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It is aptly evident from the present research study that the gender jurisprudence developed in USA by the judicial and non-judicial organs of the state such as civil rights movements, NGOs, civil society institutions and other pro bono associations has immensely contributed in the empowerment of women in their quest for substantive social and human rights claims at the anvil of equality. But, unfortunately, same has not been replicated in India owing to so-called political expediencies, socio-economic prejudices and gender bias. Although, some judicial decisions are there in India to make available gender parity to the girl child in particular and to womankind in general but it is still an aberration which can not be boast of.

After independence the founding fathers of the Constitution, wanted to reform the society and were keen to establish an egalitarian social order. To achieve this end they used law as an instrument to check the gender discrimination. A number of laws were enacted to meet this end but due to strong patriarchal mentality and unfavourable social environment they failed to accomplish their goal. The social engineering through law was not fully achieved, while some rights enshrined under the enactments were enjoyed and accepted by the society most of them remained only in papers due to lack of public support. Many evils are still practiced on women such as practice of bigamy customs. child marriages are still in practice, dowry demands are still on rise, and women are still harassed for dowry. Malnutrition and illiteracy are growing at alarming rate, rape and molestation have become daily phenomenon, and moreover still we see generally women as a commodity.

It is said that the law without the public opinion is nothing but a bundle of papers. The gap between the men and women cannot be bridged by just
enacting laws without any public support and opinion as social engineering laws are different from penal laws which are just related to injuries and punishment and are deterrent in nature but social engineering laws enacted to uplift the norms of the society are progressive in nature and therefore it should be backed by the will of the people for whom it is enacted. It is also clear that centuries old practices can not be eliminated in one or two days, it takes much time. And when laws are enacted to bring radical change in society and are not backed by the will of the people or laws are ahead of public opinion then it has to face great resistance and opposition from the conservative thinking of the society and they are like dead law, which have no effect on society.

In India the most of the laws were not effective as they were ahead of public opinion and willingness of the people to change the society and give the women the status of equality. So in order to give women their respective position in the society strong public opinion should be created trough education, seminars and by taking the help of various other instruments of the society such as media etc. The people in the society should get educated and change their centuries old thinking and willingly support the implementation of the laws enacted for the emancipation of women. It must be asserted that social reforms, social thinking, behaviour and law would be effective only if they are backed by major section of the society.

In America after more than four decades of the historic Civil Rights Act of 1964, the public and the courts have widened their understanding of sex discrimination. Concepts such as sexual harassment and hostile environment are now basic to the public understanding of sex discrimination. With an expanded list of wrongs prohibited by Title VII of the Civil Rights Act, discussion turns to a refinement of rights.

Courts have begun defining limits to the rights created by Title II, particularly, the right to work in an environment free from discriminatory
timidation. "Free" does not offend the target. Some courts will not consider suits discriminatory if they are not directed at the opposite sex. Yet, neither the public nor the courts have defined limits to Title VII rights as they affect speech rights. Whether the marketplace of ideas can — or should — operate freely inside an office building or manufacturing plant is yet to be seen. One thing is certain, however, the development of the law in the area of sex discrimination will continue to be fascinating and newsworthy, not only for employment lawyers but for the public at large.

Despite legislation, illegal abortions continue due to various socio-economic factors. Reforms are needed in substantive law and also in the procedural law to achieve the desired objective. The recent amendments in the 4TP Act and Rules have enhanced access to safe abortion services. A strict interpretation of the law may only strengthen the gender bias against women today. There is, however, an urgent need to check the sex-selective abortions. For that particular purpose, the Act needs to be strictly construed.

Wishing for a girl, or for a boy, is cause for neither shame nor condemnation. But as legal scholar Dorothy Roberts points out, it is important to "scrutinize the legal and political context which helps to both create and give meaning to individuals' motivations." If wishes, choices, and preferences are to be appropriately balanced with social justice and the common good, they cannot be unthinkingly transformed into protected liberties, much less modified rights. Isolated from social consequences, both wishes and liberties are at best naïve.

The extirpation of this scourge will require nothing less than a struggle for the conscience of nations. Here again, South Korea may be illustrative: Its gender imbalances began to decline when the public was shocked into facing this stain on their society by a spontaneous, home-grown civil rights movement. To eradicate sex-selective abortion, we must convince the world that destroying female fetuses is
horribly wrong. We need something akin to the abolitionist movement: a moral campaign waged globally, with the victories declared one conscience at a time.

Legal solution, however, is possible and indispensable. Equally significant is the consciousness raising among medical experts and there is a need of self-restraint on their part. The enactment and enforcement of comprehensive legislation prohibiting sex Selections is an essential responsibility of the state as it has an obligation to uphold the right of all citizens to equality and to ensure their freedom from discrimination. It should be motivated by public interest. This will help to prevent the social damage, which may be occasioned by a sex ratio that is adverse to women. Appropriate legislation would initiate the long pending task of mobilizing the complex process of regulating medical (especially reproductive technology in India). It would provide the much needed space for discussing more intricate and controversial issues such as surrogacy, in vitro fertilization and genetic engineering. Progressive laws are always several steps ahead of popular public perception. So "offending public opinion" and fear of the inability to implementing these statutes should not be used to retard efforts to develop legislation.

Whatever may be the constraints of the present legal system and the broader social system within which it operates, a comprehensive and improved nationwide law on sex determination is both essential and possible. The law is by no means an end in itself, nor will it be sufficient to tackle the misuse of new reproductive technologies effectively. Although monitoring thousands of sex-determination clinics spread all over India is very challenging, yet indicting few culprits might send the right signals to the medical community, which we are confident would be willing to follow the law.

Though the need for state intervention through appropriate legislation is admitted here, we do not suggest that law or even policy support can by
themselves provide any final relief to women systematically exposed to the exploitative mechanisms of patriarchic structures, which themselves define both the nature and meanings of technologies that become a way of life in these societies. Nor do we suggest that the meaning of law or policy can be written irrespective of the nature of state power and its relationship to dominant structures of power. Supportive legislation, nevertheless, does strengthen the hands of those who struggle against these forces, much as its absence adds to the power of the dominant interests.

In as much as state is inclined to collude with these very forces, and silently permit both increased commercial exploitation and expansion of technological control in the name of choice by either refusing to intervene or resorting to symbolic law making and token policy action, it is left to the concerned groups in society to put pressure on state for extracting supportive laws and policies as well as to challenge the promoters of technology myth by exposing how it serves their own objectives. Challenging the legitimacy of market forces and professional interests which thrive on the growth of such technology and demystifying the true essence of the practices these generate is crucial in this regard. Exposing the myths which sustains these technologies and the practices follow their use then is the most urgent need of our times.

The unmasking as to how systematic discourse manipulation has been effected to secure the reversal of meaning inherent in certain practices is crucial in this regard. Arguments which contend that restricting the possibilities of using such technologies to make reproductive choice amounts to denying women control over their decisions need to be critically evaluated and the meaning of their failure to take into account either the dynamics which inform such decisions or their implications for not only particular women, but also women in general has to be carefully understood.

The challenge, so to say, lies not simply in getting appropriate laws prompted. The challenge actually lies in exposing the intricate mechanisms
through which the contexts of exploitation are produced and reproduced without even becoming suspect. It lies in demolishing these mechanisms and altering the structures, which provide them space for growth and expansion so as to almost take charge of the lives of victims. The challenge lies in demolishing the subtle mechanism of the victimizing discourses of exploitation by systematically turning law, policy and technology in the service of power structures.

We need a law to recognize the legal status of an unborn child and recognize its pre-natal existence. Action should be allowed in case of injuries suffered while *in utero*. The fact that the unborn child is physically dependant on the mother cannot lead to the assumption that she has no separate existence of legal significance.

To prevent female infanticide we propose some measures which may be considered for an immediate action plan that may be adopted by the government in this respect. The suggestive measures are as follows:

(a) Compulsory registration of the birth of girl children;
(b) Speedy investigation of the causes leading to a girl child’s death;
(c) Presumption, as in dowry deaths, must be taken in favour of female infanticide;
(d) A female health officer must be associated with the investigations about the offence; and
(e) Continuous effort be made to educate the adult community which controls the lives of children

In India ‘child’ means a male ‘child’. If you ask a typical Indian woman who has two sons and three daughters, as to how many children you have, she will reply ‘two’ because the daughters are guests and are not to be counted as children. This is sad and deplorable fact but a stark reality. The girl child is the victim of the flawed standards our society uses to assess the worth of a child. We are undoubtedly violating human right ideas.
There can be nothing more painful than a girl child being a victim in the hands of its own custodians—the father, brother and other relatives. One, therefore, can never expect the safety of the girl child in the hands of strangers. She is also abused in school. The merciless men assault her even when she is mentally unsound. Whatever the causes, she is none-the-less a victim of gang rapes. It is time for the sensible ones to start thinking of some measures to control the abuse of the girl child. Unfortunately the present law is inadequate to fulfill its purpose. We, therefore, make some suggestions in this respect:

(a) Expert committees be appointed with social workers, medical experts, police officers as their members.
(b) The present laws must be amended to make them effective.
(c) Every incidence of Pederasty must be taken very seriously.
(d) There should be camera trials in all cases of child sexual abuse.
(e) Section 375 of I.P.C. should be amended and every form of child sexual abuse should be treated as rape under this section.

Article - 4 of the U.N. Convention on Rights of the Child, 1989, states the principle that all rights apply to all children without exception and the state is obliged to protect children from any form of discrimination. We have to endeavour to achieve this. The girl child in India is different. her circumstances are strange, her problems are unlike those of the male child and therefore, needs special protection. The existing laws have to be amended, the implementation strategies have to be reviewed and the policies and plans have to be structured to help the girl child to achieve her rights as a human being and as a child.

Despite the social forces that prevail, law should give her special protection; help her appreciate her significance, her worth and dignity. It can be done and it should be done. As it is said, the longest journey starts with a single step.

The girl child is the first and foremost need of humanity because her survival is essential for the continuation of the species. To kill her means to
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kill coming generations. Denial of her right to live means denial of right to life to future generations. To honour her right to live amounts to honouring the right to life of future generations.

The present study about the girl child reveals:

1. The girl child is proving an enormously endangered species. Her person, dignity and life are under a severe attack from those who should have been her saviours. Her first and foremost need is truly the protection of life. Her survival is essential for the continuation of the human species. Unfortunately this fact is also not being realised. She is denied a right to live and be a mother tomorrow. All studies in this regard have revealed that every measure is taken to eliminate the girl child by selective abortion of the female foetus. If the female foetus does survive, numerous are the ways by which the girl is discriminated against right from the days she is in the cradle.

2. The girl child loses her health and the spirit of life much earlier than the boys. She has either no right or every poor access to health care. Thus she not only suffers from malnutrition but also faces the risk of infanticide. The neglect and discrimination to which a girl child is subjected to are extensive. This bias is rooted in a complex set of factors - religious, economic, social and cultural.

3. Amniocentesis tests are becoming very common nearly in the whole country. It gives us a grim warning that if the amniocentesis tests and selective foetus evacuation is continued unabatedly for a longer time, there would be an adverse imbalance in the male-female ratio of the country. It has been stated by many social scientists that the diminishing of women will result into more atrocities against women in the form of rape, prostitution, and their further suppression.

4. Female foeticide is a continuation of the age-old practice of female infanticide. Abortion has not been defined as infanticide by most of the enlightened people in the world, but this view is not correct, this does amount to killing. Legally, it is not treated as infanticide in India or in most other modern societies. Yet the mania for sons is part of a traditional pattern that continues to denigrate and exploit the girl in India, and makes female foeticide a thickly disguised continuation of long practiced female infanticide.

5. Traditional factors continue to block a majority of the girls from seeking education which would enable them to communicate and interact freely with others in the society. They are made
educationally backward, problem children and socially unadjustable.

6. Religion has contributed towards anti-female bias by favouring and giving a son of the right of offering Shradha to parents. This right has been denied to girl child. Religious practices generally relegate women's place to a lower or secondary rank to men.

7. The girl child is tortured and trained only to be a subordinate to a male, be it father, husband or son. A boy child is considered as a support to the parents at their old age and a girl child is treated as a bird of passage, a guest in her own parent's house. She is given as a gift, Kanyadan to her husband, along with other kinds of valuables in the form of dowry.

8. After attaining puberty the girl child is subjected by the society to both psychological and social embellishments. A psychological fear is imbibed in her and this affects her mental conditions to a very great extent.

9. Twenty-five percent rape victims are of the age of below 16 years. Most of such girls enter into the 'flesh trade' after being raped.

10. Article 21 of the Indian Constitution guarantees right to life to every person but this right has been violated frequently in the matter of the girl child.

11. Section 354(A) of Indian Penal Code deals with indecent assault on a minor, but the law is ambiguous about what constitutes 'indecent' behaviour.

12. The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 with latest amendment appears to have little more than symbolic worth. It is not banning sex-determination but only tries to stop its misuse. It does not even possess the mechanisms necessary for its own effectiveness.

13. Prostitution is not prohibited under the Immoral Traffic (Prevention) Act, 1956 (ITPA). This Act has not proved to be an effective measure to check commercialized flesh trade.

14. ITPA does not punish the client and it does not make any provision for the rehabilitation of women and children who are rescued from the brothel.

15. ITPA has not been extended to cover the isolated cases of Pederasty. It largely renders this law ineffective.

16. Section 3 of the Medical Termination of Pregnancy Act, 1971 is misused for female foeticide. People try to cover their offences by taking the advantages of exceptions given in this section.

17. The law enforcement agencies have been passive and in diligent in handling the problems of the girl child.
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Humanity can look to its future only through a girl child. It is not possible to visualize a world without her. It needs no special or scientific explanation. It is the biggest reality which every eye that can see must observe and every mind that can perceive must realize. So the first issue that deserves the primary attention of the whole humanity is to fight excesses against the mothers of future humanity. The job, however, is not an easy one. It is an uphill task that requires a joint endeavour of community and Criminal Justice functionaries. Several preventive measures need to be taken and policies need to be adopted dealing with family, society, media, police, judiciary and other relevant agencies.

Having cogitated upon American gender jurisprudence developed through ages requires to be contextualized in Indian socio-legal milieu while taking into account the following findings emanated from the present research work as under:

1. Moral and sex education should be made compulsory at school and college level in order to prevent crime against women in general and female children in particular.

2. Pornographic literature and films depicting crime, sex and violence should be banned for preventing sexual offences against the female child.

3. The social attitudes towards the girl child should be changed to build a healthy society.

4. The earning capacity of women should be improved and their economic status should be raised. This will automatically lead to the upliftment of the girl child.

5. Efforts should be made through education and other measures to change the attitude of the community that carries the centuries old bias against the girl child, believing that the girl child is an expense, a waste and a burden.

6. A national debate needs to be initiated to create the necessary social climate in favour of the girl child on a war footing.
7. Child marriages should be prevented with greater responsibility. Persons who supply information to authorities about child marriages, foeticide, infanticide or other atrocities should be rewarded so that many more will come forward to give such information.

8. The substantial contribution made by the girl child in the household and national economy should be widely acknowledged.

9. Those women who have proved their ability in different spheres of life should be given publicity through media and through text books. This will help the girls to build up their confidence in themselves and have new role models.

10. Training programmes should be organized for government functionaries at the grassroots level to educate and sensitise them on the issues relating to the girl child.

11. All social practices such as Kanyadan, Dowry and Sati, against the womanhood and also derogatory to the dignity of the female, need to be immediately stopped.

12. The Indian Government should enter into an agreement with Nepal and Bangladesh to prevent effectively the migration or transport of children for sexual abuse in India.

13. Licenses for pre-natal diagnosis should be restricted to government institutions.

14. Presumption, as in dowry deaths, must be taken in favour of female infanticide.

15. The punitive measures are to be made very stringent and offenders be severely dealt with by law.

16. There should be an amendment in section 375 and 376 of the Indian Penal Code to treat ‘child sex abuse’ as rape under these sections.

17. The Indian Evidence Act of 1872 should be amended and the child should not be asked to give an oral testimony, if there is enough material or circumstantial evidence available against the accused.

18. There must be in camera trials in the case of child sexual abuse. The matter should not be left exclusively in the hands of judges.

19. A girl child victim should be interrogated by the Police in her own house.

20. A vigil must be placed on the people, who are harbouring criminals within and outside the Police department. In this respect a Commission headed by a High Court Judge must be constituted.
21. Rapid legislative action be taken in order to make law against Pederasty.

22. Crimes against women and girls should be taken for control on a priority basis.

23. Separate courts or Tribunals should be constituted to deal with the cases involving crime against women in general and girl children in particular.

24. Thorough medical examination of a marriageable girl and boy followed by registration of their marriage in the court should be made compulsory in order to ascertain their age at the time of marriage.

25. The central and state government agencies must be more alert to see that all the laws regarding women and girls are implemented fully in letter and spirit.

26. New laws must be enacted with proper care so that they do not further victimize the girl child.

27. Women and girls must be educated about laws which have been enacted for protection of their lives in the lap and embryo.

28. Efficient enactment and effective implementation of the progressive and unbiased new laws be carried out taking into account the specific kinds of victimisation of the girl child.

29. The laws connected with the girl child and women be thoroughly overhauled as per the findings in the present study.

It has been proved that while legal measures are undoubtedly necessary for bringing in social transformation, even the perfect piece of legislation and stern action against the offender are not sufficient in themselves to make an adequate impact on the solution to be problem of the innocent girl child. These have to be accompanied by effective large scale processes of social action including socio-psycho-economic developmental support programmes. The need is for comprehensive programmes and not just piecemeal measures.