

Eradication of Female Foeticide

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I am here to speak on the subject of 'Eradication of Female Foeticide'. I would have liked to say that I am very happy to have been so called upon to speak here on this topic, but to be honest there is nothing about this topic that makes me happy.

Consider this:

A woman upon being told that her child is healthy and beautiful looks away sullenly. The nurse explains, "It's a girl, that's why."¹

In another part of the country, a woman sits worriedly in the gynecology ward of a hospital. She is seven months pregnant. An ultrasound scan has told her it's a boy and she doesn't want to lose "her baby". About her earlier two pregnancies she says, "*Donon time test mein ladki nikli to safai kara di*".²

This practice, which is so unfortunately prevalent in our country, is truly the most horrific form of gender discrimination. In a society that has consistently devalued women, their only fault is their gender, and baby girls are throttled, poisoned or drowned in a bucket of water. This is female infanticide. Of course, of those baby girls who were never even allowed to come into this world, there is no evidence and the abortion of pregnancies post an illegal sex determination is yet another course that is adopted to prevent a baby girl from getting her due in the world. Indeed, gender discrimination in our society is so entrenched, that it begins even before a girl is born. While in the womb, she faces the danger that she might never be allowed to be born; if born, her irrelevance is asserted when her birth is not registered; immediately after, she faces the continuing danger

¹ Kaveri Nambisan, "The Baby Doom" The Hindu, Sunday, Jul 25, 2004

² Madhu Gurung, "Demographic Danger Signal" Frontline Volume 17 - Issue 02, Jan. 22 - Feb. 04, 2000

that she might not be allowed to live till the next day. I am told that now there are even methods by which she may not even be conceived! The fact that this is wrong is just so obvious, that I am unable to gather together some words to articulate it.

They say that in law, everything has two sides. That there is no right and no wrong, no black or white – only shades of gray. But here, I honestly do not see two sides. Though rare, it is true that sometimes what is wrong...is wrong... is wrong – and I believe this is one such time. There are no gray areas when it comes to female infanticide or female feticide. It is simply wrong.

In 1978 an anthropologist traced the history of female infanticide and found that it pervaded every society of mankind and was “practiced on every continent and by people on every level of cultural complexity...”³ However, in this enlightened age, it continues only in a handful of places – our country being one of the two prime offenders. In this age, when human rights have been in focus internationally, with significant developments made in our country as well, it is tragic that gendercide continues unchecked.

Everyone says that we have come a long way since our independence more than half a century ago. Indeed, we have made significant scientific and technological progress and we churn out some of the brightest minds every year in every area possible. But when I hear of female infanticide and female feticide let alone the gender discrimination everywhere else or when I see the statistics showing the skewed sex ratio, it makes me think that all this progress is absolutely worthless. On many occasions I reflect on the progress that women have made in our country and I feel proud – we had our first female head of state decades ago and women in politics, sports, literature and other arts continue to perform outstandingly. Yet, this pride is short lived and it dissipates into a kind of horror and despair with the knowledge that despite such demonstrations of brilliance by Indian women, our society fails to even secure them existence.

³ Study by Laila Williamson, “[A Brief History of Infanticide](http://www.infanticide.org/history.htm)” Society for the Prevention of Female Infanticide, www.infanticide.org/history.htm (last visited December 14, 2006)

In fact, with growing technological developments, people have found new ways of satisfying their obsessions. Indeed, techniques such as amniocentesis, biopsy and ultrasound scans developed to ensure the health of a baby are misused by parents and doctors and their primary purpose today is sex determination. Clinics offering ultrasound scanning facility have mushroomed throughout the country, and despite making pre-natal sex determination a penal offence and appropriate signs being hung at these clinics, doctors and parents alike rampantly violate this law. A survey in Maharashtra showed that an alarming 95% of the amniocentesis scan were being carried out for sex determination.

Some have questioned liberal abortion laws as being responsible for the extent of sex-selective feticide.⁴ They say that abortion has been made too easy. While I cannot deny that stricter abortion laws may play a role in limiting female feticide, I cannot believe that it will get to the root of the problem. Sex *selection* is the root of the problem and not the actual abortion, and sex-selective feticide has grown as a substitute to female infanticide. In these circumstances, the thrust of any plan of action must necessarily attack the foundation of such discrimination.

This brings me to my next question. What is this son-centric model that our society seems to be so obsessed with? Why does everyone want a son so much so that they are willing to kill their daughters?

We don't need to delve into any voluminous books to answer this question. We have a long and unhappy tradition of discrimination against women and our society is replete with examples of appalling practices against women. There is a consistent devaluation of their worth and gender discrimination is prevalent throughout our society even today. No one can fail to see the evidence which is all around us. And it is a manifestation of this discrimination that parents choose sons over daughters. According to such parents bearing a woman is an added financial burden, and they are required to

⁴ Pawan Nair, "[Are Liberal Abortion Laws Responsible for Female Feticide?](http://countercurrents.org)" 5th October 2005, countercurrents.org (last visited December 12, 2006]

spend money on her education, dowry, marriage and they believe that this expenditure is worthless as it benefits another family once the daughter leaves upon her marriage. Additionally these parents favor a son as they believe that he will stay and take care of them in their old age. Investing in a daughter they say is like “watering your neighbor’s lawn”.

This forms the foundation of the practice of female feticide and infanticide. Upon this reasoning, which to my mind is nothing short of perverse, girls are made to face discrimination before birth, at birth, and throughout their lives at the hands of their families. Even those girls who are allowed to live get second-class treatment. They are denied adequate medical and health care facilities, they are denied adequate nutrition, and they are denied educational facilities. They are often subject to physical and sexual abuse. The son-obsession has truly cut a raw-deal for women.

Indeed, the statistics are startling. Numerous studies analyzing the skewed sex ratio demonstrate the extent of this shocking practice. At birth, there ought to be around 105 or 106 male children for every 100 female children, and this proportion is about the same everywhere in the world. The ratio then slowly changes and women, who are much healthier and more likely to survive than men, end up outnumbering the men. In places like in Europe and North America, the ratio of women to men is typically around 1.05 or 1.06, or higher.⁵

In India, the 2001 census reveals that the overall sex ratio is 933 females for every 1000 males, showing a marginal increase of 6 points from the 1991 census of 927. However, this is a very sorry state indeed and we are doing much worse than over a hundred years ago when the sex ratio was 972 in 1901, 946 in 1951 till the 933 today. This deterioration in women's position results largely from their unequal sharing in the advantages of medical and social progress.⁶

⁵ Amartya Sen, “More Than a 100 Million Women Are Missing” The New York Review of Books Volume 37, Number 20, December 20, 1990, <http://www.ucatlas.ucsc.edu/gender/Sen100M.html> (last visited December 12, 2006)

⁶ Ibid

The child sex ratio is another story altogether. This child sex ratio has shown a steady decrease since 1961 and shows no signs of improving. From the 976 in 1961, we moved to 964 in 1971. In 1981, we evidenced a further decline to 962 and even further to 945 in 1991. Today the child sex ratio is 927, a full 18 points drop. This can only mean one thing. More and more baby girls have either been aborted or killed as infants since 1961 and that this trend continues strong even today. Indeed, an improvement in the child sex ratio has only been marked in one state, Kerala, and two Union Territories, Lakshwadeep and Pondicherry. Everywhere else, there is a decrease in the number of girls.

The greatest offenders in this area are the northern and the western states, with Punjab and Haryana leading the pack. In Punjab, the child sex ratio has decreased by 77 points to a new and horrifying low of 798 females to a 1000 males, and Haryana has seen a decrease of 60 points, meaning there are now only 819 females to a 1000 males. Other offenders high on this list are Himachal Pradesh, Delhi, Chandigarh and Gujarat. What is also disturbing is that this trend is also noticeable in other states, which evidenced a relatively healthy child sex ratio in 1991 and has now radically decreased.

Using the statistics, it has in fact been calculated that more than a *hundred million* women are missing⁷. A *hundred million* women who should have been part of this society have been denied a life because their parents wanted a son.

Various studies have been made seeking to analyze the remarkable divide between the northern and western states, where female feticide and infanticide seems to be at its highest when compared to the southern and eastern states. However, no amount of analysis has brought out any significant factors upon which the incidence of female feticide and infanticide can be based. For example Punjab and Haryana, the biggest offenders are the richest states in India. At the same time some of the poorest states are high on this list as well like Madhya Pradesh and Uttar Pradesh. Economic growth also does nothing to

⁷ Supra n.5

explain as this list includes fast growing states as well as stagnating ones. Nor can this phenomenon be explained in terms of religion, education or culture. It is really some kind of twisted irony that in the case of female feticide and infanticide, there is no discrimination in terms of caste, religion, financial status or educational background. All of us seem to be quite united in our discrimination against women. A newspaper article very recently called this list of offenders a “hall of shame”. I cannot say that I disagree.

You might be wondering why I haven’t spoken of the law so far – especially the constitutional guarantee of equality of the right to life, and its faith in the dignity of every human being. However, all these guarantees of the fundamental rights seem so futile, when the parents themselves do not want to protect their child and educated doctors do not have any qualms in flagrantly violating the law. To me, this situation is simply unacceptable.

Even having countenanced this practice, how can a society expect to survive without women? Indeed various studies have shown that having far fewer women in a society leads to increased violence in a society, particularly against women, and has strong sociological and psychological implications. Much to the dismay of the many who predicted that the value of a woman would rise if they were fewer in number, the result of having fewer women has led to further abuse. As one person explained:

In rural Punjab, where the shortage of women is most pronounced, a desire to keep rural family holdings intact is now driving a trend towards polyandrous unions where one woman, often ‘purchased’ from poorer regions or from lower castes, is forced to be ‘wife’ not only to her husband, but also to brothers and even, according to some reports, her own father-in-law. Known as *Draupadis*—so named after the wife of the five Pandavas of Mahabarat epic fame—these women inhabit the very lowest rungs of the family

hierarchy and are subject to ongoing sexual and physical abuse.⁸

Unfortunately, various schemes to counter this situation brought out by many states as well as at the central level have been ineffective in reducing the extent of this problem. However, we cannot let our despair or the extent of the problem be the justification for inaction. At this stage, removal of this practice must involve:

- Focus on the humanist, as well as scientific and rational approach and a move away from the traditional teachings which support such a practice;
- Empowerment of women and measures to deal with other discriminatory practices such as dowry, etc.;
- Ensuring development of and access to good health care services;
- A strong ethical code for doctors;
- Simpler methods for complaint registration for all women, particularly those who are most vulnerable;
- Publicity for the cause through the media and increasing awareness amongst the people through NGOs and other organizations;
- Regular appraisal and assessment of the indicators of the status of women such as sex ratio, female mortality, literacy and economic participation.

Of course, we must recognize that infanticide is a crime of murder and punishment should be given to both parents. There ought to be stricter control over clinics that offer to identify the sex of a fetus and stronger check on abortions to ensure that they are not performed for the wrong reasons. Doctors must also be sensitized and strong punitive measures must be taken against those who violate the law. To conclude, I would just like to say that this is not so much a legal problem as it is a social disease. We need to truly rid ourselves of this son-obsession and understand that our lives would be just as fulfilling, if not

⁸ Patricia Leidl, “[Silent Spring: The Tragedy of India’s Never Born Girls](http://www.unfpa.org/swp/2005/presskit/docs/india.doc)”
www.unfpa.org/swp/2005/presskit/docs/india.doc (last visited December 14, 2006)

more, if our children were to be girls. This is not to say that the law can play no role. We must all work together to ensure that each and every baby girl is given her due.
