CHAPTER – 1

INTRODUCTION

"The Lord divided his own body into two parts; half male and half female and thus was created the universe."

— Manu Samriti

Since the world's inception, the male-female combination has proved to be the foremost necessity for propagating and developing global views. One of the best ways to understand the spirit of a civilization and to appreciate its excellence and realize its limitation is to study the position and status of women. Civilization without women is impossible. A woman is an important organ of the family which is the basic unit of society. However, the nature and structure of the family varies in society. The family includes members belonging to different age groups, sex and generations. One determining factor of status in the Indian family is sex. Women members often are subordinate due to various factors. The authority of a woman depends upon the husband's status.

It is true that society till date is male dominated. A woman's life is akin to slavery, although she is worshipped as a deity in homes. United Nations reports reveal that women constitute half of the world's population. About 2/3 of the world's female population is manhandled by husbands. In India, most of the mothers-in-law are cruel towards their daughters-in-law and countless young wives are burnt to death for non-fulfilment of dowry demands.¹

1.1 STATUS OF WOMEN IN INDIA - A HISTORICAL PERSPECTIVE

Women are considered to be the pivot not only in domestic life but for society. This is evident through a study of the epics. A study of different

stages of civilisation with special reference to women, conducted by Vijay Sharma Kaushik and Bela Rani presents a true picture of women in different ages. They observed that a maid was not only an object of tender affection and care at home but her education also was taken care of and she had important duties to perform. A woman was never sacrificed at the altar of marriage. She was also allowed to select her life partner. The examples of Sita in Ramayana and Daraupdi in Mahabharata had proved this fact. 'Kanyadan' does not necessarily mean her lower social status. The sacramental nature of marriage also strengthened the position of a wife in a polygamous society. She was the nucleus of a family. On women was dependent the prosperity and future progeny of the family. She was considered the creator, protector and educator of children.

To get a clear picture of the position of women in the past, the authors (as mentioned above) divided the study in the four periods based upon three different ages besides the present scenario.

(i) The Rig Vedic Period
(ii) The Upanishadic Period
(iii) The British Period
(iv) Modern Indian women – present scenario

1.1.1 THE RIG VEDIC PERIOD

Hindu traditions have generally respected womanhood, though occasionally, we find derogatory references to women. The history of ancient India may be said to commence from the period dating back to the Rig Veda. In Rig Veda, we find a great literary monument containing a code of ethical life reflecting the thoughts and aspirations of the people. Vedic literature which is the prime source of all cultural manifestations in India depicts a vivid picture of ancient Indian womanhood. The Vedic society was patriarchal and hence the father was the head of the family. During the period we find that prayers were

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offered for the birth of a son, though we do not come across any reference deprecating the birth of a daughter as in Atharva Veda. We find in the Rig Veda a number of names to denote a girl at different stages of her life. A girl is variously called Kanya, Drhita, Kaninaka Kunyana, Kanyala, Patrik etc.

The form of marriage that was widely prevalent during this period was monogamy, though there were some references to polygamy. Rituals formed a part of the Vedic marriage. Woman as wife is denoted by the words Jaya, Jani and Patni, each denoting special characteristics of wifehood.

According to the authors, during this period, the position of women with regard to education was not unequal to that of men.

A proof of this is the fact that the Rig Veda contains hymns by as many as twenty-seven women called Brahmavadinis or women seers, who possessed high knowledge and could foresee the future. During this age, the authors noted that domestic life was not in any way inconsistent with spiritual life. This testifies to the fact that men and women were regarded as having equally important status in social life of the early Vedic period. She enjoyed much freedom. Towards the close of the Rig Vedic period, several restrictions were gradually imposed on the freedom and privileges which women enjoyed earlier.

Gradually her position became markedly inferior to her partner in many respects although giving respectful treatment to her in various capacities was enjoined upon men.

In short, a woman was a partner in the religious life of a man. A man could not become a spiritual whole unless he was accompanied by his wife.

1.1.2 THE UPANISHADIC PERIOD

In the Chhandogya and Brihadaranya Upanishads, the authors could get some glimpse of the status of women during this period. The Upanishads represented the purpose of the Veda. It is during this period that the authors come across some of the most glorious examples of a "Brahmavadini" as well
as 'Sadyovadhu'. The ‘Brahmavadini’ is Gargi of immoral reputation whose enlightening discussions on metaphysical problems of philosophy with the great sage Yajnavalkya have been recorded in classical text of Brihadaranaka Upanishad as ideal picture of wife.

With the passage of time, women always remain dependent. They were guarded in all respects in order to preserve the purity of the offspring. They were punished in case of failure in performance of their duties towards the husband under civil and criminal laws of that time. Adultery was severely punished. Her position was low in society although she was protected by the laws.

The Ramayana and Mahabharata had enshrined certain imperishable ideals of womanhood such as Sita, Kaushalya, Kaikayi, Draupadi, Savitri and Kunti, some of the noblest figures who were perfect embodiments of Indian womanhood. But women gradually lost this honourable position in society as well as in the family.

Manu, the great critic of women, said a woman had to be protected during all stages of her life. Day and night, she must be kept in dependence by the males of her family. Re-marriage of a widow was strongly repudiated by Manu, who termed it as improper.

1.1.3 THE BRITISH PERIOD

At the advent of the British rule in India, the position of women was at its lowest ebb. Child marriage was in vogue and the practice of sati was prevalent. Purdah was strictly enforced on Muslim women. Before the British, with the fall of the Moghul empire in the 18th century, the role played by Muslim women was significant. History had recorded the role played by Noor Jahan, Jahan Ara, Qutluq Nigar, and Khanzade in the state of affairs. The only woman who had ever occupied the throne of Delhi was Raziya Sultana, who was not only a wise ruler but a woman of dauntless courage. Among the celebrated Muslim religious women were Bibi Fatima Sam and Bibi Zalikha. Chand Bibi, a scholar of repute, was a woman of remarkable military powers.
Gulbadan Begum, a woman of exceptional poetic talent, wrote Humayun Namah. Hence, women of the Muslim community enjoyed a vital position in the history though at that time evils like polygamy, prostitution, sati, purdah, devdasi culture, and child marriage were in vogue.

The British rulers, no doubt, tried to check all these evil practices and went all out to end them. Female education was introduced and encouraged to such an extent that literacy came to be recognised as a desirable accomplishment. Prostitution was looked down upon as a social evil.

Among the major reforms were abolition of sati and widow re-marriage. A number of educational institutes were established by the British Government. In 1917, the first women's university was founded in Pune. In 1932, the Lady Irwin College was founded in Delhi in order to make women utilize the advantage of science in their homes and to introduce them to the beauty of art. The contribution of Catholic missions in the field of education is notable. Janabai, Mahadamba Muklabai, Nirmala, Kanhopatra, Premabai, Bahinabai, Venabai, Baiyabai, Jijabai, Ahalyabai, Rani Bhavani, Sachidevi, Gangamani, Rani Lakshmi Bai, Rani Rasmani, and Sarojini Naidu were women of repute at that time.

1.1.4. MODERN INDIAN WOMEN – PRESENT STATUS

By going through history in the context of women's position, it may be mentioned that particularly after establishment of class society and the trend to accumulate private property in the post Vedic period, women's position in society hit patriarchal values.

A woman during this period not only occupied an inferior position but was made to feel that her position was subordinate to men in society. Middle class educated women, particularly in large urban areas who are working and moving freely now, give an impression that Indian women's status has substantially improved. She is now politically powerful but in small towns, rural areas or city slums, she still suffers social and economic oppression. The Constitution of India has provided equal rights to her, but still she has to face...
injustice in her life. Violence against women in the form of rape, prostitution, dowry deaths, sexual harassment, female infanticide and female foeticide is widely prevalent in society. There is a growing feeeling that women suffer from discrimination and disabilities in more subtle and covert ways. Thus the dual existence of women in high positions and yet undergoing various types of sufferings continues. One very hopeful development which has taken place during the past ten years is the emergence of a women's movement wherein women have started raising their voice against inequality, patriarchal values and unjust social structure. The need is to adopt more positive steps to raise the status of women so that more Indira Gandhis, Vijaylakshmi Pandits, Kiran Bedis, and Najma Heptullahs can take birth.

Today, every law favours women. The recent Amendment to Section 6 of the Hindu Succession Act, 1956, which gives equal right in coparcenary property to daughters, is a clear-cut example. Moreover, Articles 14 and 15 of the Constitution providing equal status to women and special laws for women, the Hindu Marriage Act, 1955, allowing her to take divorce under Section 13(1) (A) on any of the grounds available under this provision and Section 13(2) giving four special grounds to take divorce exclusively to the wife; the Hindu Minority and Guardianship Act, 1956; the Hindu Adoption and Maintenance Act, 1956; the Dowry Prohibition Act; and Section 498-A of the Indian Penal Code, 1867, specifically relating to punishment for cruelty against wife by her husband and relatives, all favour women. There are a number of social organisations and commissions working against exploitation of women at home and workplace.

Women are also aware of these laws and rights and are fighting for their rights. Unfortunately, she has lost her right to take birth in society, her right to life. The growing inhuman act of female foeticide is a glaring example of violation of her right to life. This is a picture of modern Indian women. Henry has rightly said: "Woman was taken out of man, not out of his head to rule over him, nor out of his side to be equal to him, but from under his arm to protect her and from near his heart to love her." But she is still waiting for this position.
1.2 PROBLEM OF FEMALE INFANTICIDE AND FEMALE FOETICIDE - SOCIO-LEGAL ASPECT

India has a patriarchal society where men are seen as role models who are supposed to look after their parents in old age. Giving birth to a girl child is seen by many as "watering the neighbours' plants" and birth of a male child is looked upon as a feather in the cap with great pride and joy.³

Female infanticide, or the killing of female babies, was a practice prevailing in India long ago. Though this has now been abolished legally, we find that it is still practised in a different and more sophisticated manner. Females are being now being killed even before they are born.

In many societies, a male child is much more preferred than a female. Because of the adoption of the single-child norm, women want to get rid of female infants so that they can again try for a male child. This practice is leading to a serious imbalance in the sex ratio. A study⁴ conducted in 1993 showed that China is believed to be the first country in the world to use pre-natal diagnostic techniques for sex detection in order to proceed with family planning programmes.

The study also shows that in some provinces of China, the sex ratio was 120 boys for every 100 girls. This practice is reported to be existing in Korea also. Many women in Korea resorted to termination of pregnancies after sex detection through these tests. Its reflection can be found in primary schools nowadays, where there are 15 boys and 10 girls in a class. In the recent past it was 15 girls and 15 boys. One interesting story in Korea relates to noses of stone statues of Lord Buddha being broken because people believed that Buddha’s nose had mystical powers to bless women with male offspring. Women are so obsessed with the desire to have a son that they attack the nose of holy statues, cut them off, grind it to a fine powder, mix it with water and drink it while praying. You can find such noseless statues of Buddha at many places in Korea.

However, in no other country is medical technology so balatantly misused through a network of clinics and centres to discriminate against female babies as in India. Having more than one daughter is a curse whereas any number of sons are welcome. You might have heard the proverbial blessing to a newly-wed bride. "May you be the mother of a hundred sons." A mother with daughter is an object of pity, one having a son is glorified.

1.2.1 GENDER DISCRIMINATION

"Sex is creation of God and sexual differences are essential for procreation, but gender is not God’s creation. It is creation of patriarchy and serves the male flair for domination."5

Gender constitutes an important dimension of socio-cultural and political context and gender discrimination is a global as well as an age-old phenomenon. In India a woman is not even considered an entity in her own right. In our society, her limited rights, considerable duties and treatment meted out to her indicate that she is basically considered a handicap to the family. From the womb to the tomb, her story is that of discrimination, contempt, utter disregard, oppression, and cruelty.

Dispensation of justice to women the world over is an age-old problem dating back to the origin of human society on this planet. Human society has always remained male dominated and mainly patriarchal in character. A natural consequence of this state of things was the domination of males over females in almost all social dealings. Gender discrimination is deeply rooted in the psyche of the people. These values, attitudes and norms are given by the older generation to the younger generation. Like colour, gender is an accident of birth but its entitlements are not; they are man-made. A different and discriminatory set of values is applied to the girl, to her preservation and development.

She is always considered a weaker section of society. A female child, no less than a miracle of God, grows to give birth to future generations, softer

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yet stronger individuals. They grow up facing discrimination and barriers in all aspects of life. They are taught to be gentle, caring and selfless. They grow up with the feeling that everyone’s wishes are precious, except their own. In spite of always being obedient, she has to face the fact that parents still want a son. Such a feeling of being insignificant is humiliating for any person, more so for a person who is treated as an inferior being.

The problem arises when a sex-determination test is done for the purpose of getting rid of a female child. Is it not discriminatory and against female dignity to abort the foetus if it is female and continue to carry it if it is male? Is it not against her right to life? Female foetuses are selectively aborted. This is the height of discrimination on the basis of gender.

1.2.2 FEMALE INFANTICIDE/FOETICIDE – A THREAT TO HUMAN RACE

Violence against women exists in various forms in all societies. Female foeticide and female infanticide are extreme manifestations of violence against women. Female foeticide is perhaps one of the worst forms of violence against women. A woman is denied her most basic and fundamental right -- the right to life enshrined in Article 21 of the Constitution. Elimination of the girl child through selective elimination of female embryos or foetuses is an age-old phenomenon. It negates the Fundamental Right to Equality guaranteed under Articles 14 and 15 of the Constitution. Female foeticide has joined the fray and is increasing with every passing day. Lack of ethics in certain pockets of the medical profession has only aggravated the situation.

1.2.3 DEFINITION: FEMALE INFANTICIDE AND FEMALE FOETICIDE

Female infanticide means killing of a girl child after her birth by an act of omission or commission.

Female foeticide: It is elimination of a female foetus at any stage of pregnancy, after determining its sex. It is also defined as killing of female

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The phenomenon of female infanticide is as old as many cultures and has accounted for millions of gender-selective deaths down the ages. It remains a matter of a critical concern in a number of Third World countries today, including the two most populated countries i.e. China and India. In all cases, female infanticide reflects the low status accorded to women in most parts of the world. It is arguably the most brutal and destructive manifestation of the anti-female bias that pervades patriarchal societies. It is closely related to the phenomenon of sex-selective abortion, which targets female foetuses almost exclusively and neglects the girl child.

The concept of female infanticide has now changed due to a series of related scientific and medical developments. It is now possible to determine the sex of the unborn through an accurate, easy, painless and completely safe method. Ultrasound application has evolved a spontaneous demand for its use in obstetrics and gynaecology. In the world’s most populous nation, it is being used to determine the sex of the unborn. The non-invasive technique of ultrasound scanning helps to screen the mother and foetus in a completely safe, convenient, and friendly set-up.

The girl child happens to be doubly deprived; firstly because she is a female and secondly because she belongs to the deprived section of society. She faces a high risk of malnutrition, retardation in growth and development, disease, disability, and even death during four stages of her life viz infancy, early childhood, adolescence and reproductive phase.

New born babies are discarded and are found on garbage heaps, mauled by hungry dogs, left in public toilets, fished out of sewers or thrown into the sea. Unwanted girls are even bashed with stones or caught by the feet and smashed against walls or strangulated. In most cases, the culprits are mothers distraught to the point of psychosis. Statistics of all such cases

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7 Modi's Medical Jurisprudence.
from all over the country are not available, but if collected, the figures will run into several lakh annually. Girls are given less nourishment, less education, and made to work long hours. As they enter adolescence, having remained on the fringes of malnutrition, many girls grow anemic and are too weak to produce healthy children. Married early, they undergo repeated pregnancies, miscarriages, and abortions in quest of sons. The premium on the boy child gives surreptitious sanction to female foeticide and is the most difficult barrier to break. A son is still a man, who will carry on the family name and take care of old parents. The girl child is just a pebble in the prosperity. Though the world has reached an advanced age, the birth of a girl is still greeted with silence and seen as a curse.

Conducting sex-determination tests is tantamount to ending the life of a daughter even before she is born. Abandoning a female child on birth or killing her are the most gruesome crimes imaginable.

In the words of Nobel laureate Amartya Sen, "India with its present population of one billion has to account for some 25 million missing women. Some of them are never born and the rest die because they do not have the opportunity to survive; worse than the crime is the indifference of the society."9

On payment of a fee ranging between Rs 100 and Rs 500, the ‘dais’ who assist child birth, kill the female babies as a matter of routine the moment they are born. The heartless way in which this is done will make the devil faint. Some are fed the milk of poisonous plants or covered with a wet towel so that they die later of complications from cold. Others are fed dry, unhusked rice that punctures their tender windpipes. One more method to kill the babies is by holding them from the waist, and shaking them back and forth till the spinal chord snaps. Babies are also fed salt to increase their blood pressure and death follows in a few minutes. Sometimes a child is stuffed in a clay pot. Some are made to swallow poisonous powdered fertiliser.

9 Missing Daughters of the Land; No One Seems to be Bothered About Them; Amar Chandel; The Tribune, Nov. 10, 2003.
The murders of babies take place by the hundreds of thousands year after year due to the misconceived passion for a male child. The sole purpose of a married woman’s existence seems to be able to bear and nourish a male heir. Begetting a female child is considered worse than not having a child. The blatant bias cannot be attributed to poverty, illiteracy or superstition alone. The practice is as much prevalent in urban areas and among the affluent sections as it is in rural, poor neighbourhoods. The only difference is that whereas infanticide is prevalent in rural areas, foeticide reigns supreme in cities due to sophisticated technology.

The real tragedy is that women themselves become collaborators in the ghastly crime. This is perhaps because they know from personal experience that the life ahead for the unwanted newborn girl will be subhuman existence during which she will die innumerable deaths. While we speak about the glory of our country, we conveniently forget that we have reduced 45 per cent of our population to the status of beasts of burden. Prefixes of the so-called fair sex are sold and purchased like cattle. And yet, senior administration officials have the cheek to say that the practice has such acceptability that it is difficult to stop it. Womanhood has been suppressed so badly that almost all women have resigned to their fate. Some are not even aware that their life is sheer hell. Women of Haryana who toil the whole day in farms are quiet contented in their subjugation. Most of the girls from Bihar and the North-East who were sold like cattle in Punjab were not even willing to complain, because they thought that at least they were getting two square meals a day!

Female foeticide and female infanticide are the silent cries of anguish of those who are sick or tired of gender injustice. They have lived through this hell themselves and do not want their offspring to face the same fate. The mother who abandons her child on a dust heap is only too distraught to witness her degradation. She knows that life is going to be no bed of roses for the abandoned child, but at least she would not have to see her daughter’s misery with her own eyes.
1.2.4 LATEST SEX RATIO – PRESENT POSITION

The declining ratio of the girl child in India should be a matter of shame for all of us individually and collectively. The child sex ratio is calculated as number of girls per 1000 boys in the 0-6 year age group. The 2001 census report showed a child sex ratio of 927 girls per 1000 boys. Therefore there are 73 girls missing for every 1000 boys in India.

In 2001 four states -- Himachal Pradesh, Punjab, Haryana and Gujarat were in the below-900 category thereby making the situation grave as the child sex ratio has drastically declined to less than 800 girls for every 1000 boys. The worst performing districts are Fatehgarh.10

Sahib in Punjab (754), Kurukshetra in Haryana (770), and Mahasena in Gujarat (798). In Delhi, specifically in the south-west region, it is 845.

Punjab and Haryana, which are described as progressive states, have proved to be worse as compared to others. If there has been a national decline from 945 to 929 in number of girls per 1000 boys aged 0-6 between 1991 and 2001, Punjab, Haryana and Gujarat have less than 800 girls for every 1000 boys. The 10 districts showing decline in number of girls are all in Punjab and Haryana. The ratio stands at a mere 770 for every 1000 boys in Patiala and Kurukshetra districts. This is the sharpest decline in sex ratio in the country as 16 states and with 70 districts have recorded an abnormal decline in the girl population between 1991 and 2001. In a countrywide analysis, states like Maharashtra, Gujarat, Punjab, Haryana and Delhi recorded more than a 50-point decline in the child sex ratio since 1991. In urban India, girl population has dropped in 23 cities. In Gujarat, only eight districts continue to record child sex ratio of more than 900 as compared to 20 districts in 1991. In Haryana, almost all districts record a child sex ratio of less than 800 girls. Sonepat is down to 783 from 878. In Punjab, no district records more than 850 girls.

The following figures in the table present a clear picture of the declining child sex ratio between 1991 and 2001:

10 Census 2001 Report.
Table 1.1: Urban sex ratio between 1991 and 2001

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Main Cities</th>
<th>1991</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Delhi</td>
<td>904</td>
<td>800</td>
</tr>
<tr>
<td>2</td>
<td>Mumbai</td>
<td>942</td>
<td>898</td>
</tr>
<tr>
<td>3</td>
<td>Pune</td>
<td>943</td>
<td>906</td>
</tr>
<tr>
<td>4</td>
<td>Amritsar</td>
<td>861</td>
<td>783</td>
</tr>
<tr>
<td>5</td>
<td>Patiala</td>
<td>871</td>
<td>720</td>
</tr>
<tr>
<td>6</td>
<td>Ambala</td>
<td>888</td>
<td>784</td>
</tr>
<tr>
<td>7</td>
<td>Gurgaon</td>
<td>895</td>
<td>863</td>
</tr>
<tr>
<td>8</td>
<td>Faridabad</td>
<td>884</td>
<td>856</td>
</tr>
<tr>
<td>9</td>
<td>Kurukshetra</td>
<td>868</td>
<td>770</td>
</tr>
<tr>
<td>10</td>
<td>Vadodara</td>
<td>934</td>
<td>873</td>
</tr>
<tr>
<td>11</td>
<td>Rajkot</td>
<td>914</td>
<td>894</td>
</tr>
<tr>
<td>12</td>
<td>Jaipur</td>
<td>925</td>
<td>892</td>
</tr>
<tr>
<td>13</td>
<td>Ahmedabad</td>
<td>896</td>
<td>814</td>
</tr>
<tr>
<td></td>
<td>All India</td>
<td>945</td>
<td>922</td>
</tr>
</tbody>
</table>

Source: 2001 Census

Table 1.2: Sex ratio of total population, child population in 0-6 age group

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>States/UTs</th>
<th>Year</th>
<th>Sex ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>India</td>
<td>1991-2001</td>
<td>945, 927</td>
</tr>
<tr>
<td>2</td>
<td>Andhra Pradesh</td>
<td>1991-2001</td>
<td>975, 964</td>
</tr>
<tr>
<td>3</td>
<td>Bihar</td>
<td>1991-2001</td>
<td>953, 938</td>
</tr>
<tr>
<td>4</td>
<td>Gujarat</td>
<td>1991-2001</td>
<td>928, 878</td>
</tr>
<tr>
<td>5</td>
<td>Haryana</td>
<td>1991-2001</td>
<td>879, 820</td>
</tr>
<tr>
<td>6</td>
<td>Karnataka</td>
<td>1991-2001</td>
<td>960, 949</td>
</tr>
<tr>
<td>7</td>
<td>Kerala</td>
<td>1991-2001</td>
<td>958, 963</td>
</tr>
<tr>
<td>8</td>
<td>Madhya Pradesh</td>
<td>1991-2001</td>
<td>941, 929</td>
</tr>
<tr>
<td>9</td>
<td>Maharashtra</td>
<td>1991-2001</td>
<td>946, 917</td>
</tr>
<tr>
<td>10</td>
<td>Orissa</td>
<td>1991-2001</td>
<td>967, 950</td>
</tr>
<tr>
<td>11</td>
<td>Punjab</td>
<td>1991-2001</td>
<td>875, 793</td>
</tr>
<tr>
<td>12</td>
<td>Rajasthan</td>
<td>1991-2001</td>
<td>916, 909</td>
</tr>
<tr>
<td>13</td>
<td>Tamil Nadu</td>
<td>1991-2001</td>
<td>948, 939</td>
</tr>
<tr>
<td>14</td>
<td>Uttar Pradesh</td>
<td>1991-2001</td>
<td>927, 916</td>
</tr>
<tr>
<td>15</td>
<td>West Bengal</td>
<td>1991-2001</td>
<td>967, 963</td>
</tr>
<tr>
<td></td>
<td>Delhi</td>
<td>1991-2001</td>
<td>915, 865</td>
</tr>
</tbody>
</table>

Source: 2001 Census
Table 1.3. Bottom-placed ten districts in terms of child sex ratio in 2001

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Districts</th>
<th>Sex Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>PUNJAB</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>Gurdaspur</td>
<td>789</td>
</tr>
<tr>
<td>(ii)</td>
<td>Bathinda</td>
<td>785</td>
</tr>
<tr>
<td>(iii)</td>
<td>Kapurthala</td>
<td>785</td>
</tr>
<tr>
<td>(iv)</td>
<td>Mansa</td>
<td>782</td>
</tr>
<tr>
<td>(v)</td>
<td>Sangrur</td>
<td>786</td>
</tr>
<tr>
<td>(vi)</td>
<td>Fatehgarh Sahib</td>
<td>766</td>
</tr>
<tr>
<td>(vii)</td>
<td>Patiala</td>
<td>777</td>
</tr>
<tr>
<td>2.</td>
<td>HARYANA</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>Sonepat</td>
<td>788</td>
</tr>
<tr>
<td>(ii)</td>
<td>Kurukshetra</td>
<td>771</td>
</tr>
<tr>
<td>(iii)</td>
<td>Ambala</td>
<td>782</td>
</tr>
</tbody>
</table>


According to a report by the Indian Medical Association, about 5 millions baby girls are killed in wombs of mothers in India every year.¹²

The practice of female infanticide has been reported to exist in Salem district of Tamil Nadu. The practice is also prevalent among Rajputs and Mewars of western and cultural India. Even in the Kallar community of Usilammapatti Valuka in Chennai district of Tamil Nadu this practice is found to be very common. A report from Usilammapatti submitted by Dr Sulman Miradai says that about 12,000 delivery cases come to the hospital every year. Of these, nearly half of the babies delivered are female. Over 95 per cent women who give birth to daughters abscond immediately after the babies are born. Out of 600, nearly 570 new-born babies disappear with their mothers no sooner than they open their eyes. Hospital sources estimate that

¹² Frontline 2003.
of the nearly 80 per cent vanishing babies, more than 486 become victims of infanticide.13

One report declares that the population of Bhatti girls, specifically in the cluster of dozen villages on the western border of Jaisalmer is nearly 50 while the total population is over 10,000.14

Recently a couple from Tamil Nadu was reportedly arrested for killing their newly-born girl child by administering her an overdose of sleeping pills.15

In Delhi, there are nearly 2000 clinics carrying out sex determination tests where 70 per cent of abortions pertain to females.16

In a state like Bihar, 15 lakh girls are killed in a year.17

Out of 11 districts with the lowest sex ratio, eight are in Punjab. Dr Jassi, Director of Health Services, Punjab, says the state’s sex ratio is suicidal and a recipe for social chaos. Mr Satish Agnihotri, an expert in the study of sex ratio, refers to rich states like Punjab, Haryana and Uttar Pradesh as the Bermuda Triangle, where girls go missing without a trace.18

All over the world , sex ratio tends to favour women since they are biologically the stronger sex but in India the ratio has become alarmingly low due to female foeticide and infanticide.19

Technologies that were developed half a century ago to detect genetic deformities in foetus and which incidentally could also reveal the sex of the foetus, have been misused in India for selective elimination of females. What is indeed alarming is that in the era of modernity and globalization when women are carving out their own niche in every field, feudal and patriarchal mindset remains as strongly rooted as ever in our society. What is more surprising is that prosperous states like Punjab, Haryana and Maharashtra

15 The Times of India, August 7, 2000.
seem to be celebrating this retrograde tendency much more than states which are considered backward and illiterate. If statistics are anything to go by, the rich seem to be murdering their daughters. And not just in much-maligned states like Haryana and Punjab but even in other states like Kerala which boast of a much higher sex ratio (1058 women to 1000 men). This shows a poor sex ratio among the urban rich as compared to the rural and the poor.20

“Every child comes into this world with the message that God is not yet disappointed with man,” said the great Nobel laureate Rabindranath Tagore. But alas! the girl child is hated even before her birth. Girls face inequality everywhere, but in India they do not even get a fighting chance to lead healthy and productive lives. Instead, they are devalued as human beings from the day they are born, and even before they are born.

However, things cannot improve unless some discreet steps are taken to improve the status of female children. Time is running out. The girl child needs our support against all odds from pre-natal existence to fully blossomed adulthood. The position of a female child is more miserable in India than in any other part of the world. The reason lies in our socio-cultural structure rather than in bio-psychological domains. Hence, the problem remains deeply rooted in our society.

1.3 THE OBJECT OF STUDY

The aim of existence of a woman to be the mother of sons and daughters is not desirable. A wife who has given birth to daughters has to be abandoned. The object of the present study is to promote the rights of the female child, ensure survival, protection, full development of her potential, prevention of discrimination and critically analyse the socio-legal aspect of this problem. The causes of low sex ratio would be traced and measures suggested for the removal of this problem.

1.5 AREA FOR EMPIRICAL STUDY AND DATA TESTING

Although female foeticide/infanticide is not confined to India alone as other Asian countries like China, Pakistan, Bangladesh, Korea, Sri Lanka, too, are also plagued with this scourge, yet the present research work pertains to the state of Punjab only. For their purpose specific districts of the state would be personally visited where this problem has assumed alarming proportions. The districts include Ludhiana, Fatehgarh Sahib, Amritsar, Patiala, Bathinda, Nawanshahr, Faridkot, Kapurthala and UT Chandigarh and the study will be confined to Malwa region. The reason for choosing Punjab, particularly the Malwa region as the area of the survey is that out of 13 districts with low sex ratio, 8 are in Punjab alone. No district records more than 850 girls to 1000 boys. Fatehgarh Sahib has a ratio of 750/1000, the lowest in India. A study conducted in 2002 by the Chandigarh-based Institution of Development and Communication reveals that 92 per cent of educated, high-income group women who went in for sex-determination tests, were aware that the practice was illegal. Nearly 43 per cent families perceived the male child as a prospective heir and 38 per cent viewed him as a protector. Nearly 55 per cent of urban middle class Punjab families considered girls as a burden.21 Hence Punjab is now more patriarchal than it was at the beginning of the last century. The girl child is seen as a bigger liability while birth of son is a major public event in Punjab. The sex ratio of Punjab is 888/1000 as per the 2001 Census.

1.6 RESEARCH METHODOLOGY

The research methodology shall be empirical as well as analytical. The existing laws and provisions and their set-up shall be duly evaluated. Judicial decisions and case studies would be thoroughly examined. In empirical study, the working of the legislature, government, doctors, and related institutions, including NGOs, would also be analysed.

The enacted laws would be critically examined. A field survey would be
done in order to know the problem at the grass-root level, since it is a social
evil which has its existence in the society itself. Efforts made to curb this evil
by NGOs would also be taken into consideration. Interviews with medical
practitioners, sociologists, and NGOs would also be done. Data (recent
figures) relating to sex ratio in the state as well as of 10 previous years would
be collected so that proper analysis of the problem may be conducted. A brief
discussion of the problems which a woman has to face in society i.e. rape,
prostitution, sexual harassment, kidnapping etc. as reason of female
foeticide/infanticide would also be highlighted and suggestions to eliminate
these would be presented. It is a social problem because it touches women's
role in our social system, family, and organisation. Further and detailed study
is to be completed through ten chapters.