

**FATE OF THE FEMALE UNBORN CHILD (FEMELLE EN VENTRE
SA MERE): A SOCIO-LEGAL CONUNDRUM**

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ABSTRACT

“Femelle en ventre sa mere” is a French phrase means “a female fetus in the uterus”; the offence of female feticide shows the cruelty faced by the unborn girl child by using the pre-conception and pre-natal diagnostic techniques. Almost in every religion the prime purpose of marriage is the procreation of children and expanding the pedigree. Man and woman is counterpart to each other who conjointly forms the smallest unit of society i.e. a family and widely the society. This paper is edging all the aspects of the menace of female feticide or sex-selective abortion internationally i.e. the UK, USA, UNO and in India. The tools of the study for this paper are both the primary and secondary sources. From the meaning, historical, international, legislative, judicial perspective it also deals with the reasons, effects, responses to the offence of female feticide and ends with the conclusion and suggestions. This paper establishes that the menace has reached in every corner of the World which needs cumulative attack from all the national and international bodies. The major findings represents that there are sufficient legislations both at national and international level to cope up the situation effectively however lacks in execution.

KEYWORDS

Abortion, Female feticide, Girl Child, India, Pre-conception, Pre-natal diagnostic, The UK, The UNO, The USA, Violence against the women.

INTRODUCTION

Earth is the only planet in this solar system which has life. It composes of both the biotic and abiotic substances, basically which have made it a planet of all colors and full of life. The biotic substances are the nature-made substances such as water, air, land, sand, sun-light, mountains, rivers, sea, trees, fruits, animals, birds, human beings and many more unnamed. The abiotic components are the man-made substances such as ponds, lakes, roads, buildings, infrastructures and many more unnamed. Only humans are the rational beings and have the power to generate, create and establish anything, except the some biotic components, as well as to destroy, control and regulate anything including both the biotic and abiotic substances. But when humans use this ability in negative way it results in disasters for the whole community. These disasters can be the environmental degradations and many man-made societal evils such as corruption, terrorism and crimes.

In special regard to women, violence against the women can be the offence of feticide, infanticide, misbehavior, neglect, trafficking and transportation, sexual and physical torture, rape, incest and prostitution. This paper is confined with the menace of female feticide.

On any corner of the Earth, a married couple may be unhappy because they cannot procreate the children as well as cannot expend their pedigree. However, there can a married couple who is blessed with the parenthood i.e. may be with only daughters or only sons or both in numbers. The probability of baby being a boy or girl is equal i.e. 50 percent. Problem starts when some of the family members and society does not recognize the baby girl as child and capable to fulfill several functions and objectives of the society as well as mourn on her birth. However, to protect themselves from the societal bangs, many personal misbelieves and certain poor customs, the would-be parents decides to not let the baby girl to take birth, ultimately, committing the offence of female feticide. The most haunted sentence in the today scenario is that: "It is a girl child," which ignites the to-be parents to find out the easier ways to overcome the situation in the cheapest manner, even at the cost of humanity.

MEANING AND CONCEPT OF FEMALE FETICIDE

Every child is the result of love making then why the society is so indifferent towards the girl child, this difference exists since she is in the womb. From the time immemorial there are many glorious stories of the iconic ladies from all corners of the world, on the contrary there are several shameful stories reflecting the atrocities done by the parents, family members and the society upon the girl child. However in today's scenario, every State has through the legislations recognizes the gender specific atrocities and tried it's all the levels best to extend its hand of protection to each and every girl and to all the related aspects. Here starts the war between the attitude of the laws and the society. The laws want to curb the menaces but the society does not recognize these acts as atrocities upon the females. The society provides a long list of self created reasons disfavoring to acknowledge the birth right to the girl child. Hence, the offence of female feticide is one of the worst forms of violence against the women at large i.e. the mother of such baby girl child as well as the baby girl because she is deprived of her basic and fundamental right to live.

There are several quotes showing the importance of the child and the female in the society, such as *Gabrial Mistral*, the Noble Laureate, once said, 'We are guilty of many errors and faults, but our worst crime is abandoning the children, neglecting the foundation of life. Many of the things we need can wait. The child cannot, right now is the time his bones are being formed, his blood is being made and the senses are being developed. To him we cannot answer 'tomorrow'. His name is 'today.' *William Wordsworth* has said, 'Child is the father of the man.' *John Milton* was of the opinion that, 'Woman is the best of all God's work.' *Swami Vivekananda* has said, 'Just as a bird could not fly with one wing only, a nation would not march forward if the women are left behind.' *Charles Fourier* has stated: the extension of women's rights is the basic principle of all social progress. Once, *Vishwakavi Rabindranath Tagore* has said: 'every child comes with the message that, God is not yet discouraged of man.' *Charles Dickens* was of the view that, 'every baby born into the world is a finer one than the last.' The Supreme Court of India in *Childline India Foundation v. Alan John Waters*, has opined, 'Children are the greatest gift to humanity' and on abortion the Supreme Court further held that, '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 deprecate it; morality decries it and social science abhors it. A woman has to be regarded as an equal partner in the life of a man. It has to be borne in mind that she has also the equal role in the society, i.e. thinking, participating and leadership. It would not be an exaggeration to say that a society that does not respect its women cannot be treated to be civilized.'

The termination of the life of a fetus within the womb on the grounds that its sex is female is the offence of female feticide or child destruction or fetal homicide or sex selective abortion. Natural termination or miscarriage of the pregnancy is not regarded as female feticide rather a deliberate act like blowing on the abdomen; causing pregnant lady to fall or using medical facilities to abort the fetus are the forms of practicing female feticide. Many people get confused in the menace of female infanticide and the female feticide. The former is the case of atrocities done upon the girl child who has taken birth may be of one second older or more but the later covers the cases of atrocities done upon the baby girl inside the womb. With the help of these chief pre-natal diagnostic tests i.e. the amniocentesis, chronic villus biopsy (CVB) and ultra-sonography; the desired parties get the chance to kill the baby girl inside the womb and save themselves from committing the offence of infanticide.

The reasons responsible to the offence of female feticide varies from society to society, place to place and era to era but some are basic reasons exists everywhere, like, sexual discriminations i.e. preference to the male child; she cannot expend, represent and carry forward the name of the parents family; huge money is required to get a daughter married; high dowry demand before, during or after the marriage; parents worry on her safety issues; existence of patriarchal society; dependency of the female child on the maternal family, husband and the in-laws as well as availability of many easy and cheap scientific and medical advanced techniques to determine the gender and to destroy it.

HISTORICAL PERSPECTIVE

From the recent Nirbhaya, rape and murder, case happened on December 16, 2012 in New Delhi many people starts blaming the Vedic literatures for the present situation of Indian society. But the reality is quite different; in reality, the Vedic literatures give women a very respectable position in the society and preach all to live with love and harmony, such as, '*Matruvat Paradareshu*' i.e. all women are my mother' is the core pillar of the Vedic Dharma; a Sanskrit Shloak that, '*Yatra Naryastu Pujyante Ramante Tatra Devata / Yatraitaastu Na Pujyante Sarvaastatrafalaah Kriyaah*' i.e. "Where Women Are Honored, Divinity Blossoms There; And Where They Are Dishonored, All Action Remains Unfruitful". Hence, all the above mentioned Vedic sayings favored the *Sir Monier Monier Williams's*, saying, that, "Indian wives often possess greater influence than wives of Europeans.

It is not only the matter of the Vedas or Hindus, none of the religion on earth favors or commands, atrocities and disrespect to any gender. Instead all religion obliges everyone to live with harmony and love, imbibed in the saying that '*Vasudhaiva Kutumbakam*' i.e. the whole world is one single family. So, the finding comes out that none of the country's history and the Vedic literature discriminate or disfavours the right of a female child. Therefore, a family should derogate the heinous practice of female infanticide upon one of its own family member who is yet unborn.

INTERNATIONAL PERSPECTIVE

The UK

By the 1960s the legislative process was being readied, tracing through MP **Willie Hamilton's Select Committee Report** as well as his equal pay for equal work bill, the creation of a Sex Discrimination Board, **Lady Sear's** drafted sex anti-discrimination bill, a Government Green Paper of 1973, until 1975 when the first British Sex Discrimination Act, an Equal Pay Act, and an Equal Opportunities Commission came into force. In English law, "child destruction" is the crime of killing a child "capable of being born alive", before it has "a separate existence". **The Crimes Act, 1958**, defines "capable of being born alive" as twenty-eight weeks' gestation, later reduced to twenty-four weeks. The 1990 Amendment to the **Abortion Act, 1967**, means a medical practitioner cannot be guilty of the crime. Abortions provided solely on grounds of the sex of the fetus are not legal in the UK. The **Abortion Act 1967** defines the circumstances in which a pregnancy may be terminated without those involved being guilty of an offence. The Act applies in England, Wales and Scotland. The Act does not extend to Northern Ireland. Medical defense organizations and trust or board legal departments can provide further advice on the law and abortion. Advice is also provided by the Royal College of Obstetricians and Gynecologists and the Chief Medical Officer for England.

THE USA

In the USA, the National Organization for Women was created in 1966 with the purpose of bringing equality for all women. The Organization was one important group that fought for the Equal Rights Amendment. This Amendment stated that "equality of rights under the law

shall not be denied or abridged by the United States or any state on account of sex." The Amendment died in 1982 because not enough States had ratified it. In 1965, in the case of *Griswold v. Connecticut* the Supreme Court of the USA upheld the right to privacy and ended the ban on birth control back. Eight years later, the Supreme Court ruled the right to privacy included abortions in the landmark case of *Roe v. Wade*. In 1976, in the case of *Planned Parenthood of Central Missouri v. Danforth*, the Supreme Court ruled that requiring consent by the husband and the consent from a parent for abortion if a person was under 18 was unconstitutional. This case supported a woman's control over her own body and reproductive system. **William Brennan, J.** stated: "If the right to privacy means anything, it is the right of the individual, married or single, to be free from unwanted governmental intrusion into matters so fundamentally affecting a person as the decision to bear or beget a child."

According to the **Gallup survey**, 40 percent of Americans prefer to have a son and only 26 percent a daughter. And it is not a one off thing as the survey question has been asked in one way or the other since 1941 and every time the preference for a boy child is more overwhelming than the girls well as the USA has not such strong laws to prevent female feticide when compared to the UK and India.

THE UNITED NATIONS ORGANIZATION (THE UNO)

Sex selection is a serious matter of global concern. Practice of sex-selection strikes at the very root of international society, is condemned by the all corners of the civilized world and is contrary to the spirit of several international legislations. In 1998, on the 50th anniversary of the 'Declaration of human rights' the UN initiated a global campaign for elimination of gender based violence. The objective was to influence public opinion and attitudes, policies, practices and legislation to facilitate a violence-free life for women. Several international instruments dealing with the issue are following:

The **Preamble** of the UN Charter, 1945 professes faith in fundamental human rights, in the dignity and worth of human beings and in equal rights of men and women. **Article 1** of the Charter also professes to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. Moreover some other important global instrument dealing with the issue of female feticide are the Preamble, Articles 1, 2, 3, 12, 16, and 25 of the Universal Declaration of Human Rights, 1948; Articles 17, 23, and 24 of the International Covenant on Civil and Political Rights, 1966; Articles 10 and 12 of the International Covenant on the Economic, Social and Cultural Rights, 1966; Article 2 which refers sex selection abortion a genocide of the UN Convention of Prevention and Punishment of Crime of Genocide, 1948; Committee on the Rights of the Child and Article 2 of the Declaration and Convention on the Rights of Child, 1989; Articles 1, 2, 3 of the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (which orders the state parties to legislate and take all appropriate measures to end violence against women and to ensure full development and advancement of women in all walks of life) and the UN Declaration "World Fit for Children" 2002 (which directs member States to reaffirm their commitment to promote and protect the rights of children).

The United Nations Commission on the Status of Women, 1946, a part of the Economic and Social Council, during the 1994 United Nations International Conference on Population and Development in Cairo, Egypt, policy objectives intended to eliminate sex-selective abortion and infanticide, along with discrimination against female children, were stated in Article 4.15 of the Programme of Action: "...to eliminate all forms of discrimination against the girl child and the root causes of son preference, which results in harmful and unethical practices regarding female infanticide and prenatal sex selection". Gender equality and the empowerment of women were considered one of the Eight Millennium Development Goals by the United Nations Population Fund in 2001. The South Asian Association for Regional Cooperation celebrated the 'Decade of the Girl Child' in order to confront discrimination against girls between 1991 and 2000. Inclusive to the above UNO instruments some other famous are the Article 11 of American Convention on Human Rights, 1969 and Article 8(1) of the European Convention on Human Rights, 1950 as they are also related to the offence of sex selection and prohibit the same to be done. Western and Asian countries show a mixed record on implementation of the international law on sex selection. Some adopt the U.N. approach, some partially adopt it, and some do not adopt it all.

INDIA

According to the United Nations Development Programmes, Human Development Report 2011, India ranks 134 in the Human Development Index. India ranks 129 out of 187 countries in the Gender Inequality Index. As per the Indian Census 2011 Report, the sex ratio of India (females per 1000 males) is as follows: Average India sex ratio – 933, Rural sex ratio – 946, Urban sex ratio – 900, State with highest female sex ratio – Kerala – 1058 and State with lowest female sex ratio – Haryana – 861. Every 12 seconds, a baby girl is aborted in India. That is about 7,000 girls killed every day just because they are females. The United Nations now calls India the most dangerous place on earth for a girl. Along with this skewed sex-ratio, the offence of female feticide has other effects such as rise in the numbers of the unmarried males and they will be victim of organized groups of fake marriages; due to non-availability of the girl partner the trend of homosexuality will arise in boys. In the same manner the violence against the women will also rise, like health problems, trafficking and domestic violence. The society is having a deceive practice that when the abortion is done due to some physical, financial and social reasons it supports and gives it protection to it but if it is due to gender selection it condemns openly but supports indirectly by providing it a social sanction.

INDIAN LEGISLATIVE EFFORTS

India is a welfare state and the principles of public welfare are enumerated in the Constitution of India in numerous articles. For example: the Constitution guarantees to all Indian women right of equality under Article 14; protection of no discrimination by the State under Article 15(1); right of equality of opportunity under Article 16; right of equal pay for equal work under Article 39(d). Furthermore, the State is obliged to make special provisions in favor of women and children under Article 15(3); obliges every citizen of India to renounces practices derogatory to the dignity of women under Article 51(A) (e); and also allows for provisions to be made by the State for securing just and humane conditions of work and for maternity relief under Article 42; and the duty of the State to raise the level of nutrition and health of the children under Article 47.

The Indian Penal Code, (IPC) 1860 under sections 312 till 316 deals the offences against the pregnant lady however permit her to have a legal abortion if it is detrimental to her life. The Nuclear Installations Act, 1965 enumerates the compensatory liability if any nuclear occurrence or ionizing radiation emission causes any injury or damage to an unborn child. Section 416 of the Code of Criminal Procedure, 1973 indirectly recognizes the right to life of a fetus as it mandates the postponement of the capital punishment or commutation to the life imprisonment by the High Court if the accused is pregnant. Under the Medical Council Act, 1956, the Code of Medical Ethics was enacted by the Parliament which legally binds every doctor to report the medical malpractices, but many doctors violates it mandates.

In 1971, a liberalized and beneficial abortion law was passed by the legislation as a measure of population control in the name of the Medical Termination of Pregnancy Act. Instead of abortion the 'Medical Termination of Pregnancy (hereinafter used in short as 'MTP') is a respectable term. It follows that the MTP Act 1971 is an abortion law. This Law was conceived as a tool to let the pregnant women decide on the number and frequency of children. It further gave them the right to decide on having or not having the child. However, this good intentioned step was being used to force women to abort the female child. In 1994, to do away with lacunae inherent in the previous legislation, the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act (hereinafter used in short as 'PNDT') was passed. Not only this, the Government made it comprehensive by enacting the PNDT (Principal) and (Advisory Committee Rules) in 1996. By 2002, the PNDT Amendment Act and the 2003 PNDT Amendment Rules, the legislature amended the nomenclature of the Act and makes it the 'Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994' (hereinafter in short used as 'the PC&PNDT' Act).

In 1994 a federal legislation was enacted by the government. The Preamble of the Act says, "It is an Act to provide for the prohibition of sex selection, before or after conception, and for regulation of prenatal diagnostic techniques for the purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female feticide; and, for matters connected therewith or incidental thereto." Section 2 is the definition clause section. Some defined terms are, *conceptus* (S. 2(ba)), *embryo* (S. 2(bb)), *foetus* (S. 2(bc)), *pre-natal diagnostic procedures* (S. 2(i)) *pre-natal diagnostic techniques* (S. 2(j)), *pre-natal diagnostic test* (S. 2(k)) & *sex selection* (S. 2(o)), but it does not define the term "female feticide," it only makes such practice punishable under section 3A.

Besides the above legislative enactments there are many legislative policies aimed at upliftment of girl child in all dimensions be it social, educational, economic and physical, namely, National Plan of Action for the Survival, Protection and Development of the Girl Children (1991-2000); Balika Samridhi Yojana (1997); Rashtriya Kishor Swasthya Karyakram (2014); Sarva Shiksha Abhiyan (2000-2001); Mahila Samakhya Programme (1988); Kasturba Gandhi Balika Vidyalaya Scheme (2004); National Programme for Education of Girls at Elementary Level (2003); Save the Girl Child Campaign (2012), National Legal Research Desk (2012-13); Meri Shakti Meri Beti project (2013) under the Committee Against Female Feticide; Kanya Janm Mahotsav (2012); HS-PROD- a

computerised information tool; Ladli in Haryana; and Beti Hai Anmol in Himachal Pradesh. Despite such ongoing wonderful policies, no positive change is found in the practice of the offence of female foeticide. The Planning Commission of India has issued some latest recommendations while trying to bring change in the situation, like uplifting prohibition from the sex determination, the proposal to adopt the female fetus by the Government; and offering reservation incentives to the mother giving birth to a female child.

The Maharashtra government has recommended to the Centre that the PC&PNDT Act be amended so that sex-selective abortion or female foeticide is treated as "murder," and be punishable under section 302 of the Indian Penal Code, 1860. Also a report of the Committee on Petitions on "Urgent Need to Curb Female Foeticide", tabled in the Rajya Sabha, says it endorses suggestions received from civil society that pregnancy be tracked by Accredited Social Health Activist (ASHA) workers and related non-government organizations. The Committee has expressed hope that such a mechanism will act as a social check against sex-selective abortion. The Legislative Council of the Jammu and Kashmir calls it the menace more dangerous than terrorism. In its 2012 report on "Gender Equality and Development," the World Bank estimated that over the last two decades, around 2.5 Lakh girls were killed in India each year because of their sex.

INDIAN JUDICIAL PRONOUNCEMENTS

In *Bandhua Mukti Morcha v. Union of India*, the Hon'ble Supreme Court of India held "It is a fundamental right of everyone in this country assured under the interpretation of Article 21 to live with human dignity... it must include the tender age of children to develop in a healthy manner and in conditions of freedom and dignity." In *Velamuri Venkata Sirprasad v. Kothuri Venkateswarlu*, the Supreme Court held, 'Equality of status was integrated to the concept of basic structure of the constitution and was an important dimension of gender justice.' In *Kharak Singh v. State of U.P. and others*, the Supreme Court has certainly recognized that a person has complete rights of control over his body organs and his 'person' under Article 21. It can also said to be including the complete right of a woman over her reproductive organs. In *Vinod Soni and Another v. Union of India*, the parties challenged the constitutional validity of the PC & PNDT Act as violative of Articles 14 & 21 of the Constitution of India. The Supreme Court held, 'Article 21 gives to every child right to full development. Therefore a child conceived is entitled to full development whatever be the sex of that child. The determination whether at pre-conception stage or otherwise is the denial of a child, the right to expansion, or if it can be so expanded right to come into existence. It will thus be observed that the enactment proposes to control and ban the use of this selection technique both prior to conception as well as its misuse after conception and it does not totally ban these procedures or tests. The right to life or personal liberty cannot be expanded to mean that the right of personal liberty includes the personal liberty to determine the sex of a child which may come into existence. The conception is a physical phenomenon. It need not take place on copulation of every capable male and female. Even if both are competent and healthy to give birth to a child, conception need not necessarily follow; that, being a factual medical position, claiming right to choose the sex of a child which is come into existence as a right to do or not to do something which cannot be called a right. The right to personal liberty cannot expand by any stretch of imagination, to liberty to prohibit coming into existence of a female fetus or male fetus which shall be for the nature to decide. Hence, the Supreme Court uphold the constitutional validity of the PC & PNDT Act and declares it

non violative of Articles 14 and 21.’ In *Centre for Enquiry Into Health And Allied Themes (CEHAT) & Others v. Union of India & Others (2001)*, the Supreme Court of India had noticed the misuse of the Act and gave various directions for its proper implementation but the non-compliance of various directions was again noticed by the Supreme Court in *Centre for Enquiry into Health and Allied Themes v. Union of India (2003)*, and the Supreme Court gave various other directions. In *Voluntary Health Association of Punjab v. Union of India and Others*, the Supreme Court held, “Female feticide has its roots in the social thinking which is fundamentally based on certain erroneous notions, ego-centric traditions, pervert perception of societal norms and obsession with ideas which are totally individualistic sans the collective good. All involved in female feticide deliberately forget to realize that when the fetus of a girl child is destroyed, a woman of future is crucified. To put it differently, the present generation invites the sufferings on its own and also sows the seeds of suffering for the future generation, as the ultimate eventuate, the sex-ratio gets affected and leads to manifold social problems.” Through this judgment the Supreme Court issues various guidelines for the proper organization of awareness camps and workshops on the menace.

The Act, 1994 is in force since 1994, however, the first ever conviction leading to imprisonment of an offender (Dr Anil Sabhani, a radiologist, was jailed for two years) under in the entire country took place in March 2006, i.e. after 12 years. It is no exaggeration to state that legal implementation of this Act has practically failed so far. While the child sex ratio in the country is dipping, data for the whole country shows only 143 people have been punished for conducting sex determination tests since the enactment of the PC&PNDT Act in 1996.

CONCLUSION & SUGGESTIONS

Women who constitute half a human population have been discriminated, harassed and exploited irrespective of the country to which they belong, unmindful of the religion which they profess and oblivious of the timeframe in which they live. Everywhere women are confronted with many challenges, but our country’s position is peculiar as here thousands of couples make arduous journeys every year to shrines of goddesses in order to be blessed with a child. But strangely enough, in India, a couple is said to be ‘blessed’ only when it has a male child; her birth seems to cast a pall of gloom over the entire family. Her birth is not rejoiced, instead the entire family moans.

‘Ladka marey kambakth ka; Ladki marey bhaagwaan ki (“It’s a fool who loses his male child and the fortunate one who loses a girl child”)’ is the common saying in India not only this nurturing a girl child is considered as ‘watering your neighbour’s lawn’. The quote, “500 now, or 5, 00,000 later” – the former indicating the price of an abortion, and the latter that of the dowry, are showing the fowl mind of the Indians. Hence, it is clear that this menace involve an enthusiastic participation (voluntary or involuntary) of women, both old and young, men and society at large.

India has a big and heavy bucket of good legislations which condemns such inhuman practices as well as recognizing it as a crime. The law declares both the service provider and the service-seeker as the culprits in this menace. But on practical examination they are found defective as the loophole terms used in the Laws and their poor implementation open the doors for the culprits as well as allow it to escape from the clutches of the law.

Moreover, in several cases the culprits manage to save themselves by opting another ways of committing of crime as the nature of the crime is very complex and sometimes it becomes difficult to catch the culprits red handed. As some doctors have originated new mechanism to escape from the clutches of law and to communicate the message to the parties. That if he tells the party to come and get the report on Monday or writes from a blue ink, it's a boy and if on Friday or writes from a red ink, it means a girl child. Hence, no words are exchanged but the message is communicated. So it raises the complexity in detecting the offence and collecting evidence as not directly contravening any provision of the law. These are the problems faced by the laws enforcement bodies. The present President of India, *Mr. Pranab Mukherjee* while presenting the *Stree Shakti Puaraskar* awards to mark International Women Day (on March 8, 2014) opined that new laws, no matter how well-conceived, must be supported by efficient enforcement mechanisms.

A recent India Human Development Survey(IHDS), conducted by the National Council for Applied Economic Research (NCAER) revealed the poor societal status and freedom to women by the following statics that four out of ten only have no say in their marriage, eight out of ten need permission to visit a doctor, six out of ten follows the practice of head-covering, 18% do not even go even go to a Kirana shop, 50% do not travel alone by bus/train even for a short distance, only 25% have the final authority on what to do when they are sick, only 25% actually met their husbands before marriage and the average household gives over Rs. 30,000 in dowry. All the statistics of the Survey are showing the poor position of the women in India.

As the new UN Women report "Hearts and Minds: Women of India Speak, 2014" seeks to provide the goal of gender equality, thus, we have to encourage and respect the partition of women in decision-making process be it of high or low importance in life and not to pressurize her to go for sex-selection abortion. For the proper implementation of the provisions of the Act, the help can be asked from the media units like AIR, Doordarshan, Song and Drama Division, Directorate of Field Publicity, Press Information Bureau, Films Division and Directorate of Advertising and Visual Publicity (DAVP). Workshops and seminars are to be organized through voluntary organizations at State, regional, district and block levels to create awareness against this social evil and the people involved with the same must take it up as a service, a crusade. A cosmetic awareness campaign would never sub serve the purpose. They must understand and accept that it is an art as well as a science and not simple arithmetic. Co-operation from the religious leaders and institutions, as well as the medical fraternity to curb the practice should be sought, as the Tata Institute of Social Sciences (TISS) organized a workshop on "*Female foeticide: rights of the girl child, problems and solutions,*" to mark the National Girl Child Week from January 24 to 31; *Daughters Are Precious*, first episode of *Satyamev Jayate*; *Na Aana Is Desh Meri Lado*; *Matrubhoomi: A Nation without Women* (2003) movie; and moreover, the tough words of the song of Umrao Jaan (2006) movie '*Agle janam mohe bitiya na ki jo*' shows the level of plight of a lady in itself. These programs are showing the actual prevailing length of the menace in the society and simultaneously giving a message to the society at large by providing awareness of these poor practices. The aim of such problems is to bring change in the mental attitude of people and promoting them to abridge such poor practices. The purpose of the shows is to bring realities to the sayings that the girls are treasure for the family, nation's pride, *beti hai annmol* and *daughter is the knot that ties the family together will comes true*. So we have to save the girl child to save life on this earth because if there is

no girl, there will be no wife, so also no mother; ultimately no extension of life. It is the present day need that people should treat the women with respect and dignity so that humanism in its conceptual essentially remains alive. Only when a culture that supports and encourages women in every sphere is created can women reach their true potential and are no more seen as a liability and burden by their loved ones. So when Nawanshahr, a district of Punjab, India can achieve sex-ratio of 879/1000 in 2011 from 785/1000 in 2005, by rallies, public meetings, street plays, awareness camps, strict actions against the transgressors, and a phone helpline for expectant mothers, then we the whole world can also bring the change. By attacking upon the menace from all corners by joining hands and resources we can reduce the reasons responsible and after-effects of the menace on the society at large. Certainly we shall overcome this menace one day and parents will not treat the girl child as a burden and will earn proud in their name of a successful daughter. Hence, save a girl child.

The World has seen many successful ladies like *Marie Curie* (first woman Nobel Prize winner), *Annie Besant* (a campaigner for social justice, advocate of women's rights and major role in Indian independence campaign), *Mother Teresa* (a global icon for selfless service to others), *Indira Gandhi* (first female prime minister of India), *Margaret Thatcher* (first female Prime minister of Great Britain), *Benazir Bhutto* (the first female prime minister of a Muslim country i.e. Pakistan), *Smt. Pratibha Devisingh Patil* (the first woman President of the Republic of India), *Rosa Parks* (the U.S. Congress called her “the first lady of civil rights”, and “the mother of the freedom movement”), *Eileen Collins* (the first woman to command a shuttle mission), *Sunita Williams* (longest single space flight by a woman), *Kalpana Chawla* (the first Indian-American astronaut and first Indian woman in space), *Chanda Kochhar*, *Naina Lal Kidwai*, *Vijaylakshmi Iyer* and many more unnamed. A glorious history was reordered in India's name in 2011, as on three major posts like of the President, the Speaker of the Lok Sabha and the Leader of the Opposition in Lok Sabha of the parliament were all women. Just think once, if the parents of these ladies had decided to not give them birth, no doubt today's human society would not be at such heights.

The ethical message of the paper is that not only girl child's birth needs to be ensured, but also that her life must be full of happiness, freedom and protection, as instant death is much better than the sluggish jiffy to jiffy death. Customs are man-made and law by positive influence can change the mind set, ultimately resulting change in customs and bringing a new society free from bad entangled customs. Principles of the international conventions should be adopted by the States to bring wide positive change in the situation.

The words of *Vera Nazarian* are looking perfect to be quoted in the end that, “A woman is human. She is not better, wiser, stronger, more intelligent, more creative, or more responsible than a man. Likewise, she is never less. Equality is a given. A woman is human.”

Therefore, everyone should adopt this saying in its mind and activities to make this world free from any gender-biases especially the offence of female feticide and also shall perform its fundamental duty of Article 51A (e) of the Constitution of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women.

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