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Title of Thesis: FEMALE FOETICIDE AND THE PROBLEM OF LEGAL CONTROL IN INDIA, WITH SPECIAL REFERENCE TO NATIONAL CAPITAL TERRITORY OF DELHI.

ABSTRACT

The 2001 census in India revealed clear reduction in Child Sex Ratio (CSR) in 0-6 age group (from 945 in 1991 to 927 in 2001), despite concerted efforts by the Union and State Govts, to prevent the said downward trend, with the help of Pre Natal Diagnostic Technique (PNDT) Act 1994, by implementing the said Act through duly constituted/notified implementing authorities, at all levels, to prevent female foeticide (FF), the sole reason for falling CSR. The purpose to prevent pre-birth elimination of female foetuses, following disclosure of sex of foetus through ultra sound examination of women during early pregnancy, is yet to be achieved. The Act was seriously pursued since 1996 after necessary Rules were framed. Nevertheless, trends in CSR in target states did not show any remarkable improvement until 2011. The CSR (0-6 yrs) in most districts of Delhi continue to record figures < 900 and the South West district, the most prosperous one, recorded CSR of 836 girls to 1000 boys, in 2011 census. The PNDT Act 1994 was amended in Feb 2003 and rechristened as Pre Conception & Pre Natal Diagnostic Technique (PC & PNDT) Act 1994, by including the provision for prohibiting sex determination even at pre-conception stage. The lop-sided situation pertaining to CSR in India prompted the present study, which was taken up in the year 2006 and continued until the end of 2010. The study population consisted of 243 men and women, during their early reproductive age bracket (20-25 yrs) randomly selected from localities in South West district of Delhi. The empirical data revealed rather strong social factors viz. marked son preference (60-90%), educated couples (graduation level and beyond, 71%) , pressure from husbands (76 %) and relatively affluent families (76-86 %) considerably influence pre birth elimination of female foetuses. Close connivance between private doctors readily accepting requests from pregnant women for female foeticide (FF) and clients opting for the same; greatly hinder implementation of PC & PNDT Act. Invariably, the clinics conducting FF do not maintain crucial clinical records, useful for prosecution.. The 2011 census recorded lowest ever CSR in South (859:1000) and South West (836:1000) districts. of NCT of Delhi. The situation reveals equivocal efficacy of the PC & PNDT Act 1994, to curb FF. Based on the empirical data generated out of this study of 4 years, a number of non-legal steps emerge as essential means to achieve the objective of stopping FF in India. The steps suggested inter alia are: setting up a Multi-Ministerial National Advisory Council with representatives from related Ministries, to take stock of the situation periodically and formulating intervention programs for civil society awareness on disastrous demographic consequences of falling CSR and need to adopt gender equity approach, with regard to sex ratio.