



FEMALE INFANTICIDE - A CRIMINAL VIOLATION OF THEIR RIGHTS

Dr. R. M. Dave

Head, Department of Human Rights and International Humanitarian Laws
Saurashtra University, Rajkot, Gujarat

ABSTRACT

Though, rare cases in female infanticides are brought to the notice of court, actually, in villages, killing of girl child after birth and sex selective abortions in cities are on the increase. The girl children become target of attack even before they are born since many centuries. The mis-use of latest medical sciences such as Amniocentesis, Ultra-sonography which were in-fact introduced for occurrence of congenital abnormalities of the fetus. In some cases abortions are carried out well beyond safe period of 12 weeks, and many cases are being reported in the news. The historical and the legal aspects of the female infanticide is being analyzed.

KEYWORDS :

INTRODUCTION

The first Act which the British introduced was 'The Female Infanticide Prevention Act, 1870' owing to the criminal act of killing female child either at just birth in those days. This act was amended in 1897, 'Female Infanticide (Prevention) Act 1897'.

Jonathan Duncan who first discovered infanticide among Rajputs, female infanticide has been known as a caste crime, he stated, "From many centuries, this crime had been practiced in many parts of North India by many tribes. Although it was found to be the practice of Rajput clans, how ever, there are other tribes also practice this crime, including some classes of Mohammadans. When the British took up survey, the content of the parliamentary papers, official correspondence, other writings from British Administrators from as early as 1790 suggest that there was preoccupation with caste and characteristics of different caste groups from the beginning.

This horrifying act in one hand the results of combinations of fascination and exoticism and on the other hand, it is horror and revulsion. This criminal behavior witnessed, that the British had a particular preoccupation with from the very beginning of the colonization of India. From 'Sati' to 'Thuggies' volumes of writings from officers, administrators, academics alike dedicated to the exploration of the strange and perverse act, followed as customs of India. Even, Panigrahi (1972)³ suggested that this nasty practice which arose out of the social institutions and customs of the people and takes place in the domestic environment with heavily protected and secluded

RESULTS AND DISCUSSIONS

Female infanticides was first officially recorded or discovered by the British rule in 1789 by the resident of Benares named Jonathan Duncan. He wrote a letter to the court of Directors, wherein, he reported the female infanticide practice among the Rajkoomars in Jaunpur (Duncan, 1789 as given in Peggs, 1830). Even these murderers commit such a crime that they allow these female infants to stave the new born to death (as quoted by Narain, 1959)⁴. This practice was further explored to be reported in Rajsthan, Punjab, Uttar Pradesh (Viswanath, 2004)⁵.

It was a fact that female infanticides was carried out in the privacy of the women's apartments. The British first recognised the female infanticides as illegal in 1804 by a regulation III. This regulations deemed female infanticides as murder and thus punishable by fine or imprisonment, introduced as Universal.

In 1824 and 1818 the infanticide is almost exclusively discussed in reference to 'Jahrekahs', 'Rajkoomars' 'Jats' and 'Ahirs'. The Magistrate of Jaunpore Mr. W. Cracroft wrote, "it may perhaps not be advancing too much to say, that the practice of infanticide is indirectly a very considerable cause of the insubordinate character and violent disposition of the Rajkoomars"⁶.

In the middle of 19th century it was believed that this kind of sacrifice is confine to Rajputs and their descents from the military race (Peggs, 1830)⁷.

Reason for female infanticide

The female infanticides when two families joins socially, the political

and economical aspects enters due to the social system, matrimonial strategies become integral part of their survival, which shifts their rank, social status and power which were articulated with this practice as one of the few reasons (Kasturi, 2002)⁸.

Brown (1857)⁹ considered these monsters who practice female infanticides feel pride themselves in giving their daughters in marriage only to members of certain tribes on an equality with themselves of their superiors. The great expense which they can ill-bear and are part of their hereditary lands. Hence the birth of a daughter is considered a most serious calamity and unfortunate event.

Though the female infanticides considered as illegal in 1804 by a III, the serious attempt of anti-female infanticides campaign was held between 1850s to 1870s. Hence, the British felt the need for an Act "The Female Infanticide Prevention Act, 1870".

In spite of the above Act of 1870 passed by the Colonial Government to suppress the practice, treating it a murder and punishing the perpetrators of the crime with sentence of death or transportation for life, the crime of murdering their girl children did not stop. With in ten years after the promulgation of the Act around 333 cases of female infanticide were tried and of which 16 mothers were sentenced to death, 133 to transportation for life and others for various terms of rigorous imprisonment in colonial India (Pramod Kumar Srivastava, 2014)¹⁰.

Present Position of Female infanticide in India

Gender selection, though banned through an act "Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act also known as the Prohibition of *Sex Selection Act*", its is still female infanticide remains a problem for many countries today, most notably India (Mittal *et. al.*, 2013; Srivastava, 2014)^{11,12}. The prevalence of the patriarchal norms which led women being construed as burden in different realms of Indian society (Muthulakshmi, 1997; Singh, 2012; Nayak 2014)^{13,14,15}.

Despite these horrific numbers, fetal sex determination and sex selective abortion by unethical medical professionals has today grown into a Rs. 1,000 crore industry (US\$ 244 million). There have been only two convictions and a fine of 300 rupees and another fine of 4,000 rupees from over 400 cases lodged under the Pre-conception and Prenatal Diagnostic Techniques Act. Yet, there is a claim of India loses 3 million girls in infanticide¹⁷.

So, strengthen abortion law, loopholes in the investigations, FIRs, appointing women Judicial officers for trying such cases may ease the female infanticides in India.

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