

Law on Female Foeticide in India

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ABSTRACT

This work deals with Legal consequences of female foeticide in India. Whenever a female foeticide take place, every woman who is also a mother is killing her own child or in other words it is termed as abortion. No judgement allow, philosophy and ethics and even morality of the society, also do not encourage this kind of at. When we go to the roots of female foeticide it is based upon wrong notions, egoistic feeling and a total individualistic male feeling which dominates this concept. It is an unfortunate that when the foetus of a girl child is destroyed, women of the future are crucified. In other words the present generation invites suffering not only for their generation but also for future generation to come which also affects the sex ratio leading to various social problems.

Keywords

Female, foeticide, law, women

LAW ON FEMALE FOETICIDE IN INDIA

As per the Indian Constitution female child is having equal rights as that of a male child. There cannot be any kind of compromise in terms of rights granted by the constitution, which are universal in nature.

Whenever a female foeticide take place, every woman who is also a mother is killing her own child or in other words it is termed as abortion. No judgement allow, philosophy and ethics and even morality of the society, also do not encourage this kind of at. When we go to the roots of female foeticide it is based upon wrong notions, egoistic feeling and a total individualistic male feeling which dominates this concept. It is an unfortunate that when the foetus of a girl child is destroyed, women of the future are crucified. In other words the present generation invites suffering not only for their generation but also for future generation to come which also affects the sex ratio leading to various social problems.

WOMEN'S POSITION IN INDIA

Women enjoyed lot of freedom and equality during the Vedic; women participated in all aspects of life like man.

They participated in Arts, and even learning videos artilleries and war fair. Men and women together performed various religious duties and carried out various functions of society with a Happy Ending. In nutshell position of a woman was based on equality, creation and liberty. Even the purdah system was not present during the Vedic period. Women had equal rights for selecting their life partner and polygamy was practiced by only the ruling class. Dowry system was prevalent amongst the rich family and widow could marry again. There was no discrimination amongst the boy and a girl.

In post Vedic; various restrictions were put on women's privileges and rights by man. In this Era the birth of a daughter was considered to be a sorrow for a father. Education was also denied to the women. Only the girls in ruling class were allowed to have training in Arts, station and military. Still the law recognized the right to property and stridhan.

After the invasion of Alexander in India the position of women degraded. Education and training came to a standstill. Security matters work of prime importance and women were not allowed in the community affairs. Social evils like child marriage, infanticide and even dowry came into existence along with the concept of polygamy and devdasi.

During the British regime as a result of education and western impact on socio-culture life, the behaviour and living pattern of Hindu society changed. Social reform movements of 19th century and national movement of 20th century raised the question of equality of women.

Indian Constitution signs the principle of equality, state and liberty in independent India. As a part of State Policy it became an objective of the country to protect women from exploitation and thereby providing Social Justice. State following the constitutional directions had enacted various laws to counter and various welfare proposals. Commission for Women word setup for the Welfare of women but even after progress made by Indian society discrimination, violation, unemployment among women has not stopped. Women had been ignorant of their loss which had sought to grant solution to various problems of women in their family life.

FEMALE FOETICIDE IN INDIA

India has always been possessing a Legacy of its negative understanding of killing the female child, even as the scientific techniques were not enough advanced stage, in the previous era it was impossible to determine the sex of the child, the Killing of the female child took place by different methods, included adding opium in the Infant milk, child Till death of the child or simply giving and ill treatment to the girl child. Now with advent of scientific techniques which can determine sex of the foetus be it a male or female. Now the practice of sex determination has altogether changed the mind set of educated reasonably well of families who can afford the fees paid to the doctors which has resulted into female foeticide and thereby leading to imbalance in the Indian society.

Various acts and laws have been enacted to curb this kind of Evil act carried out by people. The various acts which have come into the existence in order to prevent the death of female foeticide was originally termed as prenatal Diagnostic techniques (regulation and prevention of misuse) act 1994 which is now called as pre-conception and prenatal Diagnostic technique (prohibition of sex selection) act 1994.

As per the supreme court case, in *Ajit Majagvai versus State of Karnataka* (1997) 7 SCC 110, it narrated that while dealing with the physical violence, mental cruelty, any kind of torture and murder of wife particularly, it commented the bad relationship of men with women stating that it is unfortunate that in this age where people are considered to be civilized commit crime against female even when a child is in the womb named as female foetus is being destroyed in order to stop the birth of a female child. But if the child comes into the womb, after birth it becomes a daughter, and wife in due course and then a mother. Mother is there to shape the destiny and character of the child. To Be Cruel of such a creature is unimaginable and non tolerable.

CONCLUSION

When a female foetus is destroyed it leads to the end of a generation which is not acceptable and legally impermissible section of the human values and reduction in the ethics and values of a human being. It is that society only to progress which gives an equal understanding to men and women. Women should be allowed to have an

independent decision rather than a man dominating over the thoughts and perceptions what women think. Disturbance in the sex ratio is a calamity which needs to be pondered upon. The present generation has a lot of Responsibility in order to tackle this problem and to take steps in accordance with the law of the land.

Various courts have taken rigorous steps in order to decide the pending cases as per the act within the stipulated time. Of 6 months. State governments have been playing a major role and have constituted special cells in order to monitor various cases and take steps for their early disposal.

Women has to be regarded as an equal partner in one's life and not only in thinking. It has to be in participation and even leadership.

The government authorities have to take rigorous steps and even the Non-governmental organizations and their volunteers have to setup awareness camp which should be really effective in order to curb female foeticide.

The argument that the society does not want a female child should be not allowed as it leads to a matter of concern and offence the dignity of women. It is against article 39(e) of the Constitution of India which states the principle of State Policy that the health and strength of women is not to be abused. It also ignores article 51A (e) of the constitution that states that it shall be the duty of every citizen of India to renounce practices which derogate the dignity of women.

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