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PARAYA DHAN

THE MENACE OF SEX SELECTIVE CHILDBIRTH

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Abbreviations

CEDAW: Convention for Elimination of all forms of Discrimination Against Women

ICPD: SRB, International Conference on Population and Development

OHCHR: Office of the High Commissioner for Human Rights (United Nations)

SRB: Sex Ratio at Birth

UN: United Nations

UNFPA: United Nations Population Fund

UNICEF: United Nations Children's Fund

UNW: United Nations Women

WHO: World Health Organisation

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Abstract

This study attempts to document the phenomenon of sex-selective childbirth in South Asian Nations in general and India in particular. It attempts to answer why son preference is a huge phenomenon across South Asia, how the countries are combating the skewed sex ratios due to female foeticide and infanticide, and what impact does sex-selective childbirth have on geography, polity, and the society. It expounds on the literature available in the form of texts, reports, statistics, and audio-visual resources and tries to understand through data and stories of various individuals the impact of the pressure of bearing a son. Existing literature has extensively spoken of the *masculinization* of childbirth and the impact thereof. It also speaks of the ways various countries have failed or succeeded in combating the issue. This research tries to decode the literature and juxtapose the statistics and treaties with the ground reality visible to the researcher's and a layman's eyes. In times where the governments and the international community is constantly promoting gender equality, women empowerment, and attempting to prevent atrocities on women, an atrocious act such as killing the child in or outside the womb due to its gender or torturing the mother and forcing her to produce a son is often disregarded due to its region specificity. The research, therefore, becomes important in understanding where we, as a region as well as a country, have gone wrong and what means can be employed to achieve the highly ambitious goals of gender equality.

INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

Paraya Dhan: The Menace of Sex Selective Childbirth**Introduction**

“Even one gender discrimination abortion is too many.”²”

The obsession with a male child is not unknown to many countries of South Asia, especially China and India. Parents, due to many reasons such as traditions, practises, and the law have avoided bearing a girl child and this has caused the girl to be killed in or out of the womb, or not produced in the first place. The biologically normal sex ratio at birth ranges from 102 to 106 males per 100 females. However, ratios higher than normal – sometimes as high as 130 – have been observed³. Technically, the calculation of the male to female is done of children below six years of age. It is known as the Sex Ratio at Birth (SRB). In large study in India, conducted in 2006, the data showed that for second births in which the child was already a female, the SRB is 132, and for third births with two girl children born previously it is 139, whereas sex ratios are normal in cases of the first child being a male.⁴

The alarming statistics of the girl child being rejected by parents has raised huge concerns by scholars and thinkers of various fields like biology, psychology, sociology, ethics, economics, politics, and human rights, to name a few. There is a demand by feminist and human rights

² Prentice, D., 2015. *In Support Of Indiana’s SSB 334*. Ph.D., Retrieved from <https://lozierinstitute.org/wp-content/uploads/2015/02/Prentice-Senatetestimony-SB334-INFinal.pdf>

³ World Health Organisation, 2011. *Preventing Gender-Biased Sex Selection: An Interagency Statement*. United Nations Organisation, p.v.

⁴ Jha, P., Kumar, R., *et al.* 2006. Low female-to-male sex ratio of children born in India: national survey of 1.1 million households. *The Lancet*, [online] Available at: <<https://www.ncbi.nlm.nih.gov/pubmed/16427489/>> [Accessed 7 May 2020].

organisations to prevent “*femicide*”⁵ which is the avoidance of having a baby that happens to be a female.

The reasons for son preference are many. The deep rooted patriarchal setup has all kinds of reasoning for femicide- ranging from heavy dowry to lesser physical capabilities to the share of responsibility a woman holds towards her ageing parents.

As a consequence of this obsession and the femicide that follows, the economic and social fronts take a terrible toll. Amartya Sen gave the phrase “*missing women*”⁶ to show that the imbalance in the sex ratio of India is majorly due to prenatal or postnatal killing of the girl child. It was also highlighted that due to the worsening sex ratio, not enough women reach the position of power and therefore the idea of true representation remains a mere myth.⁷

In various attempts to prevent sex selective childbirth, International Organisations have always taken an active interest in preventing femicide across the world as a collective responsibility for a balanced sex ratio and prevent the dire impacts that it leaves on national and international politics. The Program for Action of the International Conference on Population and Development (ICPD, 1994) of the United Nations passed a resolution which stated that the member states are obliged to “...*eliminate 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.*”⁸

⁵ Barajas, J., 2020. In Mexico, International Women’s Day puts a spotlight on femicide. *Los Angeles Times*, [online] Available at: <<https://www.latimes.com/world-nation/story/2020-03-06/mexico-femicide>> [Accessed 4 May 2020].

⁶ Kapoor, M. and Ravi, S., 2016. India’s missing women. *The Hindu*, [online] Available at: <<https://www.thehindu.com/opinion/lead/indias-missing-women/article5670801.ece>> [Accessed 4 May 2020].

⁷ *Ibid.*

⁸ *Programme of Action of the International Conference on Population and Development. 4.16.*

National laws in many countries such as China⁹ and India¹⁰ that aim to prevent sex-selective abortions have also been introduced as an effort to prevent the befalling of the consequences that shall follow a grossly imbalanced sex ratio.

This study attempts to study these patterns in a detailed manner.

Preference of a son

The results would not even be nearly surprising if most young women in India, especially the Northern region would be asked if they have been termed as “*paraya dhan*” (someone else’s property) by their very own parents. The traditional setup in marriages across various South Asian nations including India is that the girl is married off to her in-laws house. From a very young age, girls are told to be prepared for moving out of the house and “adjusting” in her husband’s house. A man on the other hand, is conditioned since childhood that he would be the breadwinner of the family and must assert influence as the “head of his family.” A woman being the sole breadwinner of the family and the man being the homemaker is mostly looked down upon even in the highest strata of society.

These deep rooted gender norms suppress women as they lose an identity of their own- they are either a daughter, a sister, a niece, a wife, or a mother, but never herself. Owing to these reasons, parents prefer a male child. A boy would get dowry in his marriage, but a daughter will take away the family’s fortune, money needs to be saved for the son’s education, but the saving for the daughter will only be for her wedding, the son will be the parents’ support during their old age, while the daughter will look after the husband’s family. These statements carry with themselves the stem and root of discrimination against the girl child, even before she is born. The marital institution is based on the edifice of unshakeable gender biases. Since women are married

⁹ Kuo, L., 2018. China: new rules to prevent sex-selective abortions raise fears. *The Guardian*, [online] Available at: <<https://www.theguardian.com/world/2018/jun/22/china-new-rules-jiangxi-province-prevent-sex-selective-abortions>> [Accessed 4 May 2020].

¹⁰THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) ACT, 1994 (Act 57 of 1994).

off to a new home, the onus of continuing the “*vansh*” or the bloodline of the family falls on the son, as if, the children of the daughter do not belong to the same biological lineage. Since women are also considered physically less capable than men, many parents think that they would not be able to earn enough or earn at all in the parents’ old age.

Religious prohibitions, especially in Hinduism, prevent girls from performing any rituals such as *havans* or the rites after parents’ death and an anxiety dawns upon parents regarding the same. Adding to that, religious texts mention statements like "Through a son, he conquers the worlds, through a grandson, he obtains immortality, but through his son's grandson, he ascends to the highest. All that has been declared in the Veda."¹¹ These texts prescribe patriliney and son preference. However, in the vedic ages, even though women were considered subordinate to men, they were not met with the same ugly connotations as they are today- by being killed in the womb, abandoned or killed after birth, or neglected completely.

Due to these reasons, for centuries, son preference has caused discrimination against girls outside the womb. This has caused malpractices ranging from killing the infant to neglect of health care and nutrition, often ending in death at a very young age¹². Many parents do not invest in their daughters’ higher education because ultimately she has to be married off. Popular culture and media including shows like Zoya Akhtar’s *Made in Heaven* have highlighted how in our society, her wedding becomes the most important day of the girl’s life and a father can go to any extent to make the wedding a grand one.

In the episode aired on May 6, 2012 of the show *Satyamev Jayate*¹³ Dr Puneet Bedi explained that the roots of getting rid of a girl child lies back in the 1970s, the era when population control measures were being imposed on the entire nation vehemently. “*At that time*”, Dr Bedi says, “*the government hospitals began explaining to the people to not keep on producing babies in*

¹¹ Baudhayana Sutras 2-9-16.3

¹² Sen, A., 2003. Missing women--revisited. *BMJ*, [online] 327(7427), pp.1297-1298. Available at: <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC286281/>> [Accessed 10 May 2020].

¹³ *Satyamev Jayate: Episode 01*. 2012. [video] Directed by A. Sheshkumar. India: Star India Private Limited.

order to have a son, but rather get rid of the girl and give birth only to the son they wish to have. They treated girls like byproducts.”

“The government employees (population control officials) behaved like salespersons,” he added, “They told the parents that they will give them the son they want if they abort the girls. After a lot of objection from activists and organisations, the government hospitals shut down these initiatives but the arrow that had been shot too far to be retracted. Many private clinics had proliferated and were indulging in sex specific abortions. This increased multifold after sonography came in, a scientific advancement that allowed determining the sex in minutes, rather than waiting for a long time¹⁴.”

The Impact

The parochial mentality that encourages sex selective discrimination in child birth knowingly or unknowingly leaves behind a footprint that has dire consequences on a lot of factors. Scholars have argued that an imbalanced sex ratio can have impacts of various natures that can influence the society negatively.

Statistics show that there happens to be a 10-20 percent excess of young men in the South Asian society¹⁵. This implies that there are not enough women to get into wedlock with. In most South Asian societies, especially the ones reflecting this imbalance, the institution of marriage is given a lot of importance¹⁶ due to which these young men are considered to be incomplete if they do not have a married partner. The social stigmatisation has led to many psychological difficulties among these men.¹⁷

¹⁴ *Ibid.*

¹⁵ Hesketh, T., Lu, L. and Xing, Z., 2011. The consequences of son preference and sex-selective abortion in China and other Asian countries. *Canadian Medical Association Journal*, [online] 183(12), pp.1374-1377. Available at: <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3168620/>> [Accessed 7 May 2020].

¹⁶ *Ibid.*

¹⁷ Hudson, V. and Den Boer, A., 2002. A Surplus of Men, A Deficit of Peace: Security and Sex Ratios in Asia's Largest States. *International Security*, [online] 26(4), pp.5-38. Available at:

Another issue that stems up from this is that due to lack of women since childhood, the number of women adults also happen to be much lesser. The immediate consequence of this is the fact that further childbirths will also be reduced.¹⁸ While some scholars view this as efficient population control, others look at it critically and see it as an ethical violation as well as having other repercussions.

Due to lack of partners, some studies show, that these men face immense sexual tension and frustration due to which they become more aggressive and involved in criminal activities¹⁹ and might cause an increase in violence towards women, human trafficking, prostitution, forced migration and the increase in cases of HIV-AIDS.²⁰

However, the real war on the ground level is faced by women. Many women are threatened by their in-laws that they and the children would be killed if the child is female. This is, unfortunately, not an isolated piece of news. Women are forcibly told to determine the sex of the child in their womb which is illegal²¹ and abort it if it is a girl. Many other women are forced to abandon or kill their infant daughters right after they're born. If a mother is carrying a son in her womb, she is given more than special treatment with good food and healthcare. However, if the fetus is that of a girl, the mother is abused and deprived of even basic rights. This takes a humongous toll on the mother and child's health often causing fatal diseases and even death. The ethical side of this kind of torment is obviously highlighted by many activists who feel that such

<<https://www.mitpressjournals.org/doi/abs/10.1162/016228802753696753?journalCode=isecc>> [Accessed 7 May 2020].

¹⁸ Guilamoto, C., 2015. La masculinisation des naissances. État des lieux et des connaissances. *Population*, [online] 70(2), pp.93-94. Available at: <https://www.cairn-int.info/article-E_POPU_1502_0201--the-masculinization-of-births-overview.htm> [Accessed 7 May 2020].

¹⁹ Barber, N., 2000. The Sex Ratio as a Predictor of Cross-National Variation in Violent Crime. *Cross-Cultural Research*, [online] 34(3). Available at: <<https://journals.sagepub.com/doi/abs/10.1177/106939710003400304>> [Accessed 7 May 2020].

²⁰ *Supra Note* 18 at 97.

²¹ THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) ACT, 1994 (Act 57 of 1994), s. 6.

behaviour is a gross violation of human rights as unsafe abortions and violence against the women lead to a severe decline in their mental and physical faculty. Women are also forced to marry brothers within the same family and are married to men against their choice and wishes²².

A “marriage market” has emerged due to the lack of women to marry the excess of men in the country²³ which also leads to the brutal oppression of women. They are sold and trafficked across states and due to this they have a decreased social status and lack of respect. These women are also subjected to rape by other men in the family, sexual exploitation and constantly being put down.

In the *Satyamev Jayate*²⁴ episode on female foeticide, Amisha Yagnik and Parveen Khan shared their trauma of going through forced abortions, domestic violence, and even abandonment from their husbands and families. In her gory experience, Khan described the torturous assault by her husband that left her physically and emotionally scarred for life. These women expressed regret for being unable to educate themselves and raising their children better, alone. However, these women rose against these tumultuous times and rose stronger with the ideology of “*never tolerating injustice for the one who tolerates it is as much fault as the one exercising it*”²⁵.

Sex selection of the child is actually a phenomenon that has consequences on all possible fronts and unfortunately women have to bear most of the brunt of it before being born, in the womb, and after being born due to the deep rooted patriarchy in the society.

An Effort to Prevent Sex Selective Childbirth

A prevalent, common notion that exists among most people of the Indian subcontinent is that the poor, illiterate sections of the society emphasise more on having a son and indulge in sex

²² World Health Organisation, 2011. *Preventing Gender-Biased Sex Selection*. United Nations Organisation, p.5.

²³ *Supra Note 18* at 89.

²⁴ *Supra Note 13*

²⁵ *Ibid.*

selective abortion, foeticide, or infanticide. However, a research²⁶ by Rambabu Bhatt, a social worker who saw the patterns of discrimination against the girl child in the city of Jaipur, noticed that it happens to be the more urban, educated, and upper class individuals including high ranked officers who indulge in killing the girl child for having a baby boy. The research also showed that the parents desirous of getting to know the sex of fetus can avail “packages” for a certain amount in private clinics to determine the sex and aborting the child if it is a girl. This practise, Mr Bhatt says, is often misused by doctors to earn profits.

Dr Shaili Agarwal, a gynecologist in Pindwara (Sirohi), Rajasthan, says that contrary to the popular belief, the adivasi (tribal) population of the region accept children of both sexes very happily.²⁷

Efforts by the people: Case Studies of Rajasthan and Punjab

Countless disturbing experiences and alarming statistics have lead to many individuals taking up their responsibility as citizens and professionals to combat the discrimination against girls both inside, and outside the womb. In a sting operation of over 140 doctors, renowned journalists Mr Shripal Shaktawat and Ms Meena Sharma investigated the malpractices of pre natal sex determination, female foeticide, and female infanticide.²⁸ They reported of receiving legal backlash while the doctors continued practising and were even promoted in their organisations in an episode of the show *Satyamev Jayate* after which the host and bollywood actor Aamir Khan went to Mr Ashok Gehlot, the then Chief Minister of Rajasthan to request him to establish fast track courts to convict these doctors²⁹.

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Sebastian, S., 2012. Aamir meets Gehlot, seeks fast-tracking of foeticide cases. *The Hindu*, [online] Available at: <<https://www.thehindu.com/news/national/aamir-meets-gehlot-seeks-fasttracking-of-foeticide-cases/article3401688.ece>> [Accessed 12 May 2020].

²⁹ *Ibid.*

Such efforts, too, are numerous. In another study of the district Nawanshahar of Punjab, the sex ratios at some point were 775 girls for every 1000 boys. The dropping sex ratio was highly problematic. When Mr Krishna Kumar took charge as the Deputy Commissioner in the district, he took charge of improving the ratio. He involved many organisations, students, and government departments and campaigned for the cause. The constant efforts of the entire region yielded surprising results when the 2011 census showed that the SRB had risen from 808 girls in 2001 to 885 girls in 2011 for every 1000 boys.³⁰ This data, as per a 2019 report shows that for every 1000 boys, 1095 girls were recorded,³¹ showing that the efforts had a very long term impact on the people of the district.

The Indian Law

The Indian Legal System, too, has formed legislations to prevent discrimination against the girl child before or after her birth. The Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994 is the most important legislation in this effort. The act, last amended in 2002, prohibits sex selection³² or sex determination³³ of the fetus. It criminalizes anything that hinders the autonomy of the mother, her and the child's health, and any kind of homicide of the child caused by the medical fraternity inside the mother's womb.

Another act, existing since as early as 1870 is the Female Infanticide Prevention Act, 1870 prohibits the deliberate murder of a female child³⁴.

³⁰ Directorate of Census Operations, Punjab, 2011. *Shahid Bhagat Singh Nagar District : Census 2011 Data*. Nawanshahr, Punjab, Available at: <<https://www.census2011.co.in/census/district/592-shahid-bhagat-singh-nagar.html>> [Accessed 12 May 2020].

³¹ Special Correspondant, 2019. Major improvement in sex ratio in January, 1059 girls born behind one thousand boys in the district. *Dainik Bhaskar*, [online] Available at: <<https://www.bhaskar.com/punjab/nawashahar/news/in-january-a-big-improvement-in-sex-ratio-1059-girls-born-in-the-district-behind-one-thousand-boys-031014-3992786.html>> [Accessed 12 May 2020].

³² *Supra Note 9* at s. 3(A).

³³ *Supra Note 9* at s. 6.

³⁴ Female Infanticide Prevention Act, 1870 (Act 8 of 1870), s. 7.

Section 3 of The Medical Termination of Pregnancy Act also lays down in what situations can a fetus be aborted and it includes only that situation which may cause the mother or child psychological or mental damage³⁵.

Other laws that exist for the empowerment of women and therefore to prevent female foeticide and infanticide include Dowry Prevention Act, 1961, Immoral Traffic Prevention Act, 1986 and the recent law Surrogacy (Regulation) Act, 2020. There are also many elaborate schemes introduced by the government at central as well as state level, the most celebrated one being *Beti Bachao, Beti Padhao* that is aimed at prevention of sex selective elimination on grounds of ascribed gender, ensuring the survival & security of the girl child, and ascertaining the education and participation of the girl child³⁶.

Despite the fact that the laws exist and the policies are seen as a required and welcome change, the statistics and numbers prove that the condition is still harrowing. As per the NITI Aayog Data, the 2013-15 Sex Ratio at Birth in the country was 900 girls per 1000 males³⁷ with the states of Haryana and Uttarakhand as the worst performers. The number seems like a mere difference of 100 individuals and does not seem like a real issue, but when we look at India's overall population of over 1.3 billion, the difference between the number of men and women gains a wide rift.

What becomes important now is for the citizens, especially women, to become more aware of their rights and people across the country need to be more afraid of these laws. A necessary fear needs to be created by setting an example by prosecuting the individuals who have indulged in such activities. The judicial system needs to awaken to the call and establish fast track courts to dispose of matters relating to female foeticide and infanticide. There needs to be a stronger

³⁵The Medical Termination Of Pregnancy Act, 1971 (Act 34 of 1971), s. 3.

³⁶ Wcd.nic.in. n.d. *Beti Bachao Beti Padhao* / Ministry Of Women & Child Development / Goi. [online] Available at: <<https://wcd.nic.in/bbbp-schemes>> [Accessed 12 May 2020].

³⁷ Niti.gov.in. 2020. *Sex Ratio (Females/ 1000 Males)* / NITI Aayog. [online] Available at: <<https://niti.gov.in/content/sex-ratio-females-1000-males>> [Accessed 12 May 2020].

enforcement of existing legislation in order to destroy the underground system of such illegal clinics. Operations by journalists like Ms Sharma and Mr Shaktawat need to be taken seriously in order to expose such doctors and clinics.

A separate body needs to exist to look after such matters. Population control initiatives that discourage producing too many children in order to give birth to a male child also need to be radicalised in the nation.

Conclusively, the Indian executive, judicial, and legislative bodies need to go a long way to make the situation much better and less daunting as already is.

International Effort

To prevent the discrimination against the girl newborn or fetus, the global community took on itself the responsibility to protect their and their mother's rights. The United Nations Organisations took this responsibility by safeguarding the rights of women and the girl child by documenting it in the United Nations Charter³⁸ that prevents discrimination on the grounds of sex and gender. Article 1, 13, and 55 sanction that there will be availability of resources, education, and human right to every individual irrespective of their sex. Similarly, the Universal Declaration of Human Rights also allows every individual the right to life³⁹ and equal protection by law.⁴⁰

There were also multiple conferences done and resolutions such as the Convention of Elimination of all forms of Discrimination Against Women (CEDAW, 1979) passed by various UN Assemblies in an attempt to prevent sex-selective childbirth.

³⁸ United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, available at: <https://www.un.org/en/sections/un-charter/un-charter-full-text/> [accessed 17 May 2020]

³⁹ Office of the High Commissioner for Human Rights, 1948. *Universal Declaration Of Human Rights*. United Nations Organisations, at s. 3.

⁴⁰ *Ibid.* at s. 7.

In a recent statement⁴¹ issued jointly by the WHO, the OHCHR, UNFPA, UNICEF, and UNW also recommended certain suggestions to prevent sex-selective childbirth to South Asian countries. Recommendations such as being more responsible with data, tapping the use of technology positively and preventing its misuse thereby, empowering women and girls, enforcing legislation strictly, and advocating gender equality.

What the problem, however, is, that all the treaties, conventions, and conferences are not binding on any of the member nations due to the sovereignty doctrine that allows the nations to not be confined by what the UN has passed. They may or may not make and execute laws as per their own will and national interests. Since a small part of the world experiences female foeticide and infanticide (mostly South Asian Nations), most UN resolutions did not even mention the idea of sex selective foeticides and infanticides while emphasising on gender equality in general. The documents, reports, statements, and conventions become a mere piece of paper and are not really meted out to their fullest potential. The lack of an actual international effort comes to forefront on a detailed scanning of the aforementioned ideas.

However, this should not render the world hopeless. The countries that see sex selective child birth practises are working towards preventing it and the People's Republic of Korea (South Korea) has proved an inspiration for the other South Asian nations.

The South Korean SRB showed a dismal number of 116.5 males for every 100 females in the 1990s,⁴² a daunting statistic due to the rural and traditional system of inheritance in the nation. The government took upon itself to reduce the ratio by enacting a law in 1988 that prevented prenatal sex determination⁴³ and campaigned with the slogan “*One daughter is equal to 10 sons.*” Now one may wonder that India, too, had such a law in place much before Korea and

⁴¹ World Health Organisation, 2011. *Preventing Gender-Biased Sex Selection: An Interagency Statement*. United Nations Organisation, p.9-11.

⁴² BBC News, 2017. 100 Women: How South Korea stopped its parents aborting girls. [online] Available at: <<https://www.bbc.com/news/world-asia-38362474>> [Accessed 17 May 2020].

⁴³ *Ibid.*

women empowerment has always been an idea in its policies and plans. However, South Korea took upon itself the responsibility of *enforcing* the law as well. They cancelled the licenses of doctors involved in the illegal abortion and prenatal sex determination and also imprisoned them⁴⁴ to set a deterring example for the others, an action India failed to take. Another factor responsible for this was more information due to rapid urbanisation that took place in the decade between 1991-2003.

World Bank Data suggests, after these policies were enforced that South Korea achieved a three-quarters decline in son preference, making it the only South Asian country to have reversed trending rise in SRBs.⁴⁵

It can therefore, very well be said, that South Korea is a brilliant example for each country to look up to in order to prevent such discrimination inside and right outside the womb and the dire consequences sex-selection has on the society, economy, and polity.

Conclusion

“Is it a girl?”

It’s unfortunate that this phrase is uttered either as a question of fear or of shock, mostly. India is considered to be the land where women are worshipped as *Durga, Saraswati, Laxmi, Ganga*, the country *Bharat Mata* and even the Earth, *Dharti*. They are all revered as *mata* or a nurturing mother. Yet, the cases of female foeticide, infanticide, and the statistics that reflect the lack of girl children in our country are daunting. Our government policies and speeches may be riddled with the jargons of women empowerment but at ground-zero, we see that the reality is not quite empowering. Girl children are not preferred in many Indian families. Even if they do not kill the girl child or the female fetus, they keep on producing many children in the desire of having a male child, pressurising resources not only in the country but in the world. The ever-increasing

⁴⁴ *Supra Note 13.*

⁴⁵ Chung, W. and Gupta, M., 2007. *Why Is Son Preference Declining In South Korea?: The Role Of Development And Public Policy, And The Implications For China And India.* [online] World Bank, p.12. Available at: <<https://openknowledge.worldbank.org/bitstream/handle/10986/7367/wps4373.pdf?sequence=1&isAllowed=y>> [Accessed 17 May 2020].

population of the country when combined with this problem only keeps on worsening. It has been seen that the son-preference stems from various social, geo-political, and religious reasons and forces a lot of torment on the individuals involved in it, especially the mother and child. The alarming statistics show that the legal and political preventive measures by countries of various South Asian nations, especially India, are failing to keep sex-selective childbirth in check. However, there are also countries and regions within these countries that have succeeded in reversing the SRB trend.

The failures of the national governments as well as the international community make the issue as prevalent as it used to be over decades before today. This should prompt activism and legislation to combine and work hand in glove for the cause of preventing the consequences that come with the practice of sex selective child birth. Furthermore, the issue must not just be limited to statistics and data and needs to be taken as a problem that plagues the society in all aspects of it. What is required here is an interdisciplinary approach to combat the issue and law, medicine, social science, and psychology need to come together effectively in order for us to prevent this from happening and to do that, there seems to be a long way to go but there is hope at every step.

Bibliography

Audio-visual Sources

Satyamev Jayate: Episode 01. 2012. [video] Directed by A. Sheshkumar. India: Star India Private Limited.

Journal Articles

1. Jha, P., Kumar, R., *et al.* 2006. Low female-to-male sex ratio of children born in India: national survey of 1.1 million households. *The Lancet*.
2. Sen, A., 2003. Missing women--revisited. *British Journal of Medicine*.
3. Hesketh, T., Lu, L. and Xing, Z., 2011. The consequences of son preference and sex-selective abortion in China and other Asian countries. *Canadian Medical Association Journal*,
4. Hudson, V. and Den Boer, A., 2002. A Surplus of Men, A Deficit of Peace: Security and Sex Ratios in Asia's Largest States. *International Security (MIT Press Journals)*.
5. Guilmoto, C., 2015. La masculinisation des naissances. État des lieux et des connaissances. *Population* (Translated).
6. Barber, N., 2000. The Sex Ratio as a Predictor of Cross-National Variation in Violent Crime. *Cross-Cultural Research*.
7. Chung, W. and Gupta, M., 2007. *Why Is Son Preference Declining In South Korea?: The Role Of Development And Public Policy, And The Implications For China And India.*

Legislation/Treaties

1. Programme of Action of the International Conference on Population and Development
2. The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (Act 57 of 1994).
3. Female Infanticide Prevention Act, 1870 (Act 8 of 1870).
4. The Medical Termination Of Pregnancy Act, 1971 (Act 34 of 1971).

5. United Nations, Charter of the United Nations, 24 October 1945.
6. Office of the High Commissioner for Human Rights, 1948. *Universal Declaration Of Human Rights*. United Nations Organisation.

Newspaper Articles

1. Barajas, J., 2020. In Mexico, International Women's Day puts a spotlight on femicide. *Los Angeles Times*.
2. Kapoor, M. and Ravi, S., 2016. India's missing women. *The Hindu*.
3. Kuo, L., 2018. China: new rules to prevent sex-selective abortions raise fears. *The Guardian*.
4. Sebastian, S., 2012. Aamir meets Gehlot, seeks fast-tracking of foeticide cases. *The Hindu*.
5. Special Correspondant, 2019. Major improvement in sex ratio in January, 1059 girls born behind one thousand boys in the district. *Dainik Bhaskar*.
6. BBC News, 2017. 100 Women: How South Korea stopped its parents aborting girls. *BBC News*.

Reports

1. World Health Organisation, 2011. *Preventing Gender-Biased Sex Selection: An Interagency Statement*. United Nations Organisation.
2. Directorate of Census Operations, Punjab, 2011. *Shahid Bhagat Singh Nagar District : Census 2011 Data*. Nawanshahr, Punjab.

Websites

1. <https://lozierinstitute.org/wp-content/uploads/2015/02/Prentice-Senatetestimony-SB334-INFinal.pdf> [Accessed on 28 April, 2020]
2. <https://wcd.nic.in/bbbp-schemes> [Accessed 12 May 2020].
3. <https://niti.gov.in/content/sex-ratio-females-1000-males> [Accessed 12 May 2020].

