the weak against intimidation and the peaceful against the violence and disorder and to respect constitutional right of all people to liberty, equality, and justice".

According to this above quote if all the officers work they can reduce all crimes happening against the females at large. Many scholars have analyzed the role of police in combatting crime and have laid down certain suggestions. They are (a) every district should set up a Child help linenummer and cells. (b) Protection should be given to the pregnant women who are forced to under the abortion by their in-laws and husband. (c) As most of the cases of illegal abortion happen at night, the police need to be alert and do effective patrolling near private nursing homes and hospitals (e) Police should strictly implement laws related to women and girls (f) Police should punish those family members, who compel for abortion.<sup>25</sup>

<sup>23</sup>Dr.Pooja Gupta, *Female Infanticide And Female Foeticide - A Curse For Society*, New Man International Journal of Multidisciplinary Studies (ISSN: 2348-1390)

<sup>24</sup>Quoting Arnold Fred, KishorSunita & Roy TK, "Sex-selective abortions in India- Population and Development Review" (2002), from Vasu M. & Singh Dr.Meeta, The Rise of sex-selection in India, supra note 4.

<sup>25</sup>Supra note. 18



## **LAWABOUT SEX-SELECTIVE ABORTION IN INDIA**

Two laws are enacted which prohibit the sex selection of a fetus in India, and they are, The Medical Termination of Pregnancy Act, 1971 (MTP), as amended in 2002, and the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PNDT), as amended in 2002.<sup>26</sup>

Abortion in India is an illegal act and punishable. The Medical Termination of Pregnancy Act, 1971 (MTP) Act, which prohibits abortion, was enacted with a basic view of minimizing the number of members in the family. However, in some cases, the desire for a small family may have outweighed, and the desire for a child of a specific gender added to some sex-selective abortions in India. The MTP Act stipulated that an abortion might lawfully be done in qualified circumstances. But the unscrupulous connived to misuse the law to have abortions conducted for sex selection.<sup>27</sup>

The advanced technology added to the reasons for the selective sex abortions and the laws were not implemented properly. Thus it was necessitated to the enactment of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PNDT) in 1994. This act was amended in 2002 to close loopholes contained in the original act.

The Indian Penal Code, 1860 specifically states that causing an abortion, even if caused by the pregnant woman herself, is a criminal offence, unless it is done to save the life of the woman under the guidance of the registered medical practitioner. The offense is punishable by imprisonment for three years, by fine, or by both.

The enactment of Medical Termination of Pregnancy Act 1971, India became the first country in the developing world to legalize induced abortions under certain circumstances. The MTP Act provides for an abortion to be performed by a registered medical practitioner in a government hospital provided, in his opinion:

- a. The pregnancy must not be exceeded by twelve weeks ;
- b. Only if the life of the woman is at risk or if it might cause grave injury to her physical or mental health; or,
- c. If it is vigilant that there might be a substantial risk to the child when born would suffer mental or physical abnormalities or lead to being seriously handicapped after the birth.

The MTP Act also accepts the aspect of the failure of any device used by the couple in limiting the number of children. Where the pregnancy is more than twelve weeks but less than twenty weeks, the opinion regarding the medical necessity for an abortion in the above circumstances must be formed in good faith by two medical practitioners.<sup>28</sup> When the

<sup>26</sup>Supra note 12

<sup>27</sup>Alpana D. Sagar. "Social Context of the Missing Girl Child." in Sex-Selective Abortion in India: Gender, Society and New Reproductive Technologies, (ed.) Patel Tulsi, SAGE Publications: New Delhi, 2007, p.198

<sup>28</sup>Supra Note 10



pregnancy is less than 12 weeks, the opinion of one medical practitioner is necessary for the approval of abortion. All abortions must be performed in a government hospital, regardless of the length of the pregnancy.

### **PRE- NATAL DIAGNOSTICS TECHNIQUES ACT 1994**

The Pre Natal Diagnostics Techniques Act of 1994, because of certain loopholes later it was amended in 2002, with a specific objective as stated in its Preamble:

“...to provide for the prohibition of sex selection, before or after conception, and for regulation of pre-natal diagnostic techniques for the purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female feticide and for matters connected therewith or incidental thereto.”<sup>29</sup>

Thus, the PNDT Act prohibits the identification of sex selection by all high-end technologies, which would also include the new chromosome separation techniques.<sup>30</sup>

The PNDT Act emphasis on the following aspects:

- a. Before and after conception the identification of sex selection.
- b. Regulation of prenatal diagnostic techniques (e.g., amniocentesis and ultrasonography) for the detection of genetic abnormalities, by restricting their use to registered institutions. According to the Act, only a qualified person who is a registered medical practitioner is allowed to use these techniques in a registered place for the above-specified purpose.
- c. The techniques used for the sex selection as well as the sex determination should not be advertised.
- d. The sale of ultrasound machines to any other persons who are not registered under this Act is prohibited.
- e. The Act specifies the Punishments for violations any sought would amount to - Violations carry a five-year imprisonment term and a fine of approximately of Rupees 10,000. All the offences under the Act are cognizable, i.e., when police may arrest without a warrant. They are also non-bailable and non-compoundable.

The Act prohibits any person, such as a husband or family member, from pressuring the woman to seek or undergo any pre-natal diagnostic testing to determine the sex of the fetus. It also prohibits and punishes any advertisements relating to pre-natal sex determination. The Act allows for the use of pre-natal diagnostic techniques for the detection of genetic abnormalities or pregnancy complications but restricts those procedures to specific registered

<sup>29</sup>The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, No. 57 of 1994, and the Pre-natal Diagnostic Technologies (Regulation and Prevention of Misuse) Amendment Act, No. 2002, No. 14 of 2003.

<sup>30</sup>Infra Note 16



institutions and by qualified personnel who have to abide by clear rules outlined in the Act. The Act allows for penalties of five years in jail along with the fine. The Act continues to be amended to address newer technologies for the selection of sex before and after conception. The MTP Act states any act causing the termination of the pregnancy of a normal fetus would amount to feticide, and in addition to rendering the physician criminal liable, is considered professional misconduct on his part, leading to his penal erasure.<sup>31</sup>

In spite of the laws mentioned above being present in our society the illegal practice of sex-selective abortion has increased in recent years and demanding action from the government to control the practice. The Medical Termination of Pregnancy (MTP) Act 1971 is the law that provides an option to abort the child. The MTP Act allows an unwanted pregnancy to be terminated up to 20 weeks of pregnancy and requires a second doctor's approval if the pregnancy is beyond 12 weeks. The Prenatal Diagnostic Techniques (PNDT) Act was enacted with the object of prohibiting the misuse of antenatal diagnostic tests for sex determination, which may lead to the abortion of female fetuses.<sup>32</sup> And the violator of the law under the Act is liable to imprisonment of three years and a fine up to rupees 10,000. Thus the misuse of the technology of identifying the sex of the fetus had to be stopped, but still, it is practiced at the high end because of various reasons prevailing in our society. "Information about the sex of a fetus is possible to obtain through tests in private clinics/hospitals but at a very high cost." Experts claim that the root cause of sex-selection is not the availabilities of the technologies but the status of women in Indian society.<sup>33</sup> Efforts to tackle this problem cannot be fragmented but need to be comprehensive. Not only do we have to tackle and control our technology, but we also need to improve the social position of woman. Some scholars are of the opinion, in India many women opt for female feticide not because they were heartless but because they were genuinely concerned about the fate of the girls who are being increasingly subjected to eve-teasing, molestation and sexual harassment and, after marriage, exposed to the risk of bride burning and dowry death, in the unending demand for dowry from our emerging consumerist society.<sup>34</sup>

Still, in many parts of India, it is believed that the act of sex-selective abortion is an act which is forced by the husband and in-laws. "Male child preference is not only bound by physical territory, cultural setting, economic and educational access. It also derives its relevance from the urge to establish one's cultural identity." Motherhood is the only chance to uplift the woman's status in Indian society. The first child is the proof of their reproductive ability;

<sup>31</sup><http://www.indianexpress.com/news/law-to-cover-new-techniques-of-sex-determination/761343>

<sup>32</sup>Visaria Leela, "Sex- Selective Abortions in Gujarat and Haryana: Some Empirical Evidence," in *Abortion in India: Ground Realities*, (eds.) Ramachandra V. & Visaria Leela, New Delhi: Routledge (Taylor and Francis Group), 2007, p. 133

<sup>33</sup><http://www.allresearchjournal.com/archives/2015/vol1issue6/PartC/1-6-20.1.pdf>

<sup>34</sup>Supra note 22



therefore the sex of the child is not a matter. However, the second child is the means to achieve their prestige, but only if the second child is the son.<sup>35</sup>

Dowry is a practice which is still prevailing in major parts of the country that insists the parents of the bride to give gifts to the groom and his family in large amount.<sup>36</sup> Dowry is incredibly unaffordable to even middle-class families, let alone the impoverished ones. “Even commercial minded techno-docs and laboratory owners have been using new reproductive technologies for over two and half decades ... The propertied class does not desire daughter/daughters because, after their marriage, the son-in-law may demand a share in the property.” According to studies on female feticide, urban and upper-income groups, who have access to medical facilities; utilize these to practice preference for the desired sex of the child.

With the increase in sex-selective abortion in India, there has been a contradiction in feminist’s ideologies on the ground of abortion. Some support the government’s incentives to control the use of New Reproductive Technologies (NRT) in sex-selective abortion; while others condemn the regulations as government controls in reproductive rights of women. It is also stated, “... pro-choice face formidable danger in advocating legislation against, or perhaps even strongly condemning, prenatal sex-selection. The basic reason is that many of these advocates call for government legislation to promote the twin goals of reproductive rights and gender equality.”

Dr. Sabu George along with the NGOs CEHAT (Centre for Enquiry Into Health and Allied Themes) and MASUM (Banglar Manabadhikar Suraksha Mancha) in 2000 filed the Public Interest Litigation suit in the Supreme Court against the Government of India for failure to implement the PNDT Act, a policy review meeting discussed amending the MTP Act to prevent sex-selective abortion following sex determination.<sup>37</sup> One of the suggestions was to only allow abortion up to 12 weeks, which will result in preventing sex-selective abortions following from sex determination by use of ultrasound technique. But, the majority in the meeting were of the opinion that there should be no amendment to the MTP Act and instead they suggested that there should be the rigid implementation of the PNDT Act. Also, as mentioned before, ineffective implementation of the law results in no convictions of medical professionals and failure to prevent people from having sex determination tests.<sup>38</sup>

There are some International laws that are applicable regarding the case of sex-selective abortion in India, as the country has committed itself to safeguard human and reproductive rights which are stated in many International Treaties and Forums.

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<sup>35</sup>Supra note 12

<sup>36</sup>Supra note 18

<sup>37</sup>RainukaDagar, “Rethinking Female Foeticide,” in *Sex-Selective Abortion in India: Gender, Society and New Reproductive Technologies*, (ed.) Patel Tulsi, SAGE Publications: New Delhi, 2007, p.114

<sup>38</sup>Agarwal, H.O., 2010, *Human Rights*, Central law Publications, Allahabad, p. 2



In 1994 the United Nations Conference on Population and Development in Cairo stated the elimination of all forms of discrimination against the girl child and the root causes of son preference, which result in harmful and unethical practices regarding female infanticide and prenatal sex selection. The United Nation Population Fund (UNFPA) is guided by this Conference and by the Millennium Development Goals (UNFPA 2012). India is also a part of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and has submitted its Initial Report in August 1998 (Committee on the Elimination of Discrimination against Women 2005). Implementation of the PNDT Act and its amendments is away in which India is preserving the CEDAW. Creating awareness and formulating advocacy strategies in partnership with several stakeholders are ways in which India is trying to prevent sex selection.<sup>39</sup> The monitoring and effective implementation of the Act has also been issued by the Supreme Court (Committee on the Elimination of Discrimination against Women 2005). However, the Committee on The Elimination of Discrimination against Women (2007) expressed its concern about the continuing deterioration of the sex-ratio despite the PNDT Act.<sup>40</sup> The Committee also stated that the act of sex-selective abortion is in many ways a violation of the law and that proper implementation is needed to end these violations.<sup>41</sup>

## **CONCLUSION**

Sex-Selective Abortion is an evil to the society which has been in practice from many decades in many countries of the world including India. However, earlier where the technology was not used more the cases of female infanticide were more in number as they were not able to identify the sex of the foetus, and it leads to the killing of the female babies after the birth. But with the help of technology, they can do the sex selection any majority of the educated people are committing this crime of female foeticide. However, this practice of sex selection through abortion raises the certain important question to be answered otherwise which may lead to the disaster of the Indian society. Does the life of an unborn female have no value? How is nature going to continue if there are no or fewer women to reproduce? These are some serious questions, which need to be addressed immediately along with the implementation of the prevailing laws and enactment of new rigid laws to control this menace.

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<sup>39</sup>Supra Note 11

<sup>40</sup>Carey, Ronald, June 12, 2011, It's Murder, Pure And Simple, The Hindu, New Delhi, pp14. Chaturvedi, Muralidhar, 2007, Ciminology and Penology, Allahabad Law Publications, Allahabad, pp.216.

<sup>41</sup>Supra Note 10