

Selective Abortion and Female Foeticide in India

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Abstract: *This study examines sex-selective abortion and female foeticide in India from socio-legal and comparative perspectives. It considers the social factors associated with preference for male children, the consequences of distorted sex ratios, and the legal and policy measures intended to protect female children. Using doctrinal and comparative legal research based mainly on secondary materials, the study also considers selected international experiences to place the Indian situation in a broader context. Particular attention is given to implementation concerns surrounding existing legal provisions and government initiatives. The analysis indicates that legislation alone is insufficient where social attitudes, accessibility of technology, and weaknesses in implementation continue to support discriminatory practices. The study therefore emphasizes stronger implementation of existing measures, improved public awareness, and sustained institutional efforts aimed at reducing gender-based discrimination.*

Keywords: Sex-selective abortion; Female foeticide; Gender discrimination; Sex ratio; PCPNDT Act; Women's rights; India.

1. Objective of the Project

The objectives of the research are-

To examine the aspects of the selective abortion and female foeticide. Putting light on the current legal provisions, government policies. The requirement to enact new laws with the doctrinal research. To analyse whether such situation is prevalent in other countries and if yes, how the government tackle it.

2. Research Methodology

Doctrinal Research- The study relies on analyzing existing laws, statutes, judicial opinions, and government policies (e.g., PCPNDT Act, Beti Bachao Beti Padhao). It critically examines how these legal frameworks address female foeticide and sex-selective abortion.

Comparative Legal Research- The paper compares India's situation with other countries such as China, South Korea, Nigeria, Albania, and the U.S. This helps in understanding how different legal systems and cultural contexts tackle the same issue.

Secondary Data Sources- The research is based on articles, blogs, online databases, census data, and scholarly commentaries. No primary fieldwork or interviews were conducted.

Critical Examination- The methodology emphasizes evaluating loopholes in law enforcement, societal attitudes, and accessibility of technology that perpetuate female foeticide.

Sources of Data

For constructing this project, primarily secondary sources of data have been employed including various articles, and blogs.

Method of Data Collection

While doing the research, the researcher has gone through numerous resources like going through the library materials, online databases which were thoroughly revised by several scholars, jurists, social theorists, commentaries of great personalities in the field of law and personal views of judges in the recent case judgements.

Research Questionnaire

- What is the present situation of the ISSUE in India?
- Who could be held responsible for such events?
- How the ISSUE varies in different countries?
- Which reforms in existing laws are required to improve the current scenario?

Method of Citation

ILI (Indian Law Institute) rules of footnoting.

Research Question

Since the last 3-4 decades, the cases of selective abortion and female foeticide have been rising continuously. The reasons behind this could be found in the roots of the mindsets. Are there abnormalities in the existing laws, if yes then why and if not then why?

3. Review of Literature

The paper discusses the continuity of the evil practice of a very prevalent issue of sex selective abortion and female foeticide in India as well as in other parts of the world. It shows the malfunction of the people's mindsets and setbacks or loopholes in the existing policies made by government to safeguard the women.

4. Introduction

The term 'abortion' means to end a pregnancy earlier, without the natural birth of the child before it is ready to survive outside the uterus.

It is allowed to be done in the cases where there are chances of harm either to child or the mother. Sex Selective Abortion is a malpractice, in which the pregnancy is terminated based upon the predicted sex of the infant. It was first documented in 1975.

Later on, this practice got planted in South Korea, China and subsequently in India in the late 1980's which is still growing at a rapid rate mostly in the rural areas. This practice gradually got a steep rise in the early 1990's. Female Foeticide is the process of finding out the sex of the foetus and undergoing abortion if it's a girl.

Although this is illegal, it is found that it is practiced by many people and communities.

According to an article of The Guardian Selective Abortion in India could lead to 6.8 million fewer female birth by 2030 as per an estimation. It was found out of a study that among 17 major states in the north of the country, with the most populous state of Uttar Pradesh showing the highest deficit in female births depicting 2.7 million births to be missing in the state between 2017 and 2030.

This shows the disparities existing in our society. Even after various advancements there is still a need for the policy makers as well as the citizens to pay a bit more attention to this evil.

Through the help of the findings the researcher will try to figure out the various aspects regarding the origin, causes of the continuity of this malicious practice in our country, the data related to the present time laws, and a comparative analysis with respect to other countries.

The natural sex ratio is assumed to be between 103 and 107, and any number which is more than this ratio is considered as suggestive of female foeticide in clear terms.

If we talk about the child sex ratio, it is within the normal range in almost all eastern and southern states but if compared to that of the western and northern states of India particularly in Maharashtra, Haryana, Jammu & Kashmir it is really higher. Taking the data given by the census of India, the sex ratio is poor mostly when women have only 1 or 2 children.

It is currently illegal to determine the sex of the foetus and disclose it to anyone yet it is done in a huge scale.

The Indian government has passed Pre-Conception and Pre-Natal Diagnostic Techniques Act (PCPNDT) in 1994 for banning and punishing Sex Screening and Female Foeticide. The concern is; however, PCPNDT Act has been enforced poorly by the concerned authorities.

The mindsets of the ancient rural ideology and the loopholes existing the governmental authorities could be the major causes.

In the last the researcher will talk about the other aspects to the ISSUE and what could be the steps to be taken for the upliftment of the current scenario.

Women's status in India

If we talk about the women in India, there have always been debates that how the society looks upon them and what position they are holding including their education, health, economy etc. What one can conclude from this is that they always occupied contradictory position in our developing country.

Even the literacy rate of the women in India is increasing gradually, they are entering in various professional and respected fields or professions, but it can't be denied that the matrimonial aspect stays rigid after all of the reforming factors.

The ideology of fair skin, proper figure, same caste group telecasted through advertisementss are exhibitors of the gradually changing social norms.

During the formulation of our Constitution, it was considered that women should be granted equal rights and freedom as a citizen of the country. The sex ratio at that era was also much better standing at 945 per 1000 males.

Still the women's conditions remained in a different reality because they were confined to the household chores and the men were dominating in the society.

Only 13.9% are employed in the urban sector while about 29% are in agriculture and domestic works. Statistics shows that around 245 million women in our country aren't able to read and write which is a too high range.

All this factual data depicts clearly that in Indian society the women are still prejudiced.

We come across various incidences done against women in India on a regular basis. Cases of rape, murder, harassment, etc. are so prevalent these days and keeps on rising. Women cannot be considered safe in today's society, it's a fact that in my view can't be denied.

Talking about the transformation of the women's status in the urban life it is increasing but in the rural life it is not. It is correctly said that on one side women are progressing & achieving success while on the other side they are the one of those who are suffering violence and discrimination on the same time. This data depicts the various abnormalities existing against the women in spite of the modernization which is providing opportunities but on the other hand, are lacking proper and effective implementation on the main grounds which is require to be changed.

Origin and Causes Of This Evil Practice

The termination of the pregnancy after prenatal determination of the sex of the foetus of the women if it is a female child, is termed as 'sex selective abortion'. This practice is prevalent mostly in those places where the female child is given lesser value as compared to the male one.

Especially, if we pay attention to the parts of Est Asia and South Asia (majorly in the countries like People's Republic of China, India, Pakistan, Caucasus, Western Balkans and in America as well.

The cultural background of many countries like India, Pakistan, and China, etc. perceives birth of a male child as a 'family honor' and holds a belief that a girl child will tarnish the reputation in the society.

The son of the family is given privilege as compared to the daughter, because they believe that son can support the family for all terms while the daughter will become a part of someone else's family, hence, she can't contribute much.

For instance, the 'purdah system' is followed in many countries of the Southern Asia which shows that women to be confined to the boundaries of their house. This practice is prevalent in Hindu and Muslim communities.

Major Consequences

Missing Women: This term was first introduced by Amartya Sen in 1990, who was one of those individuals who studied the human sex ratios and also found what are the global causes. He examined that there are about 11% lesser women if China had the natural sex ratio. And when this data was combined with statistics around the world, it was found that 100 million were missing. This created a huge imbalance in the society.

Trafficking, Forced Marriage and other related issues: The proportion of males in comparison to the females rises globally, later causing an increase in the human trafficking and sexual activities (illegally) was also taking place. Because the men were to obtain women were massively willing.

Social Gap was Rising on the gender's basis: Particularly in the rural area, it was noted that the distribution of the resources of the family were unequal as the sons were likely given more preferences.

Comparative Analysis with Other Countries

Comparatively analyzing the data from the different countries:

Africa and The Middle East:

Sex Selective Abortion is prevalent significantly in The North Africa and Middle East because of the reason that Son is preferred in the areas like the Sub-Saharan African countries, for instance, Nigeria.

Which means similar conditions are existing there too. The fertility rate in Nigeria is 6.0, which means that a woman can expect to have up to 6 children or 3 sons.

This not only affects the sex ratio but also generates issues like polygamy and even adultery where preferences are only for son which creates problems for women in terms of marriage issues.

Asia:

Most of the cases that are related sex selective abortion and female foeticide are found in India and China, with 11.9 and 10.5 million out of the 23 million in the world from 2019's studies.

Europe:

According to CIA, the most imbalanced birth sex ratios in Europe (2017) are in Liechtenstein, Armenia, Albania, Azerbaijan, San Marino, Kosovo and Macedonia; with Liechtenstein having the most imbalanced sex ratio in the world.

Imbalanced birth sex ratio has been accounted in the 21st century in the Western Balkans, in countries such as Albania, Macedonia, Kosovo and Montenegro. Scholars claimed that this data suggests sex-selective abortions are too common in southeast Europe. Like in 2017, according to CIA estimates, Albania's birth's sex ratio was 109. While the Eurostat and birth record data collected between 2008–11, the sex ratios of Albania and Montenegro during that period of time were 112 and 110 respectively. In the last few years, Montenegro's health department have shown concern with regard to the current imbalance between the number of male and female births took place. However, the data given by CIA in 2017 depicted that the cites birth ratio for Montenegro is within the normal range, i.e., 106. And the, the birth registration data for Macedonia and Kosovo indicated unbalance in the birth sex ratios, including a birth rate in 2010 of 112 for Kosovo. As 2017, CIA has cited both Macedonia and Kosovo at 108.

United States:

Due to improper data or it can be said due to the lack of Data available regarding the sex selective abortion, unlike the other countries data available by various scholars and organisations.

Centre for Health and Gender Equity (CHANGE)

The Centre for Health and Gender Equity (CHANGE) is a U.S.-based nongovernmental organization whose mission is to ensure that U.S. international policies and programs promote sexual and reproductive health within a human rights framework of women and girls worldwide.

All this information shows the higher women population, so it's possible to have a balanced population or the sex ratio the population of any particular country is able to rise, then it can be balanced to with a proper formulation of policies and creating awareness among the rural parts of our country.

Legal Aspects

The women are one of those members or the groups of the society who suffers a lot. The disparities between the males and females of the society creating even more issues for the women like human trafficking, domestic violence, dowry and issues like coercion for marriages, etc.

The state and central government have introduced many schemes some of them are as follows:

- 1) **Beti Bachao Beti Padhao** - It is a scheme central government to save the girl child from sex- selective abortions, female foeticide and advancement of the education of girl children all over our country. Initially, the districts that have low-sex ratio were the ones which got targeted.
- 2) **Balika Samriddhi Yojana**- It is a scholarship scheme designed to provide financial aid to young girls and their mothers below the poverty line. The key objective of the scheme is to improve their status in society and

improve the enrolment as well as retention of girls in schools.

- 3) **CBSE Udaan Scheme**- It is introduced as well as administered by the Central Board of Secondary Education through the Ministry of Human Resource Development, by the Government of India. The scheme focuses majorly on increasing the enrolment of girls in engineering and other technical colleges throughout our country.
- 4) **Ladli Scheme of Haryana**- It is a cash directed scheme initiated by the Haryana Government that provides a pay amount of Rs. 5000 annually for a period of 5 years to families with a second girl child born on or after 20th August 2015. The incentive for this is deposited in a Kisan Vikas Patra. These deposits along with interest gathered are to be released and given once the concerned girl child becomes a major of the required age.
- 5) **Karnataka Bhagyashree Scheme**- It is a Karnataka government scheme designed to promote the birth of female child in those families who are below the poverty line and also a Health insurance cover up to a maximum amount of Rs. 25,000, is provided to the girl child, yearly bases.
- 6) **Special Initiatives for Women**
 - **National Commission for Women:** In 1992 of January, the Government introduced this statutory body to study and monitor all issues relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary.
 - **Reservation for Women in Local Self - Government:** The 73rd Constitutional Amendment Act passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.
 - **The National Plan of Action for the Girl Child (1991-2000):** The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

5. Conclusion

The persistence of sex-selective abortion and female foeticide demonstrates that legal prohibition must operate together with effective implementation and sustained changes in social attitudes toward girls and women. The study indicates that gender preference is connected with broader social and economic inequalities and that weaknesses in enforcement can reduce the effectiveness of otherwise important legal and policy measures. The comparative discussion further shows that distorted sex ratios and son preference are not confined to a single national setting, although their causes and policy responses differ. In India, greater attention should therefore be directed toward effective enforcement of existing provisions, responsible monitoring of relevant practices, public awareness, and measures that strengthen the social and economic position of girls and women. These combined approaches offer a more sustainable response than reliance on legal prohibition alone.

6. Suggestions

- 1) Lack of proper implementation is a huge set back in the existing policies and laws so it is needed that the authorities should give more attention.
- 2) The existing rules and regulations for preventing Female foeticide are there on the other hand technology is very accessible which is required to be changed.
- 3) Government must do something to abolish the current malpractices which are performed by the people living in the rural areas.

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