CHAPTER III

PRE NATAL SEX DETERMINATION: INCIDENCE AND REASONS

III.1 INTRODUCTION:

Forcible sex determinations to have a son is but one kind of discrimination against women. Women are the torchbearers, but they are still groping in the dark, fighting the odds. Even after 63 years of Independence, girls and women face strident discrimination in all walks of life. The favour of a boy in India is embedded in the Indian Society and to satisfy their craze, Indians have shown ultimate brutality to the foetuses which were of females. Pre Natal sex determination means with the help of ultra sound tests it is determined that what is going to be the sex of the upcoming child. Once the sex of the foetus is determined follows the other horrific crime of foeticide.

As is the Indian mentality, the families want to have at least one son. Female foeticide has its roots in the social thinking which is primarily based on certain erroneous notions, ego-centric traditions, pervert perception of societal norms, driven by individualistic wishes which are surrounded by only selfish interests. Abortion of a female child in its conceptual eventuality leads to killing of a woman. Law prohibits it; scriptures forbid it; philosophy condemns it; ethics decry it, morality denounces it and social science abhors it. It is shameful that in a society which is termed as civilized, crime against “female” is committed even when the child is in the womb as the “female” foetus is often destroyed to prevent the birth of the child. If that child sees the light of the day, she starts her life as a daughter, then becomes a wife and in due course, a mother. She rocks the cradle to rear up her infant, bestows all her love on the child and as the child grows in age, she gives to the child all that she has in her own personality. She shapes the destiny and character of the child. To be cruel to such a creature is unthinkable. To kill a female foetus thus means killing a number of beautiful and loving relations.

Indians have over the last many years shown their ugly part and have been indulging in the evil of female foeticide. The national crime tribunal has reported that in India there
were 123 cases of foeticide in 2009 and 111 of the same in 2010 and 132 cases of foeticide have been reported in 2011 and in 2012 the cases of foeticide rose to 210.¹

All India male-female sex ratio has touched its lowest ebb ever since independence. The census 2011 reveals that this ratio is just 914: 1000 for 0-6 years which is unmatchable with the sex ratio in comparison to the developed countries,² as can be seen from the following table:

Table III.1
Showing The CSR in the developed countries in 2011

<table>
<thead>
<tr>
<th>Country</th>
<th>Sex Ratio-2011(0-6 Years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S.A.</td>
<td>1025</td>
</tr>
<tr>
<td>Japan</td>
<td>1055</td>
</tr>
<tr>
<td>Russia</td>
<td>1167</td>
</tr>
<tr>
<td>China</td>
<td>926</td>
</tr>
</tbody>
</table>

Source : Kounteya Sinha, “Decline in Sex Ratio is a Global Trend”, *The Times of India, 17 August 2011*.

In the largest democracy of the world and one of the fast developing nations on the globe, the number of females should be biologically accepted ratio of at least 1025:100 but it is merely 914. Even the State wise statistics analysed in this research work also substantiate our premise. Kerala is having a female population of 1084 against 1000 women. So much so, the improved sex ratio in Nawanshahr and also the awarded villages of Punjab also prove that as per the law of nature, female population is always more than the male births in each and every society. The clear gap is reasoned from the intervening action of the humans in the nature. The large scale use of ultrasound techniques and female foeticide is testified by the fact of sex ratio in India³ and such a trend is increasing as a category of crimes against children, which has a great variety as is evident from the following table:

¹ www.ncrb.nic.in as on 16 January 2014.
² Kounteya Sinha, “Decline in Sex Ratio is a Global Trend”, *The Times of India,( 17 August 2011).*
³ Jitendra Prasad in “Socio-Legal Status of Girl Child in India.”, *National Seminar on Plight of Girl Child in North West India organized by ICSSR held on 15-16 Dec,2005 at Department of Sociology,M.D. University Rohtak.*
Table III.2

Showing the Rising Crimes against Children

<table>
<thead>
<tr>
<th>Crime head</th>
<th>Year 2009</th>
<th>Year 2010</th>
<th>Year 2011</th>
<th>Year 2012</th>
<th>%age variation in 2012 over 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>1488</td>
<td>1408</td>
<td>1451</td>
<td>1597</td>
<td>10.1</td>
</tr>
<tr>
<td>Infanticide</td>
<td>63</td>
<td>100</td>
<td>63</td>
<td>81</td>
<td>28.6</td>
</tr>
<tr>
<td>Rape</td>
<td>5368</td>
<td>5484</td>
<td>7112</td>
<td>8541</td>
<td>20.1</td>
</tr>
<tr>
<td>Kidnapping and abduction</td>
<td>8945</td>
<td>10670</td>
<td>15284</td>
<td>18266</td>
<td>19.5</td>
</tr>
<tr>
<td>Foeticide</td>
<td>123</td>
<td>111</td>
<td>132</td>
<td>210</td>
<td>59.1</td>
</tr>
<tr>
<td>Abetment to suicide</td>
<td>46</td>
<td>56</td>
<td>61</td>
<td>144</td>
<td>136.1</td>
</tr>
<tr>
<td>Exposure and abandonment</td>
<td>857</td>
<td>725</td>
<td>700</td>
<td>821</td>
<td>17.3</td>
</tr>
<tr>
<td>Procuratation of minor girls</td>
<td>237</td>
<td>679</td>
<td>862</td>
<td>809</td>
<td>-6.1</td>
</tr>
<tr>
<td>Buying of girls for prostitution</td>
<td>32</td>
<td>78</td>
<td>27</td>
<td>15</td>
<td>-44.4</td>
</tr>
<tr>
<td>Selling of girls for prostitution</td>
<td>57</td>
<td>130</td>
<td>113</td>
<td>108</td>
<td>-4.4</td>
</tr>
<tr>
<td>Other crimes (including Prohibition of Child Marriage Restraint Act, 2006)</td>
<td>6985</td>
<td>7253</td>
<td>7293</td>
<td>7580</td>
<td>3.9</td>
</tr>
<tr>
<td>Total</td>
<td>24201</td>
<td>26694</td>
<td>33098</td>
<td>38172</td>
<td>15.3</td>
</tr>
</tbody>
</table>

Source: [www.ncrcb.nic.in](http://www.ncrcb.nic.in) as visited on 5 December 2013.

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4 [www.ncrcb.nic.in](http://www.ncrcb.nic.in) as visited on 5 December 2013.
The above statistical table reveals that a total of 132 cases of Foeticide were reported in the country during 2011 as compared to 111 cases in the year 2010 indicating a rise of 18.9% in these cases. Madhya Pradesh, Chhattisgarh, Punjab, Rajasthan and Uttar Pradesh have reported 38 cases, 21 cases, 15 cases, 13 cases and 12 cases respectively of such crime. 28.6% size of infanticide, 20.1% of rape cases and 59.1% worry some rise of foeticide cases in one year are the statistics which our law makers, enforcement agencies, law courts as well as every conscious citizen of India cannot ignore. We cannot even lose sight of the fact that all these kinds of hospital crimes remain largely unreported.

If we compare above data with information from the Health and Family Welfare Department, Punjab State we note that up to 31 March 2012 ever since the passage of the PC and PNDT Act, 1994, 112 cases were there, out of which also 51 were discharged, leaving the researcher perplexed that on an average only 3.2 cases per year of reported foeticide were reported. Expressing out his genuine concern a well known demographer and economist Ashish Bose has expressed a great surprise by the jump of 48 points in Punjab and 11 points in Haryana the states most notorious for female foeticide and has demanded for an evaluation of census data. The Census Data of Punjab reveals a positive change, though only a formidable one.

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5 Ibid.
6 Ashish Bose, “Room for suspicion and concern” The Tribune, (22 May, 2011)
Table III.3

Showing the Sex Ratio and Sex Ratio in the population in age group 0-6:2001 and 2011 (Punjab)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Gurdaspur</td>
<td>890</td>
<td>895</td>
<td>785</td>
<td>824</td>
</tr>
<tr>
<td>2.</td>
<td>Kapurthala</td>
<td>888</td>
<td>912</td>
<td>806</td>
<td>872</td>
</tr>
<tr>
<td>3.</td>
<td>Jalandhar</td>
<td>887</td>
<td>913</td>
<td>812</td>
<td>874</td>
</tr>
<tr>
<td>4.</td>
<td>Hoshiarpur</td>
<td>935</td>
<td>962</td>
<td>808</td>
<td>859</td>
</tr>
<tr>
<td>5.</td>
<td>Shahid Bhagat Singh Nagar</td>
<td>914</td>
<td>954</td>
<td>766</td>
<td>879</td>
</tr>
<tr>
<td>6.</td>
<td>Fatehgarh Sahib</td>
<td>854</td>
<td>871</td>
<td>817</td>
<td>843</td>
</tr>
<tr>
<td>7.</td>
<td>Ludhiana</td>
<td>824</td>
<td>869</td>
<td>818</td>
<td>865</td>
</tr>
<tr>
<td>8.</td>
<td>Moga</td>
<td>887</td>
<td>893</td>
<td>822</td>
<td>863</td>
</tr>
<tr>
<td>9.</td>
<td>Firozpur</td>
<td>885</td>
<td>893</td>
<td>811</td>
<td>846</td>
</tr>
<tr>
<td>10.</td>
<td>Muktsar</td>
<td>891</td>
<td>895</td>
<td>812</td>
<td>830</td>
</tr>
<tr>
<td>11.</td>
<td>Faridkot</td>
<td>883</td>
<td>889</td>
<td>785</td>
<td>851</td>
</tr>
<tr>
<td>12.</td>
<td>Bhatinda</td>
<td>870</td>
<td>865</td>
<td>782</td>
<td>854</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No.</th>
<th>District</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Mansa</td>
<td>880</td>
<td>880</td>
<td>776</td>
<td>831</td>
</tr>
<tr>
<td>14</td>
<td>Patiala</td>
<td>875</td>
<td>888</td>
<td>792</td>
<td>835</td>
</tr>
<tr>
<td>15</td>
<td>Amritsar</td>
<td>871</td>
<td>884</td>
<td>784</td>
<td>824</td>
</tr>
<tr>
<td>16</td>
<td>Tarn – Taran</td>
<td>887</td>
<td>898</td>
<td>799</td>
<td>819</td>
</tr>
<tr>
<td>17</td>
<td>Rupnagar</td>
<td>889</td>
<td>913</td>
<td>785</td>
<td>866</td>
</tr>
<tr>
<td>18</td>
<td>Sahibzada Ajit Singh Nagar</td>
<td>842</td>
<td>878</td>
<td>784</td>
<td>842</td>
</tr>
<tr>
<td>19</td>
<td>Sangrur</td>
<td>870</td>
<td>883</td>
<td>784</td>
<td>835</td>
</tr>
<tr>
<td>20</td>
<td>Barnala</td>
<td>872</td>
<td>876</td>
<td>792</td>
<td>847</td>
</tr>
</tbody>
</table>

**Source:** Dr. Amandeep Kaur, Projects Associate, “A Project Report on the declining sex ratio in Punjab: A Case Study of Dherrian Jattan,” *Women’s Study Centre, Punjabi University, Patiala*, p-10.

The above statistics of various districts of Punjab also bring home the fact that the State in all its pockets, having same cultural values and outlook of the people show noticeable differences in the male female ratio of population. It needs no additional evidence to prove that the difference is only on account of variant approach of enforcement agencies in different districts. Furthermore a pitiable condition of sex ratio in all pockets of the State expresses out the gravity of the problem, with an all embracing infection throughout the body of the State. Unearthing the reason, it comes to the surface that the crime of female foeticide had increased with the rogue test available on portable machines at ones doorstep. The Indian Medical Association (IMA) estimates that five million female fetuses are aborted each year, and estimated in 1999 that India had approximately 20,000 ultrasound clinics, most un-registered and staffed by unqualified doctors. In the Indian states of Punjab, Haryana and Uttar Pradesh, mobile vans take sex-detection clinics to remote villages. It is said: “You will find an ultrasound machine even in a village which has a road over which only a bullock cart can go, and electricity to run the machine and
nothing else.”. After a very vigorous efforts and agitation the use of this technique by the members of the society who were against the discrimination against the females, the Government of Maharashtra passed a bill prohibiting amniocentesis for determining the sex of the foetus and inducing abortion on the ground of sex. 

With the growth in technology, producing only boys have become easier as with the Pre-Implantation Genetic Diagonosis(PGD) there is a possibility that girl child is not even conceived. Sex determination was done by methods like amniocentesis, chorion villus biopsy. But the discovery of cheaper ultrasound technique has proved to be the major reason for systematic elimination of female foetuses in India. The science and technology have developed so much that one can easily conduct the sex determination test at home with the help of a test kit available online on www.tellmepinkorblue.com and conduct it ourselves no expert help is needed. State and administration both are making conscious efforts to grapple with this problem but all these are proving futile and helpless exercises because the malady can be cured only by dealing with its causes.

III.2 REASONS FOR SUBSISTENCE OF THE CRIME:

The available literature and the empirical study by this researcher reveals that a combination of factors namely; the urge to have a son, acceptance of the small family norm, easy access to pre-natal sex determination tests and abortion has worsened the situation for the girl child. The existing socio-economic and cultural situation including the impact of modernization has furthered this situation. The Vanshavridhi principle has been one the main considerations behind the crime’s subsistence. Further, in a situation where social insecurity is very high, where income level is very low; it is herculean task to convince the parents that girls are assets and will look after them in their old age. Therefore, sons are a lifetime protection against insecurity. Now with the small family culture even the first-born girl is not welcome. There are many causes for the non-acceptance of the law against female foeticide but all these causes tend to inter-mingle with

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each other that no one reason can be particularly held responsible for the continuance of this evil.

The birth of a son is an occasion for rejoicing, while that of a daughter, particularly if she is second is an occasion for mourning. Sociologically speaking, the declining sex ratio is the result of poor status of women who are socially considered a less valuable sex and often projected as burden in the family. On the other hand sons are considered to be prized possession.  

Our study tried to find out the reasons for the failure of this progressive legislation. From 104 women of our sample it was asked as to why they did not want a daughter. It came to the fore that with the soaring inflation and growing prices, the women aimed at having a small family which consisted essentially a son, in fact a one which did not consist of daughters. One of the major culprits of this crime was found to be evil practice of dowry. It was found that women did not want daughters because of the patrilineal structure of society. Majority of women expressed that for the purposes of rites and old age support sons are needed. It came to light that women wanted sons in the family but along with a small family size, i.e. a small family which necessarily consists of a son. These women regard ultra sound as their savior from all miseries. The following reasons have emerged which are responsible for sex determination and subsequent abortions.

a) **Economic Considerations Associated With Daughters**

One of the reasons for the presence of fewer girls in the Indian homes is the net wealth out flow on the occasion of a girl’s marriage. Despite the anti dowry law, the practice continues and is spreading all over the country. The daughter’s groom does not come cheap. Matters of marriages are infact matters of money. The boy has to be at least equal if not better than her in terms of education, social status of his family.

Poverty is another culprit behind the evil of female foeticide. The people in India earlier believed that more children meant more hands to earn but now the things have

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changed. Given the social setup, the girls are thought to be an economic burden. While a son lives with his parents and there are chances of his bringing money back which is spent on his rearing in the form of dowry but it is not so in the case of daughters. The attitude of Indian Society becomes very clear with a Tamil proverb which shows that the Indians consider a woman no more than a liability:

“Nurturing a girl child is like,

Watering your neighbour’s plant.”

A poor mother asks,”How can I support another child and that too a female with a meager income of 5-7 Rs. a day? She further says, she cannot go around naked, the boys can wear a loin cloth and carry on, and it is better to go through the pain for a moment than suffer for a lifetime.”

The medical practitioners offering sex determination tests have caught the pulse of the Indian people that they don’t want to have a female children. They are encashing it to the fullest, by enticing them with slogans like:

“Spend Rs.500 now to save Rs.50,000 later.”

The expenditure of daughter’s dowry does not remain confined only to her parents lifetime but the subsequent flow of gifts goes on much longer, sometimes beyond the lifetime of her parents and often beyond the life of the female. Punjabis commonly express in a proverb that a daughter takes all her life ‘Kuanri khaye rotiyan te vyahi khaye botiyaan.(an unmarried girl eats bread only but a married girl eats you up)as one of the customs in northern India is even at the time of death, the clothes on the female’s dead body bears are from her parents family. People are of the view that their economic conditions do not allow them to have any another entrant in the family, if it is a male they consider him to

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be a new earning member in the family, but if it is a female, they consider her to be a sapling in someone else’s house, so they better do away with it.

The menace of the dowry deaths has increased many fold in our country. The number of reported dowry deaths in the year 2010 was only 8391 in 2010 howsoever the same rose to 8618 it witnessed an increase in 2.7 percent in 2011 while in 2012 again it dipped 4.5% but the cases under the Dowry Prohibition Act 1961 rose by 36.5%. Among the several reasons the prevailing institution of dowry has been the key motivation for sex selective abortions in the North Western States; this makes a girl more of an economic burden as compared to boys. With such an environment, it is true that those households with more sons are far better off than the parents with more daughters. This costs and benefits trade off leads to killing the girl in the womb than to be burdened with debts or to part with land and house. In the near past, cases of farmer’s suicide have been reported in the national dailies. The cause is not so much crop failure but the inability to repay debts incurred for a daughter’s marriage.

Najam Singh in Mansa district committed suicide in the year 2000 by drowning. He had got his sister married and his younger brother too and his loans were over Rs 3 lakh. When the artiya refused to give him more loans, he simply committed suicide. In August 2005, 23-year-old Dhyan Singh in Sangrur district came from the fields complaining that his stomach was hurting badly. He had already consumed the “spray”. It was too late to save him. He had a loan of Rs 60,000 already and was trying to take a fresh loan. The marriage expenses of his sister were weighing on Dhyan Singh’s mind before his suicide.

This way a daughter becomes an avoidable social and economic burden. Custom of giving household items started as a harmless practice with good intentions, with the passage

12 www.nercb.nic.in as on 1 May, 2014.


of time, it assumed a form of social evil due to avarice of man. The custom of dowry assumed such a menacing form that from her very birth the girl came to be treated as a Bojh. It is believed that a girl child is like a Hundi—a promissory note, to be redeemed later while a boy child is a post-dated cheque to be encashed at an appropriate time.\textsuperscript{15} The Honourable Supreme Court realized that dowry is one of the biggest worries of Indian Parents. It observed,

"Dowry, dowry and dowry. This is the painful repetition which confronts, and at times haunts, many parents of a girl child in this holy land of ours where, in good old days the belief was : "Yatra naryastu pujyanteramante tatra dewatah." ["Yatra naryastu pujyanteramante tatra dewatah"] (where woman is worshipped, there is abode of God). We have mentioned about dowry thrice, because this demand is made on three occasions: \(i\) before marriage; \(ii\) at the time of marriage; and \(iii\) after the marriage. Greed being limitless, the demands become insatiable in many cases, followed by torture on the girl, leading to either suicide in some cases or murder in some."\textsuperscript{16} The people think that when the female is to die then what is the need for spending so much on her bearing and rearing, its better to exterminate them in the womb itself as they cannot see any monetary gain out of it.

"In one reported case, a mother had killed nine daughters in all the mother-in-law also being an accomplice. The father reasoned, “with a measly income of Rs.300/ to rs.400/ a month we could not even dream of spending Rs.30,000/ on dowry including a gold ring, watch and cash to marry off even one daughter.”\textsuperscript{17}

There is a saying in Tamil Nadu that “the value of daughter goes down everytime the price of gold goes up.” In today’s material world a women is fast being relegated to the

\textsuperscript{15}Agnani Manohar, Missing Girls, \textit{Books For Change}, New Delhi, 2006, p-45.
\textsuperscript{16}State of H.P. Vs Nikku Ram, \textit{AIR 1996 SC 67}.
\textsuperscript{17}Sudarshan Vaid, Nipped in the bud, \textit{IMA Journal}, Sep 1999.
rank of commodity and marriage has become more of a business alliance than a sacred bond between two people.

Dowry is easy money ‘Get rich quick’ formula which is being favoured in the whole Indian society today. Till late 1980s dowry was largely prevalent amongst upper classes but now this epidemic has spread amongst all classes. The hard fact is that today the bridegrooms come with fancy price tags depending on their qualifications and social status. So a doctor or a computer engineer or an MBA would come at a very heavy price and the accessories along with the cash money would be the latest car, a furnished flat and of course a lavish wedding.

Marriage being central to life for women in most parts of India, the parents make all out efforts to see their daughters being happily married even though they may end up under heavy debt. The common view often repeated about daughters is “where will we go, before whom will we bow low? (Kahan jayenge, kiske aage gidgidayenge) for offering a girl in marriage? It is a humbling experience to arrange a match for her, let alone the economic drain the marriage can be for the family.\(^{19}\)

There is a new style of negotiating dowry amongst many, it is commonly said "We want only the Girl in three clothes (Teen kapdon mein sirf ladki chahiye)", but this is a way of speaking only, it is never to be taken seriously. A huge dowry following such statements is welcome. It is said the huger the dowry the more honour the newlywed girl commands in her marital home, but this on the way has definitely led to the heightening of economic burdensomeness of daughters. The Life Insurance Company’s advertisement speaks out well that the daughters are just to be married off, “Provide for your daughter’s marriage and son’s education through the LIC.”\(^{20}\)

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19 Patel Tulsi : Eliminating the female foetus in Tulsi Patel, Sex Selective Abortion in India Gender Society and New reproductive technologies, Sage Publications, New Delhi, p-158.

Even our field study showed the tension brewing up in the minds of females selected as samples was that arranging dowry is a big problem and that is why it is always better that females are not born in their families. Out of the 104 women respondents of our field study, 12.34% (13) agreed on this that it is essential not to have daughters as arranging dowry for them is a big problem. It is not only economic liability but daughters as social burden also encourage female foeticide.

b) Daughters are social burden:

The biological weakness of a woman makes her an easy prey particularly to physical domination.\(^{21}\) The crudest and sure mode of destroying a woman’s honour is a man indulging in raping women of any age; the girl child in cradle and the old woman waiting to die. \(^{22}\) The chastity of girls is very essential in Indian Society. Her existence is often termed as like that of an earthen pot which should neither be dropped nor chipped before she reaches the hands of the customers. Similarly, a girl has to remain sexually secure her virginity intact before she reaches the house of her husband in India. The girls have to be kept under a constant vigil they have to be escorted if not physically then at least in the terms of knowing their movements. In today’s modern world they are supposed to intimate their whereabouts to their parents back home by way of mobile phones. Such a vigil is equally necessary in urban areas and also in some rural areas. It is becoming a herculean task to keep their daughters’ dignity safe. This is regarded as one of the major causes that people prefer not to have female children. They are responsibilities; their chastity is required to be protected always. Even careerist women who have 9-5 jobs decide to keep a male foetus, because she knows that in her absence from the home, it will be difficult to look after the girls and provide them with a secure environment.

Sexual assault on unescorted girls and even with female children is on rise, and is quite often reported in media. What happened in Delhi on 16 December 2012 or on 17


April, 2013 with a girl child of merely five years is a reason enough of the fact that women deem girl children to be social burden. In Ludhiana in the year 2009 a little infant girl of 6 months was raped by a migrant labour\textsuperscript{23} and in Surat an old lady of 90 years was made the sacrifice of the lust of a 25 year old man. Age no bar, no female in India is safe. On an average, every single day 42 women are raped and almost 18 cases of dowry deaths occur each passing day. Further, 5 women are estimated to face cruelty every hour, while in a same amount of time 4 cases of molestation are reported.\textsuperscript{24} According to the National Crime Records Bureau 2012, a total of 228,560 incidents of crime against women (both under Indian Penal Code-IPC and Special and Local Laws-SLL) were reported in the country. 8,618 dowry deaths were reported, 24,923 cases of rape were 2012\textsuperscript{25}.

This is the reported data; it is a fact that many of the cases go unreported. In such a sorry state of affairs people prefer that the girl child is not born to them. Even in our field study it was discovered that 6.73% (7) women were against having female children because of this fear.

c) Small family size:

Dr. S. Radhakrishnan once said, “If population is not checked our progress would be like writing on the land with the waves of population growth washing away all that we have written.”\textsuperscript{26}

In India there was a general perception that for all miseries population growth was the reason.

India’s great Family Planning Programme (FPP) encouraged adoption of modern techniques in reducing birth rate. The Medical Termination of Pregnancy Act, 1971 was being seen as a family planning measure and it was deemed that if abortion is discouraged a couple wishing to have a son; which every couple wants, would end up with many females

\textsuperscript{23} The Ludhiana Tribune, 25 August, 2010


\textsuperscript{25} --available at www.ncrcb.nic.in last assessed on 16 April, 2014.

\textsuperscript{26} Sehgal B.P. Singh, Population Policy and the Law, Deep and Deep Publications, New Delhi, 1992, p-137.
and resultanty there would be a population growth. The relation between the institution of sonship and growing population has to be visualized from the fact that even if a person has more than 2 daughters, he never goes for family planning till he is in a position to beget a son. The health workers who in the pre-emergency were given targets to achieve and they ended up persuading people for abortions. Almost at the same time there was birth of the ‘aminoceentesis’ test in India which resulted in merciless abortion of female fetuses. The mass media and health workers were to spread the message of the desirable small family of up to three children (bache teen hi ache) until the emergency period. In the post-emergency phase the definition of small family went a change. Now a small happy family comprised of Hum do hamare do and chota parivar sukhi parivar. (we two, our two and small family happy family) By the 1990s, the small family for FPP came to mean “a boy or a girl” (ladka ya ladki”. The Ministry of Health and Family Welfare now advertises for the small family as “Have fun with one”.28

The poverty-ridden people of India soon realized the value of a small family. A small family definitely means lesser responsibilities. Given the cost of living and rising inflation, it is always a profitable proposition to limit the family size. Landholdings are shrinking but aspirations are growing, thanks to a growing economy and sky rocketing prices of the real estate. So young couples who get a male child as their first born, do not want a second child. If the second child happens to be a male, the situation could still be balanced, but havoc falls when the second child also happens to be a girl.

The selfish and advantage seeking Indians had no problem in accepting the small family size norm but they failed to reckon that the FPP’S small family included a boy or a girl, but it has been seen that people have tilted this small family norm in their own favour. They fail to realize that a small family may consist of a female child also. The small family for Indians may comprise of one son and one daughter or of two sons or of even one son, but never of two daughters or of one daughter alone. The common jargon used by Indians is

27 Ibid.
“Why don’t you take another chance”, as if only a son can complete the definition of a small family. An ANM worker in Haryana said, “the families go in for sex determination usually under social pressure and not out of joy.”

The people seem to be quite perplexed as the government itself wants a small family norm to be practiced yet it oppose the sex determination tests. They argue that since every family wants atleast one son if not two, the best way to ensure a small family, is to go for the test and act as per the results.

Today even the parents aspire for a better life for themselves and for this, the number of children has to be curtailed which can now be fine tuned more carefully with sonography. Our field study showed that almost every respondent wanted a small family. 85 i.e. 81.73% women preferred a small family consisting of 2 children consisting of 1 male and 1 female child.

d) Rituals:

In India the religion is the principal magistrate of the society. The Hinduism i.e. the dominant Indian Religion gives sons certain unique responsibilities. A son is the sure way to heaven and attainment of *moksha* (transcending the circle of reincarnation via the performance good deeds) through their sons.

There are certain tribes in Ahirs, Jats, Rajputs which practice female infanticide. Lalita Panigrahi in her work British Social Policy and Female Infanticide in India recounts the experience of James Thomson, a British official who in conversation with a group of landowners referred to him as ‘SALA(brother in law).This raised a sarcastic laugh among them. A bystander then explained him that he could not be a brother –in–law, since there were no daughters in the village. He was told that there was a custom to kill the female child.

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29 Vandna Shukla, “Gender Matrix-of Haryana”, *The Tribune,(December 6,2011).*
and the birth of a daughter was a most serious calamity and she was seldom allowed to live.\textsuperscript{30}

In Satya Vs Sriram\textsuperscript{31}, the Punjab and Haryana High Court itself made the stand of Indians clear. It was said that the court that it cannot ignore the general principle underlying the Hindu law of marriage and sonship and the importance attached by Hindus to the principle of spiritual benefit of having a son. It is a case of extreme craving for the male child where the lady underwent abortions for the purpose. The brief facts in this very appeal before the High Court were as under: the wife in this case had aborted the foetus twice without her husband’s consent. In the words of the Honourable Court:

“This is more so in the case in hand where the parties to the litigation are Hindus. In this sort of case the Court has to attach due weight to the general principle underlying the Hindu law of marriage and sonship and the importance attached by Hindus to the principle of spiritual benefit of having a son who can offer a funeral cake and libation of water to the manes of his ancestors. who can offer a funeral cake and libation of water to the manes of his ancestors.”

The decision of this case is an evidence of the fact that when people in India marry even at that time there main aim is to get a male issue.

Indians in their urge to have a son have been conveniently switched to female foeticide from female infanticide just to avoid having daughters. According to Vashishtha, “When a father sees the face of his living son on his birth, the debt is transferred, attains immortality and, there are innumerable heaven for a man who has a son and there is no place in heaven for a sonless man.

This feeling was seconded by 17 (16.34\%) of our respondents.

e) \textbf{Old Age Support:}

\textsuperscript{30} Amita Mitra, “Female Foeticide : A Premitive trend practiced world over”, Family Medicine, July 1999, p-12.

\textsuperscript{31} AIR 1983 P&H 252.
Many parents are of the opinion that a son is a token of an easy old age. At the back of mind of many parents is the fact that they feel that in their old age they can rely on the support they will receive from their sons. Most of the parents who have only daughters feared for their social security in old age. This is commonly cited as one of the reasons that parents want at least one son in the family. Though The Supreme Court in its great judgment has said that the old parents can claim maintenance from their married daughters if they are earning\(^3\), but the Indian mindset is Indian mindset, the judgment has not been accepted by the society, Indian religion itself restrains the parents to drink even water from the daughter’s house. The same feeling was shared by 21 (20.19\%) of our subjects.

f) **Lineage (Vanshavridhi):**

The desire for a son is deep-rooted in both rural and urban areas and the one of the strongest reason for this is *Vanshavridhi*. The causes of female foeticide and infanticide lie buried deep in the social structure of our society and in seeking to eliminate the practice, this must be borne in mind.\(^3\) The social cultural and religious fiber of India is predominantly patriarchal contributing extensively to the secondary status of women. The patrilineal social structure based on belief that the family runs through a male, makes it a prized possession. It is argued that this gender oppression is largely the result of development of corporate kin groups. It is commonly seen in India that here the family businesses run in the name of sons e.g. Walia and Sons, Kohli and Sons etc. etc. If we talk of female equality then why is it not Walia and daughters? Under cooperate kin-lineage; the property is divided among the members of the group based on residential patterns. This resulted in the loss of the women’s right to ownership of family property as she moves into a new kin group after marriage. The patriarchal societies imply a preference for sons as they want to make sure that the property remains within the kin group. *The Hindu Succession Act -1956*, after amendment, though gives women the right to succession of her father property but if she puts a claim on it, she is isolated or socially boycotted. This fear that on growing up she may put a claim on her share

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\(^3\) Dr.(Mrs.)Vijaya Arbat Vs Kashi Rao Sawai, *(1987) 1 SCI* 524.

Radhakrishnan, Andal, ‘Female Infanticide and Foeticide: A Legal Perspective’, *Avashesh, NLSIU, Series-1, Vol-1, Centre of Child and Law, Bangalore.*
of the property is at the back of the mind of the people and the evil as they call it, is nipped in the bud.

The son keeps the continuity of lineage.\textsuperscript{34} Even educated people opine that a son is required so that their family name can continue. There are innumerable cases which depict that for having a son people have gone to highest barbaric extents. Some of the following examples prove that how son crazy our people are:

- Amisha Yagnik from Ahmedabad has an eight-year-old daughter, Kamya. Before eventually managing to save her daughter’s life, Amisha had to undergo the nightmare of abortion after abortion when her husband and in-laws forcibly had her tested – and did away with the foetus when it was found to be female. The first time it happened, Amisha was given an anaesthetic, and realized that her pregnancy had been terminated only when she awoke. She was forced to abort her female unborn child six times in eight years. When Amisha was expecting Kamya, she was at her maternal home; she stayed there until she gave birth. That allowed her daughter to escape being killed while in the womb.

- In February of 2005, Dr. Mitu Khurana discovered she was pregnant with twins. Immediately her mother-in-law demanded that she undergo tests to discover whether the babies were boys or girls. Mitu refused. She knew she would love her children no matter what sex they were. She also knew that if it was discovered that they were girls, her husband and in-laws would relentlessly pressure her to abort.

Mitu Khurana was one woman who fought back. When she refused to submit to the testing to determine the gender of her babies, her family brought down such pressure upon her that it almost amounted to torture. They denied her food and water in their attempt to break down her will. Finally one night her husband served her a cake made with eggs, to which she is extremely allergic. Her reaction was so severe that Mitu had to be rushed to the hospital. While there, her in-laws persuaded a doctor to test for the sex of the babies. To

\textsuperscript{34} Dr. Binayak Patnaik, Female Foeticide: A Socio-Legal Analysis, \textit{Cr.LJ, Dec.2006, P.313}
their great dismay, both were girls. The pressure to abort her daughters became intense. If not both, then at least one had to go. Or, if not abortion, then she should give them away for adoption. When Mitu stood her ground, her husband demanded that she take a paternity test, refusing to believe that he could be the father of twin daughters. Finally, in a fit of rage, he through her out of the house and she returned to her parents.

In August of 2005, Mitu gave birth two months prematurely. In an attempt to save her marriage, she returned to her husband’s home. After four months of being ignored and disdained, she witnessed her mother-in-law push one of the babies down the stairs. In fear for their lives, she fled.

Now here the culprit Dr. Kamal Khurana, is an orthopedic surgeon in Delhi, and the victim was a qualified paediatrician. So it is amply proved that the SONSHIP syndrome is not limited to the poor and uneducated.

- Parveen Khan of Morena, Madhya Pradesh, gave birth to her first child, a girl, and then had to undergo two abortions in the span of a year – and also a miscarriage. Her husband was so adamant in his desire for a boy that in his anger, he assaulted Parveen one afternoon and actually chewed up her face, resulting in grievous injuries and disfigurement.35

- Everybody knows the case of 3 month old baby Afreen who fell prey to her father’s illogical desire of her father. The devil Umar Farooq wanted a son and was under the belief that poor girl was responsible for his not having a son. The poor baby was attacked by her father in the middle of the night, when the child’s mother Reshma Banu was asleep, the accused had come home drunk accused Reshma of giving birth to a girl and later when Reshma had gone to sleep the accused had tried to stuff clothes in the hapless creature’s mouth and hit her with a blunt object. It was said by the child’s mother that earlier also the father had assaulted the poor child with a cigarette butt and bitten her many times.36

35 Satyamev Jayate, DD National, Episode-1, 6 May 2012, 11.00 am
36 “Baby Afreen dies from cardiac arrest” The Hindu, (11 April, 2012).
• 30-year-old Kureshi Khatoon, who was already the mother of six girls, gave birth to her 7th daughter two weeks ago. Her husband who was furious that they the child was not a boy, hacked his wife to death. 37

• A 25-year old woman, Rupali Bibi was burnt to death by her husband and in-laws, for giving birth to two baby girls consecutively, at Khargram in Murshidabad district of West Bengal on Sunday. 38

• Sania, in Gangoh village was hanged and murdered for giving birth to a girl. After she gave birth to the baby she was tortured mentally and physically. 39

• In January 2011 father of a four day old female gagged her because he wanted a son while a daughter was born.40

All this is just a fraction giving us an insight into the fact that sonship makes a person go to highest possible barbaric extent and people have no qualms in sacrificing female foetuses to earn a male offspring.

Mr.Ram Babu a researcher and a social worker from Jaipur, Rajasthan. He said it is the so called educated and rich section of society which is undergoing these tests. He further said that the doctors who perform these tests work in a package ultrasound and consequent abortion if the foetus is found to be that of a female. He told further that if the doctors tell the couple coming for ultrasound that the foetus is that of a male, then the couple goes so the money minded doctors infact give them a false report that the foetus is female and do an abortion.41

Dr. Shaili Agarwal who is appointed as a government gynaecologist in a village Pindwada of Sirohi of Rajasthan has also affirmed this fact that the sex of the child does not matter really much to the poor. She said that this area is housed generally by the adivasis

37 www.gender bytes.com as on 13 June 2013
38 www.violenceonwomenindia.wordpress.com
39 Ibid.
40 The Tribune,( 11 November 2011).
41 Satyamev Jayate,DD National, Episode-1,6 May 2012,11.00 am
who do not indulge in this horrific practice and they generally are equally happy on the birth of a female as on the birth of a male.\textsuperscript{42}

All this has proven that it is the educated who are indulging more in this heinous practice.

A son means a space under the sun. Sons are the primary source of social, economic and residential support. The birth of son is the only means available to women to gain prestige and legitimize their position in their husband’s family.\textsuperscript{43} There is a common phrase in Rajasthan that ”a mother’s height raises by two finger width when a son is born to her.”

The son fixation is not only prevalent in lower strata of India it is visible even amongst foreigners and high, when the French President came to India in 2010 his wife the first lady Carla Bruni walked barefoot to the much revered dargah of Salim Chishti so that He may help her to beget a son, and that too in such a situation when she has a son from her previous marriage.\textsuperscript{44}

When US Boxing champion was asked in an interview about the number of children he has. His reply was, “One boy and seven mistakes( referring to his daughters)”.\textsuperscript{45}

With the tests becoming difficult and so expensive female infanticide has raised its ugly head in many parts of Punjab, this is practiced mainly by the poor who can ill-afford the sex determination tests. It has been reported that in Batala district 2 female children of 1 day each were found dead what does it point to?\textsuperscript{46} Those who cannot afford sex determination tests and who do not have the heart to kill their newly borns, abandon their female children in government run hospitals / orphanages. The tests becoming difficult such cases have also been reported where during delivery if the outcome is to be a female, doctors indulge in drugging the

\textsuperscript{42} Ibid.
\textsuperscript{43} Krisnaraj Mathreyi ,”Gender Population and Development” ,\textit{Oxford University Press, 1998,New Delhi,P-52.}
\textsuperscript{44} “Bruni’s wish,”,\textit{The Tribune, (7 December 2010)}.  
\textsuperscript{45} A.K., Singh, “Domestic Violence against Women in India”, \textit{Madhav Books,2009,p-225.}
\textsuperscript{46} ‘Newborn female twins found dead”, \textit{The Tribune (11 June 2013)}. 

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and telling that a dead child is born. Here it will be essential to quote the fact that the live birth rate in Punjab in 2008-2010 which had the sex ratio of 846 as per 2011 census was as hereunder presented in the table:\[47\]:

**Table III.4**

**Showing the number of female and male live births in 2008-2010 in Punjab**

<table>
<thead>
<tr>
<th>Year</th>
<th>Live births</th>
<th>Male</th>
<th>Female</th>
<th>Difference between live male and female births</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>506704</td>
<td>278416</td>
<td>228288</td>
<td>50128</td>
</tr>
<tr>
<td>2009</td>
<td>516246</td>
<td>283371</td>
<td>232875</td>
<td>50496</td>
</tr>
<tr>
<td>2010</td>
<td>507665</td>
<td>278314</td>
<td>229351</td>
<td>48963</td>
</tr>
</tbody>
</table>

Source: www.pb.health.gov.in

These statistics prove amply that though the sex ratio has improved but the number of female child mortality has increased by the years. This is so when given the advancement in science and technology the IMR (Infant Mortality Rate) should have reduced. Though the fact is that life expectancy of the females at birth is universally higher than that of the males. More males are miscarried or more are still born than females.\[48\] The statistics also give a caution that in the name of still births the female infanticide should not be made to continue in our country. Every still birth (birth of dead child) should be taken seriously by the State and enquired into from the case files and the health of mother from the pre-natal records of the hospitals.

\[47\] www.pbnrhm.org as on 13 June 2013.

There must be an optimum use of the technology. As said earlier technology is neutral in value. It can be used for the advancement of mankind as well as for his extermination. Female foeticide was facilitated by ultrasound which was developed to detect the anomalies in the foetus. But the technology has moved a step further and developed an ‘Ultrasafe ultrasound’ which would put an end to sex determination tests. This software has been developed by Ms. Sonya Davey of University of Pennsylvania, this comes as an add on software which would blur the genetelia of the foetus and retain all other medical information. This way the sex of the foetus will not be known to the doctors conducting ultrasounds. It is suggested that all the hospitals providing ultrasound facilities must compulsorily have the ‘ultrasafe ultrasound’.

It is clear that the people well desire for a male child despite the progress for a son alone can grant them a more protected old age and certain other reasons viz. religious reasons, economic concerns, social concerns. No one is quite certain why only boys, but the preference for “at least one” comes down through several generations. The pressure on the woman to produce “an heir” is intense.

Other than these main reasons there are a plethora of ancillary reasons which are responsible for the rampant female foeticide. It has been seen that the females just for the sake of honour wish that a son is born to them. The usefulness of a son in Indian society is clear to all and a female who produces daughters are looked down upon and a mother of sons is looked upon as something prized. The high rate of incidence of pre-natal sex determination can be attributed to the fact that people wish to have a family which is not large but it must include a son necessarily. The people are so much hypnotized with a feeling that a son should be born to them even if it means spending on the sex determination tests and abortions. These all prove unambiguously that sons are preferred by the Indian families though there is little logic in their irrational craze. But the Indian social setup has forced the Indians to eliminate females in their drive to have sons.