

THE MISSING GIRLS

Responding to Female Feticide and Infanticide in India

By Gulika Reddy

Gulika is a human rights lawyer and the founder of Schools of Equality, a non-profit that runs activity-based programs in schools to shift social attitudes that perpetuate gender-based violence and other forms of identity-based discrimination. She is currently a Dublin Fellow at HKS and was a Human Rights Fellow at Columbia Law School.

ABSTRACT

Statistics about female feticide highlight a strong bias against the girl child in India: an estimated ten million female fetuses have been aborted in the last two decades.¹ India is also one of the few countries with a skewed infant mortality rate for girls as compared to boys.² This is not a new issue, nor is it one that has escaped the attention of law and policy makers. The government of India has launched national campaigns and schemes to address the “shameful” fact that 2,000 girls are being killed every day, and that there are 70 villages in India where not a single girl has been born in years.³ In 2015, the government of India announced a reward of INR 10 million (US \$150,014) for the most “innovative” village that achieves a more balanced child sex ratio.⁴ This presents an opportunity to work in partnership with district governments until the next census, which will take place in 2021.

This paper describes the nature and extent of the problem, provides a literature review which highlights the causes and complexities of the issue, describes the applicable national legal frameworks that govern this harmful traditional practice as well as government

interventions that have attempted to address it, and sets out a list of interventions that can be implemented as a pilot in one of the worst-affected districts.

INTRODUCTION

Legal frameworks in India guarantee equality for all, irrespective of their sex.⁵ However, according to a 2014 UN report, deeply entrenched preferences for a male child, combined with advances in reproductive technologies, has resulted in a sex ratio that has reached emergency proportions and requires urgent action.⁶ The child sex ratio has been on a steady decline: from 976 girls to 1,000 boys in 1961, to 927 girls in 2001, and to 918 girls in 2011.⁷ The child sex ratio is as low as 534 girls to 1,000 boys in some districts.⁸

In addition to an alarming rate of feticide, female babies are often abandoned, malnourished, or killed at birth.⁹ These acts amount to female infanticide, which includes both active attempts to kill a female infant as well as neglect resulting in the death of an infant.¹⁰ The World Health Organization has reported that boys and men in a given household receive preference in terms of both nutrition

and healthcare, resulting in higher mortality rates for girls.¹¹ Such neglect is widespread, and female infanticide as a practice is so prevalent that the methods by which it is practiced form part of “community lore.”¹²

These practices cut across social, geographic, and economic boundaries in India. An increase in levels of education or living in an urban area does not appear to have advanced the cause of the girl child. On the contrary, the sex ratio in rural India has been consistently better.¹³ In addition, census data in India suggests that states with a higher gross domestic product actually have less balanced sex ratios.¹⁴ There is a shockingly high incidence of female feticide among families with higher economic status and educational qualifications. This is often attributed to the fact that they have easier access to reproductive technologies that assist in sex determination.¹⁵ Countries where female genital mutilation is prevalent have had a similar experience: modernization and an increase in social mobility has made the practice easier to perform, rather than serving as a deterrent.¹⁶ Therefore, it is clear that female feticide and infanticide is a complex, systemic issue that needs to be addressed across the country.

In addition to the gross human rights implications for female fetuses and infants, this issue has additional implications for women. The skewed sex ratio in India has resulted in bride trafficking,¹⁷ forced abduction, kidnapping of girls, and forced polyandry.¹⁸ Further, academics have argued that violence against women in a society is likely to impact other forms of violence in and between societies.¹⁹ In part, this is due to the fact that a skewed sex ratio results in an excess proportion of men. Academics explain that a large percentage of violent crime is committed by these “surplus men” or “bare branches,” terms used for young, unmarried, low social status men who lack social bonds.²⁰ While “surplus men” do not necessarily cause violence, and violence

is prevalent across societies, the presence of “surplus men” can amplify the extent of violence.²¹ According to these academics, the fact that two of the world’s most populous countries, India and China, have skewed sex ratios is likely to have global implications, since high male-to-female sex ratios can threaten domestic and international security.²²

THE COMPLEXITIES OF FRAMING THE ISSUE

The practice of sex-selective feticide raises two concerns for the women’s movement. First, it represents an extreme form of gender-based discrimination, which prevents millions of girls from even being born. Second, it is a form of violence involving the coercion of a pregnant woman to selectively abort a female fetus, which has severe negative impacts on her physical and mental health.²³ This form of gender-based discrimination, and the solutions or legislative measures to address it, have been particularly challenging and have sparked much debate among feminist groups. Some feminists argue that there are cases when women themselves do not want a female child, and should have the choice to abort a girl child whom society will “revile and devalue” in the same way that they were reviled and devalued.²⁴ However, others argue that equating this form of abortion with the right to choice is unwise in the view of the cultural and economic constraints that impair a woman’s real possibility of choice.²⁵ In an attempt to find a balance between these viewpoints, the women’s movement in India has intentionally stayed away from the right to abortion debate, and has asserted that its categorization of sex selection as a form of gender-based discrimination is not a pro-life position.²⁶

A related debate is one concerning agency. Some feminists have questioned whether assuming a woman is coerced into the practice amounts to denying her agency. However,

this view has been challenged by other feminists on the grounds that whether or not sex-selection is coerced or based on consent, it is premised on the perceived inferiority of girls and women, and therefore amounts to both gender-based discrimination and a form of violence against women.²⁷ Further, it is critical to acknowledge that the reality in India is that many pregnant women do not have any decision-making power in this regard, and are forced to defer to the wishes of their husbands and in-laws in matters of family planning.²⁸

The complexities that surround this issue highlight the fact that a deeper understanding of the factors that perpetuate female feticide and infanticide is necessary to effectively prevent and respond to it.

THE CAUSES OF FEMALE FETICIDE AND INFANTICIDE

Amartya Sen has discussed the problems of attributing the issue of “missing women” to one cause. He discusses two “simplistic explanations”: the first is a cultural explanation that makes the claim that the West is less sexist than the East, and the second is an economic development argument that claims that this issue is a result of underdevelopment and is therefore prevalent in poor economies.²⁹ He argues that a combined analysis of both arguments, along with other social factors, is necessary to understand this issue.³⁰ Other scholars agree that there are several factors that contribute to female feticide and infanticide. While these are not uniform, or applicable to the same extent across the country, the most common factors have been broadly classified below:

Economic Factors

Although government schemes have been put in place to assist with girls’ education and access to basic necessities, there are other costs associated with having a girl child

in traditional households. Rigid social customs and religious ceremonies that families are expected to perform for a daughter are expensive and sometimes entail providing a feast and gifts to the entire village.³¹ For poor families, this amounts to expenses that they cannot afford, and failure to do so leads to social disgrace.³² While some of these arguments seem to suggest that this practice is more common among poor, uneducated families, the reality is that even educated mothers are as desirous of having a boy rather than a girl.³³ This often leads to families choosing to kill a girl child, highlighting the problematic belief that a family’s social status is more important than their daughter’s life.³⁴ These customs include high wedding and dowry costs borne by the bride’s parents. Dowry is the term used to describe money, goods, and property that are given by the bride’s family to the groom and his family at the time of their wedding. Although dowry was made illegal as early as 1961, it is still prevalent and continues to be one of the biggest deterrents to having a girl child.³⁵ The magnitude of dowries has been increasing for both poor and rich families.³⁶ In parts of India, there are billboards that read: “invest Rs.500 now [on abortion] and save Rs.50,000 later [in dowry].”³⁷ In addition to expenses associated with having a girl child, there is a common perception that only a boy child will earn an income and look after his aging parents.³⁸ Another deterrent to having a girl child in patrilineal societies is that transmission of both the family name and property passes through men.³⁹

Cultural and Religious Factors

In India, there is a deep-seated preference for a boy child. “May you be the mother of 100 sons” is a prevalent blessing for pregnant women.⁴⁰ Sons are considered instrumental in the performance of religious formalities. There is a Hindu belief that the son needs to light the funeral pyre for the deceased

parent to attain nirvana or “heaven.”⁴¹ It is also believed that a family that has only girls in the family will be reborn as a lower caste in their next life.⁴² Families are therefore incentivized to have at least one boy child. Women who do not have sons are considered failures and may be forced to suffer the “guilt” or burden of having a girl child.⁴³ However, these arguments do not adequately acknowledge the fact that female feticide and infanticide is prevalent across religions in India, and that there is a need to shift widely-held attitudes that perpetuate this form of discrimination.⁴⁴

Legal and Medical Factors

Although there is legislation that criminalizes sex-selective abortion, there have been very few prosecutions. The legislation was introduced in 1994, but as of 2010, there had only been approximately 20 convictions.⁴⁵ Existing challenges to effective implementation include lack of rights awareness, apathetic and inactive law enforcement, inadequate monitoring of facilities that enable sex determination, and the existence of medical practitioners who illegally conduct sex determination.⁴⁶ These practitioners may use code or signs to convey the sex of the fetus to avoid prosecution for sex revelation.⁴⁷

Despite traversing challenging terrain, the women’s movement has been successful in acting as a catalyst to improve the *de jure* position in response to female feticide and infanticide. International frameworks, national legislation, and government schemes that prohibit feticide and infanticide will be discussed in the next section.

EXISTING LAW AND POLICY FRAMEWORKS

International Framework

The International Bill of Human Rights: The Universal Declaration of Human Rights, 1948, lays down the right to life and liberty for all

persons.⁴⁸ The International Covenant on Civil and Political Rights, 1966, prohibits discrimination on the basis of sex and mandates that State Parties must ensure that individuals whose rights are violated have access to an effective remedy.⁴⁹

UN Treaties: The Convention of the Elimination of All Forms of Discrimination against Women, 1979, mandates State Parties to undertake necessary measures to “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”⁵⁰ Further, its General Recommendation No. 19 acknowledges that harmful traditional practices include “preference for male children,”⁵¹ and requires State Parties to look into the nature and extent of attitudes, customs, and practices that perpetuate violence against women, as well as to take steps to overcome those attitudes and practices.⁵²

The Convention on the Rights of the Child, 1989, requires that national governments take measures to diminish child and infant mortality⁵³ and abolish traditional practices that are harmful to the health of children.⁵⁴ With respect to harmful practices, State Parties are required to “take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”⁵⁵

International Policy Instruments: The Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children, 1994, includes female feticide and infanticide as a form of violence against women that has “serious negative implications on the economic and social

development of women and society, and is an expression of the societal gender subordination of women.⁵⁶ The Plan of Action also provides comprehensive recommendations to address the human rights implications of having preferences for sons.⁵⁷

The Vienna Declaration and Programme of Action of the World Conference on Human Rights, 1993, highlights the importance of “eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.”⁵⁸ It also urges all States to take effective measures against female infanticide⁵⁹ and remove customs and practices that discriminate against and cause harm to the girl child.⁶⁰

The Beijing Declaration and the Platform for Action, 1995, provides that violence against women includes female infanticide and prenatal sex selection.⁶¹ It recommends that governments enact and enforce legislation that prohibits female infanticide and prenatal sex selection;⁶² develop and implement plans of action to eliminate violence against women;⁶³ and adopt measures “especially in the field of education, to modify the social and cultural patterns of conduct of men and women, and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women.”⁶⁴

National Framework

Many of the international human rights obligations discussed above are reflected in the national legal framework as well. Article 21 of the Constitution of India guarantees the “Right to Life” to all persons, and Article 51A(e) provides that it is the duty of all citizens to renounce practices derogatory to the status of women. In addition to providing constitutional safeguards, India passed statutory

legislation, the Pre-Conception and Pre-Natal Diagnostic Techniques Act (PC-PNDT), 1994, to regulate the use of prenatal diagnostic techniques⁶⁵ and to prohibit its use for sex determination.⁶⁶ The Act mandates the registration of genetic counseling centers, genetic laboratories, and genetic clinics,⁶⁷ and prohibits any kind of advertisement relating to sex determination by these facilities.⁶⁸ It also prohibits conducting a test for the purpose of sex determination,⁶⁹ and communicating the sex of the fetus to the pregnant woman or her family.⁷⁰ A violation of these provisions is penalized with both imprisonment and a fine.⁷¹ However, this penalty does not apply to a woman who is forced to undergo a pre-natal diagnostic technique by her husband or relative,⁷² which is often the case. Further, as discussed earlier, there have been extremely few convictions under this legislation.

The Indian Penal Code, 1860, does not use the terms feticide or infanticide. However, it includes provisions that criminalize both practices. Section 300 defines and penalizes murder, and Sections 312 to 318 prohibit voluntarily causing a woman to miscarry, committing an act with the intention to prevent a child from being born, causing the child to die after it is born, and abandoning, concealing, or secretly disposing of the body.

National Planning Document: The National Plan of Action for Children, 2005, is a planning document concerning the rights of children. One of the 12 priority areas identified under the National Plan of Action is the abolition of female feticide and infanticide,⁷³ and one of its key objectives is: “To eliminate all forms of discrimination against the girl child which result in harmful and unethical practices, like pre-natal sex selection, female foeticide and infanticide, gender stereotypes, discrimination in care and food allocation, socialization, etc.”⁷⁴

National Campaigns and Government Schemes: In 2015, the government of India launched

the twin programs of “*Beti bachao, beti padhao*” (Save daughters, educate daughters) and “*Sukanya Samridhi account*” (a savings account exclusively meant for the girl child with tax benefits for the family), in an attempt to improve the child sex ratio. Recognizing that social and attitudinal factors contribute to the current sex ratio, the *Beti Bachao, Beti Padhao* campaign aims to create a shift in patriarchal perceptions of the girl child.⁷⁵ Its objectives are the elimination of sex selection, ensuring survival and protection of the girl child, and enabling access to education and equal participation for the girl child.⁷⁶ The *Sukanya Samridhi Yojana* is an account that includes a monetary investment for a girl child, in an attempt to facilitate access to education as well as “carefree marriage expenses.”⁷⁷

In addition to national schemes, there are dozens of state schemes aimed at incentivizing having a girl child.⁷⁸ However, some of these schemes are only applicable to families where the girl child is the only child,⁷⁹ and families who have adopted the two-child norm.⁸⁰ These schemes are being implemented by the Department of Women and Child Development. In its most recent 2014-15 report, there is very limited information on the impact of its schemes, since many of them have been introduced fairly recently.⁸¹ However, interviews with civil society actors reveal that they are not achieving their desired impact. For instance, the government of Andhra Pradesh introduced the *Bangaru Thalli* scheme that is meant to provide financial assistance to all households that commit to looking after and educating their daughters.⁸² The scheme guarantees that money will be periodically given to the mother—at the time of her daughter’s birth, during immunization, and every year that her daughter is enrolled in school and/or college—and that the amount of money increases as the level of the girl’s education increases.⁸³ Although this could be a helpful scheme, it is

currently being used by less than 5 percent of its intended beneficiaries, as people are often unaware that it exists.⁸⁴ Also, it only applies to women who do not have any male children, automatically precluding many from benefiting from the scheme.⁸⁵

A WAY FORWARD

The issues that inform the fate of the girl child in India are complex and deeply entrenched. Therefore, addressing sex-selective feticide and infanticide will require a multi-pronged approach that engages all stakeholders and addresses existing barriers to progress. The government’s announcement of a reward of INR 10 million (USD \$150,014) for the most “innovative” village that achieves a more balanced child sex ratio⁸⁶ presents an opportunity for local and national NGOs to work in partnership with district governments in the worst-affected districts until the next census in 2021.

ADDRESSING SEX-SELECTIVE FETICIDE AND INFANTICIDE WILL REQUIRE A MULTI-PRONGED APPROACH THAT ENGAGES ALL STAKEHOLDERS AND ADDRESSES EXISTING BARRIERS TO PROGRESS.

This section lists a set of activities that can be implemented in a district through such a partnership between civil society and local government. These interventions can then be scaled to other districts based on community feedback and lessons learned. In order to determine where to implement these activities, census data can be used to identify the worst-affected districts, mandals (administrative divisions of land in India that comprise several villages), and villages within those districts.

Prior to implementing the activities, a baseline survey should be conducted, and

all activities should be documented on a Management Information System (MIS) to monitor and evaluate implementation. One of the existing challenges of measuring progress is the absence of robust indicators and monitoring mechanisms. The current indicators in India relating to feticide have been described as “grossly inadequate” since most data is unavailable or unreliable.⁸⁷ Experts working on this issue in India have stated that indicators should be determined based on the data of a specific country, and there should be a strong monitoring system in place that allows for regular collection of data concerning the girl child.⁸⁸

PROPOSED ACTIVITIES

Combined Legal Awareness and Leadership Training

Although laws in India are intended to protect girls and women from discrimination, the current reality does not reflect these measures. This stems from the fact that good legislation alone does not guarantee justice; it has to be combined with a number of fundamental enabling conditions, including extensive rights awareness and socio-legal support to claim these rights.

Conducting village meetings and workshops to increase rights awareness and enhance leadership skills among women enables greater access to, and better implementation of, existing legal frameworks. These programs should be combined because, despite attempts at creating rights awareness, the lack of social support, stigma, and repercussions associated with filing a complaint against one’s husband or relative has served as a barrier to seeking justice. To create a critical mass of leaders necessary for sustaining change, participants should be trained as peer mentors who in turn can train others.

The legal awareness curriculum should focus on the relevant provisions of the

PC-PNDT Act and the Indian Penal Code, and highlight those sections that penalize persons who abet such offences. Since the process of filing a case is commonly perceived as intimidating, the workshops should also equip participants with the knowledge and skills to file a complaint in a police station, and to collect evidence and documentation that is necessary to file a case in court. In addition to discussing the law and legal processes, the workshops should highlight applicable national and state schemes that have been implemented for the benefit of a girl child.

Livelihood Training

As discussed earlier, girls are often viewed as a financial burden and pregnant women do not have a choice about whether to keep the female fetus or infant if they do not have a job. Since economic independence has positively impacted women’s empowerment,⁸⁹ offering livelihood training, with financial literacy modules, will enable women to exercise control over their earnings and the decision about keeping the fetus.

It is worth noting that this particular set of workshops is intentionally targeted only at women, since their barriers to accessing employment are different from what their male counterparts face. Also, while discussing applicable laws and possible leadership roles they can take on within their community, it is important to create spaces where women feel comfortable sharing challenges they face in their homes, which may relate to their husbands and/or in-laws. All the other activities proposed deliberately engage men as allies since they are influential change agents in the household and community, and have the power to positively influence public opinion.

Conducting Workshops to Facilitate Direct Advocacy with International Mechanisms

In addition to accessing domestic remedy

mechanisms, individuals are entitled to remedies under the international frameworks discussed earlier. In order to help them access these frameworks, the civil society organizations can conduct community-level workshops that enable participants to engage in direct advocacy with the UN system and reporting mechanisms of treaty bodies that hold the State accountable to international human rights standards. This can be done by giving them access to the data collected in the MIS and describing the various possibilities for engagement set out below.

The Convention on the Elimination of All Forms of Discrimination against Women has an Optional Protocol that serves as a mechanism for victims to access remedies: a complaints process that can be accessed by individuals as well as women's groups,⁹⁰ and an inquiry process that empowers the Committee to seek information from a State Party and look into complaints relating to systematic violations of the Convention. It also allows for a follow-up process that requires governments to provide progress reports for efforts taken to remedy complaints.⁹¹ However, in order to access these processes, an aggrieved woman would first need to have exhausted all domestic remedies before filing a complaint to the Committee.⁹² Therefore, while this process is beneficial, it is not something women can pursue as an immediate strategy. Accessing the complaints process would only be the stage after attempting domestic litigation, which itself is an extremely time-consuming process. If, however, it has been accessed and the government is due to submit a progress report, local groups can engage in direct advocacy to either contribute to or supplement the content of the report.

In addition, there is the Universal Periodic Review (UPR) process, which is a review of the human rights records of UN Member States. Although this is state-driven, NGOs and other

civil society representatives play a key role in informing the process. They can do this by participating in national consultations conducted by the state, passing on information relating to the existing human rights situation in the country, and monitoring and participating in the implementation of the UPR recommendations.⁹³ In addition, between reviews, these local groups can publicize the recommendations to help create public pressure, monitor implementation, and engage in dialogue with the state.⁹⁴

Conducting Sensitization Workshops for Frontline Professionals

Awareness of rights and legal mechanisms in the absence of an effective justice system is insufficient. There is an urgent need for capacity building of all actors responsible for the implementation of legal frameworks. This would include legal personnel and medical personnel such as Accredited Social Health Activists (ASHA workers), who are community health workers, and radiologists, who are in direct contact with pregnant women and their families.

The Save the Girl Child campaign has proposed capacity building of ASHA workers at the district level, and implementing authorities at the state and national level.⁹⁵ However, this is not the first attempt at sensitization. Previous state governments had introduced similar attempts even after the 2001 census.⁹⁶ Singular training programs have proven inadequate to shift deeply entrenched attitudes of implementing authorities towards women and gender roles. Therefore, discussions at these sensitization workshops must be legitimized through institutional and policy shifts that promote accountability.

Further, capacity-building efforts must include adequate steps to ensure that a sensitive approach is adopted while working towards implementation.⁹⁷ Legal regimes that condition the willingness of the state to

prosecute on the willingness of the victim to press charges will lead to significant underreporting, since this places a heavy burden on women who live in socio-cultural contexts where traditional stereotypes dictate what is expected of them. In cases involving feticide and infanticide, women find themselves in situations where they need to file a case that would result in their husband or relatives being imprisoned, which is an extraordinary burden. Adding to an already difficult situation is the fact that many of these women are financially dependent on their husbands. Therefore, in these contexts, it is especially important that legal personnel handle the case with the sensitivity that it requires, failing which there is unlikely to be an increase in reporting.

The impact of this activity and changes in the professionals' behavior will be tracked based on records maintained in clinics and police stations, the number of cases reported, and the efficiency and sensitivity with which cases are handled. This data will be collected on the MIS by interviewing trained professionals and women who have filed complaints.

Setting Up a Specialized Helpline

The existing structures for legal aid fail to adequately address the fact that women have a mixed experience while accessing the legal system. Distinct models of legal aid must be created to cater to the differing needs of women living in poverty and/or in rural areas. This can be done by connecting women to legal and other support groups by employing mobile-based technology. According to 2011 census data, 63.2 percent of households in India use either mobile, land line phones, or both.⁹⁸ The rise of mobile telephones in the developing world is a revolution that is most believable, because in essence, it pays for itself.⁹⁹ Given this landscape, it would be strategic to take advantage of the growing use of mobile phones. Similar to the child helpline,

the government of India can build a women's gender-based violence helpline, which will serve as a crisis response system that provides professional assistance through an Interactive Voice Response (IVR) and SMS platform, which will help facilitate faster legal, medical, social, and psychological support for women being coerced into this harmful practice. This platform would enable real-time community reporting, and would connect women directly with professionals who have attended the sensitization workshops.

Preventive Measures

Since gender socialization begins early and is reinforced through social institutions, media, and popular culture,¹⁰⁰ the government should mainstream gender sensitization in schools to reach young people, and shift attitudes and power imbalances that perpetuate gender-based discrimination.

These programs in schools should encourage students to reflect and examine their own attitudes and unconscious biases, question notions of power and privilege related to gender and its intersectionalities with class, caste, religion and sexuality, and foster a sense of equality by encouraging students to value themselves and respect each other's rights. The programs should create a space for youth to bring forward plans for change and strive to make them active leaders by equipping them with the skills to participate in their democracy, organize public events and campaigns, and take any mode of action they choose to build communities of respect. Students can be partnered with artists and NGOs working on these issues to organize events targeted at their parents, teachers and panchayat, religious, and other community leaders. The events can include performances, art installations, and other non-threatening creative mediums aimed at shifting public opinion about gender roles. Having adults as well as local and religious leaders examine and shift

their implicit biases will not only lead to personal transformation, but also contribute to them positively influencing others in the community, especially young adults seeking guidance in matters relating to family planning. Engaging with religious leaders will be helpful in overcoming the perceived religious proscription to have a son.

Both the school-based program and public events should reach all students and adults regardless of their gender and politics, rather than a self-selecting group of girls or women who are already passionate about these issues. Through dialogue among diverse populations, including individuals who have not previously been confronted with these issues, there will be deepened understanding of the stereotypes and challenges faced by the different sexes and identity groups, and an increase in the level of mutual respect and empathy within the classroom and in the larger community.

Media is also an important tool in influencing social attitudes. As a part of India's Save the Girl Child action plan, engagement with radio, print, and electronic media have been proposed to foster a positive self-image among women.¹⁰¹ In addition, it is suggested that traditional forms of communication be used in areas where there is limited media penetration.¹⁰² There should also be partnerships with television and film production houses to create media that shift perceptions about gender roles and elevate the perceived value of the girl child.

Litigation and Advocacy

The data collected through all of these interventions, including on the IVR platform and the MIS system, could be used to identify crime trends in areas within each mandal. This would then be used by to engage in direct advocacy with the local government and the PC-PNDT district committee, which is the authority responsible for monitoring the

effective implementation of the PC-PNDT Act, to push for more stringent implementation. It would also be used to engage in advocacy with the national government to meet its international human rights obligations.

The data collected throughout the project period would help understand which provisions of the Act or which human rights obligations require the most careful attention, and if there are gaps in the existing legislation or government schemes that need to be filled. For instance, while UN treaties and international policy instruments highlight the importance of the role of education in providing protection to children, and in modifying existing social and cultural patterns,¹⁰³ the role of education has not been adequately dealt with under the national legal framework. Existing domestic legislation can be expanded to allow for greater engagement with educational institutions, and cultural and religious leaders who perform an educational role in society. In addition, there should be a push to remove fine print from government schemes that currently exclude a large section of girls from receiving monetary benefits.

Data collected through these strategies are also likely to point towards specific steps the government should take to ensure more effective implementation, and can be used to file public interest litigation seeking those specific steps. Such a case may be pending in court for years, and past records suggest that even a victory may not necessarily guarantee greater enforcement. However, what litigation will achieve is the opportunity to create a media campaign aimed at increasing public awareness and informing public opinion about the issue of female infanticide and feticide. This has proved useful with other cases. A recent example in India is the *Naz Foundation* case, which seeks to decriminalize sexual activity between members of the same sex. The case has been ongoing for over 15

years and is still pending before the Supreme Court, but has achieved a significant increase in public debate and discussion surrounding the challenges faced by the LGBT community. This approach is particularly beneficial for cases dealing with systemic issues that will only be addressed with a large-scale socio-cultural shift.

In addition to litigation or advocacy seeking more comprehensive laws and policies, and more stringent litigation, advocacy efforts must push for more targeted efforts to shift current conceptions of gender roles. For any legislation or government scheme to succeed, governments need to define their goals with the conscious and deliberate intent to tackle the deep-seated factors that contribute to the low value of a girl child.¹⁰⁴

CONCLUSION

Female feticide and infanticide are among the worst forms of gender-based discrimination. They are not new issues, nor have they escaped the attention of law and policy makers. The Indian government's commitment to addressing the issue of female feticide and infanticide is apparent from the large budgetary allocations towards the government schemes discussed in this paper.¹⁰⁵ Yet the problem persists across the country, with no reduction in incidence. Only an approach that is designed with a clear understanding of this systemic problem, the factors that have contributed to it, and the societal and institutional roadblocks that contribute to its perpetuation will help address this issue. This paper attempts such an approach, and explores community organizing and local capacity building as a means to enable continued innovation among local groups, which will result in the development of other effective location-specific interventions.

- sociology.org/female-infanticide-killing-the-little-girls-of-the-world/.
- 40 Sharma, "Female Infanticide—Killing the Little Girls of the World."
- 41 Nisha Kashwaha and Arun Sharma, "Factors Responsible for Female Foeticide," November 2014, <http://www.isca.in/LAN-GUAGE/Archive/v1/17/1.ISCA-RJLLH-2014-025.pdf>.
- 42 Bhandari and Mishra, "Female Feticide," 48.
- 43 Bhandari and Mishra, "Female Feticide," 48.
- 44 Anirudha Dutta, "Gender Imbalance and Religion: The Ugly Truth," *Forbes India Blog*, 8 May 2015, <http://www.forbesindia.com/blog/beyond-the-numbers/gender-imbalance-and-religion-the-ugly-truth/>.
- 45 Public Health Foundation of India et al., "Implementation of the PCPNDT Act in India: Perspectives and Challenges," 10-11, accessed 22 February 2018, https://www.wbhealth.gov.in/uploaded_files/PNDT/IMPLEMENTATION%20OF%20THE%20PCPNDT%20ACT%20IN%20INDIA.pdf.
- 46 Public Health Foundation of India et al., "Implementation of the PCPNDT Act in India: Perspectives and Challenges," 30.
- 47 "How Mumbai Will Track Sex Determination Offenders," NDTV, 4 May 2011, <https://www.ndtv.com/mumbai-news/how-mumbai-will-track-sex-determination-offenders-454750>.
- 48 UN General Assembly, *Universal Declaration of Human Rights*, 1948, 217 (III) A.
- 49 UN General Assembly, *International Covenant on Civil and Political Rights*, 1966, Art. 2.
- 50 UN General Assembly, *Convention of the Elimination of All Forms of Discrimination against Women*, 1979, Art. 5(a).
- 51 Committee on the Convention of the Elimination of All Forms of Discrimination against Women, General Recommendation No. 19, para 20.
- 52 Committee on the Convention of the Elimination of All Forms of Discrimination against Women, General Recommendation No. 19, para 24.
- 53 UN General Assembly, *Convention on the Rights of the Child*, 1989, Art. 24(2)(a).
- 54 UN General Assembly, *Convention on the Rights of the Child*, 1989, Art. 24(3).
- 55 UN General Assembly, *Convention on the Rights of the Child*, 1989, Art. 19(1).
- 56 UN Economic and Social Council, *Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children*, 1994, para. 43.
- 57 UN Economic and Social Council, *Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children*, 1994, paras. 14-29.
- 58 UN General Assembly, *Vienna Declaration and Programme of Action of the World Conference on Human Rights*, 1993, para. 38.
- 59 UN General Assembly, *Vienna Declaration and Programme of Action of the World Conference on Human Rights*, 1993, para. 48.
- 60 UN General Assembly, *Vienna Declaration and Programme of Action of the World Conference on Human Rights*, 1993, para. 49.
- 61 United Nations, *Beijing Declaration and Platform for Action*, Fourth World Conference on Women, 1995, para. 115.
- 62 United Nations, *Beijing Declaration and Platform for Action*, Fourth World Conference on Women, 1995, para. 124(i).
- 63 United Nations, *Beijing Declaration and Platform for Action*, Fourth World Conference on Women, 1995, para. 124(j).
- 64 United Nations, *Beijing Declaration and Platform for Action*, Fourth World Conference on Women, 1995, para. 124(k).
- 65 Nanda, "Gender Violence and Legal Frameworks in India: The Story of Sex Selection," 276.
- 66 Anita Bhaktwani, "The PC-PNDT Act in a Nutshell," *The Indian Journal of Radiology & Imaging* 22, no. 2 (2012): 133-34.
- 67 Government of India, *Pre-Conception and Pre-Natal Diagnostic Techniques Act*, 1994, Section 18(1).
- 68 Government of India, *Pre-Conception and Pre-Natal Diagnostic Techniques Act*, 1994, Section 22(1)&(2).
- 69 Government of India, *Pre-Conception and Pre-Natal Diagnostic Techniques Act*, 1994, Section 6.
- 70 Government of India, *Pre-Conception and Pre-Natal Diagnostic Techniques Act*, 1994, Section 5(2).
- 71 Government of India, *Pre-Conception and Pre-Natal Diagnostic Techniques Act*, 1994, Sections 22(3).
- 72 Government of India, *Pre-Conception and Pre-Natal Diagnostic Techniques Act*, 1994, Section 24.
- 73 Government of India, Department of Women and Child Development, "National Plan of Action for Children 2005," 3, <http://www.childlineindia.org.in/pdf/NationalPlanAction-2005.pdf>.
- 74 Government of India, Department of Women and Child Development, "National Plan of Action for Children 2005," 17.
- 75 Mahal, "An Evaluation of Prime Minister Modi's 'Beti Bachao Beti Padhao' Initiative."
- 76 Government of India, Ministry of Women and Child Development, "Beti Bachao Beti Padhao Scheme," accessed 22 February 2018, <http://www.wcd.nic.in/schemes/beti-bachao-beti-padhao-scheme>.
- 77 "Sukanya Samridhhi Account Yojana," accessed 22 February 2018, <http://www.sukanyasamridhhiaccountyojana.in/>.
- 78 "Compendium on State Level Incentive Schemes for Care, Protection and Education of the Girl Child in India."
- 79 "Compendium on State Level Incentive Schemes for Care, Protection and Education of the Girl Child in India," 99.
- 80 "Compendium on State Level Incentive Schemes for Care, Protection and Education of the Girl Child in India," 95.
- 81 "Compendium on State Level Incentive Schemes for Care, Protection and Education of the Girl Child in India," 5.
- 82 Anonymous, in discussion with the author (22 April 2016).
- 83 Anonymous, in discussion with the author (22 April 2016).
- 84 Anonymous, in discussion with the author (22 April 2016).
- 85 Anonymous, in discussion with the author (22 April 2016).
- 86 Dhawan, "PM Modi Launches 'Beti Bachao, Beti Padhao' Campaign."
- 87 Christoph Schuupp, "Online Discussion on Elimination of All Forms of Discrimination and Violence against the Girl Child," UN Department of Economic and Social Affairs, Division for the Advancement of Women, 2006, http://www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/Backgroundpaper/Online%20discussion%20report_Final.pdf.
- 88 Schuupp, "Online Discussion on Elimination of All Forms of Discrimination and Violence against the Girl Child."

89 Amartya Sen, "The Lost Girls."

90 UN General Assembly, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, 1999, Art. 2.

91 UN General Assembly, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, Art. 9.

92 Susan Bazilli, "Confronting Violence Against Women," The International Women's Rights Project, York University Centre for Feminist Research, October 2000, http://www.iwrp.org/pdf/womens_hrguide.pdf.

93 UN Human Rights Council, Universal Period Review, "Role of CSOs—How to Participate," accessed 22 February 2018, <https://www.upr-info.org/en/how-to/role-ngos>.

94 UN Human Rights Council, Universal Period Review, "Role of CSOs—How to Participate."

95 Government of India, Ministry of Health and Family Welfare, "Save the Girl Child Action Plan," accessed 22 February 2018, <http://pndt.gov.in/index1.asp?linkid=12>.

96 Gurinder Gulati, "Gujarat Launches Save the Girl Child Campaign to Arrest Declining Sex Ratio," UNICEF, accessed 22 February 2018, <http://unicef.in/PressReleases/228/Gujarat-launches-Save-the-Girl-Child-Campaign-to-arrestdeclining-sex-ratio>.

97 "Compilation and Analysis of Case Law on Pre-Conception and Pre-Natal Diagnostics Techniques (Prohibition of Sex Selection) Act, 1994," Maharashtra Judicial Academy and UNFPA India, 2013, <http://india.unfpa.org/publications/compilation-and-analysis-case-law-pre-conception-and-pre-natal-diagnostics-techniques>.

98 Rabin Biswas, "State Wise Mobile Phone Users in India Census 2011," *UpdateOX* (blog), 25 April 2012, <https://updateox.com/india/state-wise-mobile-phone-users-in-india-census-2011/>.

99 Ethan Zuckerman, "Decentralizing the Mobile Phone: A Second ICT4D Revolution?," *Information Technologies & International Development* 6, no. SE (18 November 2010): 99-103.

100 Ngigi S. Kangethe et al., "The Gender Socialization Question in Education: Influence on Boys' and Girls' Academic Achievement," *European Scientific Journal, ESJ* 10, no. 19 (30 July 2014), <http://www.eujournal.org/index.php/esj/article/view/3802>.

101 Government of India, Ministry of Health and Family Welfare, "Save the Girl Child Action Plan."

102 Government of India, Ministry of Health and Family Welfare, "Save the Girl Child Action Plan."

103 United Nations, *Beijing Declaration and Platform for Action*, Fourth World Conference on Women, 1995, para 124(k).

104 Mahal, "An Evaluation of Prime Minister Modi's 'Beti Bachao Beti Padhao' Initiative."

105 "Gender-Biased Sex Selection an Extreme Form and Manifestation of Gender Discrimination and Inequality against Women, Say UN Women and UNFPA," *UN India* (blog), 22 July 2014, <http://in.one.un.org/page/gender-biased-sex-selection-an-extreme-form-and-manifestation-of-gender-discrimination-and-inequality-against-women-say-un-women-and-unfpa/2018>, <http://in.one.un.org/page/gender-biased-sex-selection-an-extreme-form-and-manifestation-of-gender-discrimination-and-inequality-against-women-say-un-women-and-unfpa/>,"plainCitation": "Gender-Biased Sex Selection an Extreme Form and Manifestation of Gender Discrimination and Inequality against Women, Say UN Women and UNFPA," UN India (blog)