



ANALYSIS OF 25 YEARS OF PC PNDT ACT AND FEMALE SEX RATIO

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ABSTRACT

Our country's first legal provision to equalise gender sex ratio is the PC PNDT Act. The introduction of sex determination procedures necessitated the passage of such legislation. The practise of sex determination was curtailed by parliament in 1983 due to the harmful and terrible impacts of illegal sex determination methods. Following that, in 1994, the Pre-Natal Diagnostic Techniques Act was passed. The Child Sex Ratio and the Indian Census are considered to be indicators of the Act's efficacy. Now that the Act has been in effect for 25 years, it is time to examine and reconsider aims and methods for reaching intended outcomes. This research study examines the perspectives of doctors, patients, and society, as well as court judgements and administrative attitudes. In this context, the study may examine the reasons that contribute to our country's diminishing sex ratio, as well as the efficiency of the PCPNDT ACT in combating it.

KEYWORDS: Gender Equality, PC PNDT Act, Sex Ratio, Census, Female Feticide, Female Infanticide.

INTRODUCTION:

“यत्र नार्यस्तु पूजयन्ते, रमन्ते तत्र देवताः” the meaning of this Sanskrit sloka is, where women are respected, there angels will reside. Since our Vedic Age (1500-1000 BC), women enjoyed great respect and freedom in the society. In they were called “Sakthi” a feminine term means “power” and “strength”.¹

Our social and cultural practises evolved as time passed. People pursued wishful inheritance of a male kid because to the perception of women as a “weaker sex” and the belief in “son idolization.” Part of this is reflected in the diminishing gender ratio.

The reduction in the population sex ratio or the juvenile sex ratio is owing to a high death rate of females in the paediatric and neonatal age groups for a variety of reasons, not simply sex specific abortion of the female foetus. Given the gravity of the problem, the Indian parliament outlawed the practise of sex determination in 1983. In 1994, the PC PNDT Act became law.

In our country, there was a varied distribution of sex ratios. For that, strict implementations are required. As a result, numerous administrative and judicial disciplinary measures have been taken. However, statistics reveal a reality that differs from our expectations. We still don't know what we want to achieve or what we're missing.

AIMS AND OBJECTIVES OF THIS STUDY:

The reduction in our population's gender ratio throughout the last century is concerning and should be discussed on a variety of forums. Illegal abortion of a female foetus after using illegal measures to determine the gender is a source of worry. ‘Law’ is a dynamic idea in and of itself. The purpose of this research is to assess the PC PNDT Act using the proposed indicators.

METHODOLOGY:

Census of India, press stories on female feticide and illegal prenatal sex selection procedures, online publications and resources on medico-legal topics, including the PC PNDT Acts.

DISCUSSION:

“In the human species, the male-to-female ratio at birth is somewhat skewed toward the male gender. The “sex ratio at birth” is commonly thought to be around 105. This suggests that there are 105 men for every 100 females at birth.”²

“Nature ensures that the number of males born is slightly higher than the number of females born because men face a higher risk of death than women as they grow older.” Men have greater death rates than women due to differences in natural deaths and the increased danger of road traffic accidents, physical violence, and wartime casualties. As a result, the sex ratio should be equal. However, if this sex ratio does not reach balance or exceeds 105, the dominant male population will intervene in natural ways to reduce the birth of a girl child by murdering her while she is still in the womb or shortly after she is born.”³

Nobody can be proud of their civilisation if half of the population is discriminated against because of their gender. In India, a persistent and insatiable desire to perpetuate a family's heritage through a male kid has resulted in a significant

drop in the sex ratio. The dwindling sex ratio is just the tip of the iceberg. It could have disastrous consequences for society and humanity as a whole.

The continual decrease in the sex ratio can be attributed to a variety of factors. Medical developments and infrastructure are occasionally abused to determine the sex of an unborn child before birth, resulting in an illegal pregnancy termination.

When it comes to societal decision-making, women have always been pushed to the outside, and they rarely have a say in major decisions. When it comes to unequal sex ratios, patriarchal attitude always reigns supreme. Sex determining facilities allow women to choose whether to continue their pregnancy with a male or female child. Our parliament outlawed sex determination before birth in 1983. However, in 1994, the PC PNDT Act was enacted.

Different platforms were used to enforce law and order. However, various technical and practical anomalies, as well as a lack of motivation, have resulted in unsatisfactory results. These reasons could include a lack of public knowledge, procedural pitfalls in conducting such checks, poorly trained employees, inaccurate inspection data, and apathy on the part of the advisory committee. The Act is written in such a way that it should serve as a disincentive to individuals who engage in sex determination. Due to the regrettable reduction in the male-female sex ratio, strict measures have been implemented, including registration suspension, criminal case filing, and machine sealing. In addition, criminal prosecution will result in the suspension or cancellation of the State Medical Council's registration.

There is little doubt that the Act has some flaws, but that is no excuse for non-compliance with or violation of any of its provisions. “In India, prejudice against women has cultural, economic, and religious origins. Sons are expected to work in the fields, earn more money, and care for their parents as they age.”⁴

The girl child is subjected to discrimination with all respects – Education, marriage, employment etc. Sex determination continues to be practiced robustly and rampantly.

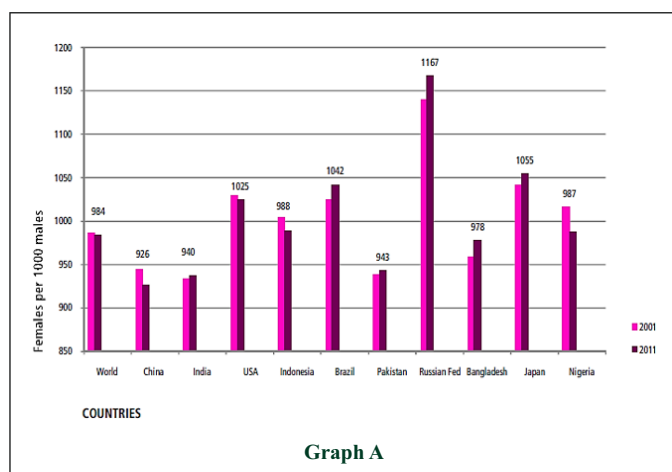
Preference for a male child is due to:

- (i) “Males have more earning capabilities”.⁵
- (ii) “They further the familial inheritance”.^{6,7}
- (iii) “Girls are seen as financial liabilities due to dowry system. They have to take the responsibilities of ‘in laws’ and not own biological parents who are aging”.⁸
- (iv) “Preference for a male child is catered via prenatal sex identification and by act of commission and commission of abandonment of a female child after her birth.”⁹
- (v) “In the middle years of 1980s, availability of tools to detect sex of a child before birth contributed to imbalance sex ratio in some Asian countries”.¹⁰ But this is also due to small family norm and technological facility for sex selection which created altered sex ratio”.^{11,12}

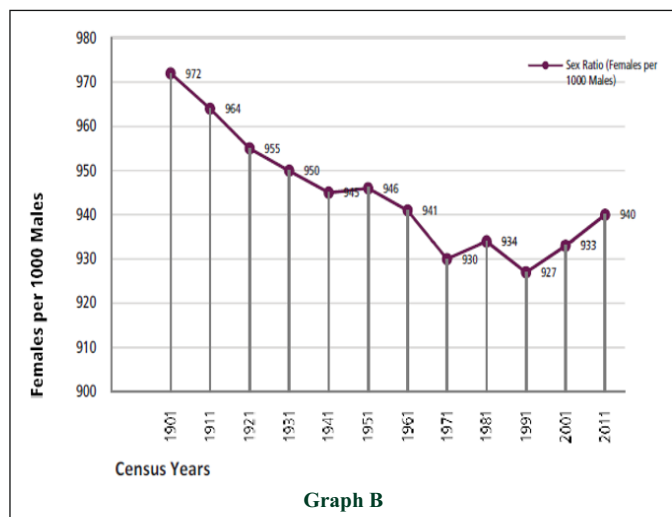
- (vi) "When it was a norm for a large family and to use contraceptive measures were either inaccessible or unwarranted, couples kept on reproduction till their desire for a certain number of male and female children are born disregarding the sex of a child at birth."¹²
- (vii) "To abandon the newborn who is female and a willful neglect to care a female child after birth is still being practiced in society. This is particularly seen in poor and underprivileged communities where they cannot afford many children but to survive only a male child"⁶. "In a condition of a liberal thinking family and contraceptive measures are accepted, they generally plan in such a way that they control the size of their family at the same time it also fulfill their wish for a certain number of a male child birth also."¹² On the contrary, when the fertility rate is lower, the unwanted birth of a female child ought to be prevented or averted to limit their wishful family size.

"Asian countries, India and China, have reported about 80 million lost females as a result of such practices." A large number of "extra" boys have now reached adulthood and are looking for a suitable match for future marriages, many of whom come from poorer socioeconomic backgrounds. The frustration of not being able to find a compatible mate might result in social tensions and violence. To combat this threat, tougher enforcement of the legislation is required, as well as assurance of female equality in all aspects, and a massive public awareness campaign is urgently needed at this time."¹³

Now we observe and analyze the situation statistically:



Graph A shows the change in sex ratios among nations from 2001 to 2011. India has made some progress. Even when legal provisions exist to identify and tell the sex of an unborn child, some countries have a favourable female to male sex ratio.



The female sex ratio was 972 in 1901 and 945 at the time of our independence, as shown in graph B, which is nearly the same in the census 2011.

The emergence of commercial ultrasound devices may have contributed to the reduction in the 1970s. Ultrasound technology can tell the sex of an unborn child, allowing selective-female feticide to be pursued. There were no legal provisions in place at the time to prohibit it. Many female foetuses were not allowed to be born in our society at the time.

Table A

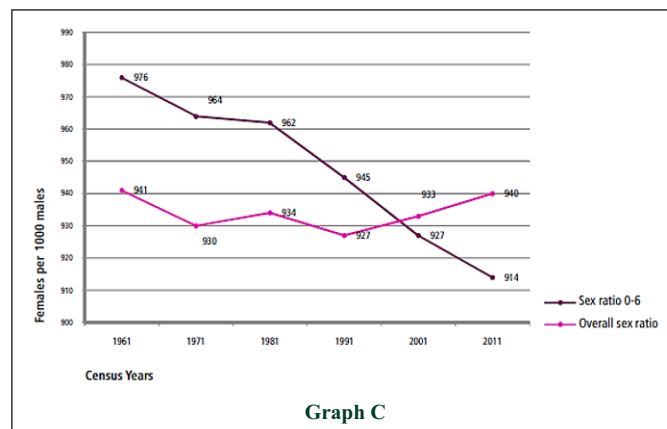
Sl. No	Country	2001	2011
1	2	2	3
1	World	986	984
2	China	944	926
3	India	933	940
4	U.S.A.	1,029	1,025
5	Indonesia	1,004	988
6	Brazil	1,025	1,042
7	Pakistan	938	943
8	Russian Fed.	1,140	1,167
9	Bangladesh	958	978
10	Japan	1,041	1,055
	Nigeria	1,016	987

Source

1. 2001-World Population Prospects (mid year estimates) 1998
2. 2011-World Population Prospects 2008 revision UN.

Rates have been worked out for India based on the provisional Census 2011 and those of Indonesia and Brazil on 2010 round of Census

As may be seen in table A, the international average female to male sex ratio in 2011 was 984. We were well below the global average, and even behind Pakistan. China's single child policy' was causing problems. As a result of prenatal sex determination procedures, people may have chosen a male child.



The graph C depicts a comparison of the overall sex ratio with the child sex ratio over time in years.

When we compare the general sex ratios of 1961 and 2011, it is clear that we are nearly equal. The PC PNDT Act has aided in the improvement of the ratio over the previous decade.

The concerning situation is known as the Child Female to Male Sex Ratio. As can be seen, it has been steadily declining for the past 50 years. It is not responsive to the PC PNDT Act's enactment and enforcement.

In comparison to the efforts made by many government and non-government entities, changes in the Female Sex Ratio can be considered as an unsatisfactory reaction. Manufacturers of sonography machines and sonologists are subject to stricter regulations as a result of the Act. Doctors who have broken the rules have faced severe consequences.

Critical issues:

- Harsh legal actions against doctors for clerical mistakes have a negative effect on medical fraternity.
- Co-operation and confidence in society is still inadequate.
- Equivalent Legal actions are not being taken against family members of the patient enforcing such practice.
- Inadequate focus is given on potential geographic areas.
- We need a better indicator than Census.
- Female feticide Vs Female infanticide

CONCLUSION:

We need to restructure legislatures, such as the PC PNDT ACT, to make them more applicable and to create new initiatives to meet our gender equality goals. Gender equality is a national integration issue in which all states must engage equally. A key to success is lowering the barriers to implementation of this Act and increasing overall acceptance. Our society's composition must be homoge-

neous, which can only be achieved via recognition of realities and improved adherence to norms. The findings of the research are predicted to have an impact on not only administration, legal practitioners, and the judiciary, but also practising doctors, patients, and society at large.

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