International Journal of Applied Social Science ***REVIEW ARTICLE***
Volume 4 (7&8), July & August (2017) : 255-260 ISSN : 2394-1405 (Print)
Received : 29.06.2017; Revised : 15.07.2017; Accepted : 23.07.2017

Gender system and sex selective abortion in India

RAJESH KUMAR
Ph.D. Researcher
Centre for the Study of Law and Governance,
Jawaharlal Nehru University, New Delhi (India)

ABSTRACT

Even in the post-Independence constitutional order, female sex is still looked down upon in India's society. I deal with the issue of inferiorization and imposed worthlessness of female sex in this article in the particular context of sex selective abortion, where femicide and elimination of female sex is committed and done in expectation and pursuit of male progeny.This unfortunate situation is rooted in gender system.

Key Words : Gender system, Sex selective Abortion, female sex, Patriarchy

INTRODUCTION

Gendering denotes "division of people into two differentiated groups" (Davis *et al.,* 2006: 2). It has created the "greatest human division" (Davis *et al.,* 2006: 1), particularly between male and female sexes across social order throughout the world. The nature of this division is hierarchical and patriarchal where men, who hold superior and privileged social position, dominate women within this gender system (Millett, 2000: 25; Stoltenberg 2004: 41-43). By illustrating the extent of the gravity of sex selective abortion in India, I seek to point out in the article that sex selective abortion is one of the darkest realities of gender system coupled with patriarchy. In fact, encapsulating the gravity of the practice, Powledge stated, "I do not want to rest my argument there. I want to argue that we should not choose the sexes of our children because to do so is one of the most stupendously sexist acts in which it is possible to engage. It is the original sexist sin" (Powledge, 1981: 196). In my own opinion, it is a practice that is an astounding signifier of male dominance and worthlessness of female within the India's social system, which is deeply rooted in gender system.

Sex selective abortion: The "Original Sexist Sin" :

Sex selective abortion became visible as demographic data emerged to indicate the disappearance of women as a "population" encoded as the figures on sex-ratio. According to Leela Vasaria**,** the deficit of women was recorded in India's population ever since the first decennial census that was carried out in 1872. This sex ratio imbalance, since then, has

How to cite this Article: Kumar, Rajesh (2017). Gender system and sex selective abortion in India. *Internat. J. Appl. Soc. Sci.,* **4** (7 & 8) : 255-260.

progressively been worsening (Vasaria, 2007: 61; Raman, 2009: 80). The enumeration of 1901 established the figure of 972 women per 1000 men, which was found to have deteriorated to 933 after the census of 2001 (Vasaria, 2007: 61). Thus, the declining female sex ratio in the population is a historical legacy, rooted strongly in the preference for a son (Patel, 2007: 288).

Barbara Miller (1981) pointed out that there was a correlative connection between the 19th century practice of killing infants with the female sex and the systematic neglect and discrimination that followed against them in the 20th century (Miller cited in Bhatnagar, 2005: 130). This practice was geographically noticeable among the higher caste population in North-West India during the 19th century, which is still under the grip of this sinister practice disrupting the male-female ratio in the country (Miller cited in Bhatnagar, 2005: 130). In the region, the practice to eliminate female infants was in prevalence among high status Rajputs, Jats and low-caste Khatris, though the *Prohibition of Female Infanticide Act*, 1872 was enacted by the British Raj to ban this pernicious and misogynistic practice (Raman, 2009: 62). Thus, it is pointed out that the male-female ratio we confront today is located in colonial discourse, where it was asserted even by the British reformers that elimination of the female infant was an "indigenous mode of population control" (Bhatnagar *et al.,* 2005: 129).

In post-colonial India, however, Bumgarner argues that sex selective abortions have created a national crisis in India in the context of gender imbalance (Bumgarner, 2007: 1295-1296), as the average male-female ratios in India is one of the lowest throughout the world (Dreze *et al.,* 2004: 339). Prior to the advent, or until 1970, of prenatal and later on of pre-conception technology, this sex ratio imbalance was mainly ascribed to the high female mortality rate caused by the maltreatment and neglect of girls and female infanticide (Hu *et al.,* 2012: 350).

The status of women and the question of sex selective abortion :

In 1975, the Committee on the Status of Women in India (CSWI) released a report 'Towards Equality' spelling out the causes of oppression and devaluation of women across the country. This report expressed concern over the sliding female sex ratio in the population. Among other things, the report also noted that a low status of women was caused by male dominated social and cultural practices and traditions that eventually make women economic liabilities. Even though state laws have been enacted, customary law and family law continues to entrench sexism. For example, it found that much of the devaluation of women is done by the Hindu law that perpetuated discrimination against them by not allowing them to have a share in the property owing to the dowry system and by making them leave their parental home at the time of marriage. Similarly, personal law codes of Muslims, Christians, Parsis and Jewish communities, particularly those related to inheritance, were also held to be discriminatory (Everett, 1998: 316).

Alongside this question of how patriarchal norms structures kinship and marriage, was the rise of technologies that aided son preference. As the prenatal sex determination technologies, particularly amniocentesis and ultrasound ones, hit the Indian shores in late 1970s and 1980s, the requirement was felt for a law that could effectively outlaw sex selective

abortion and could arrest progressively worsening gender imbalance. The spread of the said technologies with the onset of economic liberalization became considerably wide, encompassing rural areas in its sweep (Hu, 2012: 350-351). Now elimination of female sex is located in the state-of-the-art reproductive technology, which has taken the recourse of eliminating the female sex even at the pre-conception level itself. A huge explosion of clinics where sex determination takes place has happened across the country. Similarly, doctors who carry out abortions after determination can be found with ease (Bumgarner, 2007: 1289).

For instance, Radhika Devi in Khichripur in Delhi who already had two daughters was nervous and anxious while walking through a congested alleyway. She was going to an ultrasound facility accompanied by a healthcare worker. She was desperate to know the sex of the baby she had been carrying for the five months. "It's better if it's a boy," Devi said, her hands shaking nervously. "If it's a girl, we will get it aborted" (Katz, 2006)[1] . That is how, as Lancet magazine claims, five lakh female foetuses are aborted in India every year (Bumgarner, 2007: 1289).

What is it that explains this phenomenon - where at such large-scale female foetuses are done away with. V Bhaskar states that this phenomenon is noticeable in many parts of the world, more particularly in South and East Asia that parents hold a gender biased attitude of nursing a preference and desire for sons (Bhaskar, 2011: 214). Vasaria points out that this phenomenon is generally attributed to the social structure of India. It is understood that society in India is structurally patrilineal where a 'strong son preference ' is patently observable, commending and bestowing higher status upon men across the society (Vasaria, 2007: 61 cited in Patel, 2007).

It could be understood from the fact that particularly in North India, it is routine to mark the birth of a son with profuse celebrations and that of a daughter with a litany of imprecations and damnations. Even eunuchs who live their life by extractively collecting money on joyous occasions lay claim for a larger sum of cash or money if the issue is male. In contrast, in the context of girls, positive and wishful acts that could induce the 'rapid death' of girls are done.

For example, Vibhuti Patel has pointed out that "India has had a tradition of killing female babies (custom of *dudhapiti)* by putting opium on the mother's nipple and feeding the baby, by suffocating her in a rug, by placing the afterbirth over the infant's face, or by simply ill-treating daughters" (Patel, 2007: 288). In Dharmapuri district of Tamil Nadu, for example, girls in childhood are administered uncooked rice so as to accelerate their death. In Punjab, there is a caste which is known as 'Kudi-maar' (girl killer). This '*intrinsic son preference'* causes a male-biased sex ratio (Bhaskar, 2011: 214). Though Bumgarner acknowledges deeply entrenched patriarchal social order - the order that prefers boys to girls - as one of the factors that contribute to female foeticide, she does not limit it to only to the patriarchal social order. Her argument is that when the patriarchal social order is common all over the world, why is this malicious and sexist practice still prevalent in India? As part of her explanation, she anchors the reason in India's dowry system that makes girls less welcome

1. Katz 2006 accessed on: http://www.washingtonpost.com/wp-dyn/content/article/2006/05/19/AR2006051901219.html), accessed on 1 June 2017

in Indian families (Bumgarner, 2007: 1295-1296). As a matter of fact, though the dowry system stands outlawed in the country, at the occasion of the marriage of a daughter, parents have to spend considerable money on giving dowry to their daughter despite this prohibition.

Pointing out to how this strong preference for having a son impacts the lives of girls if they get to see the light of the day in this world, Nandini Oomman (2002) argues that where the cultural and economic value of a male child is at a premium, this son preference becomes reflected in the neglect of the girl child and differential treatment in terms of healthcare and household resources (Oomman, 2002: 184 and 185). Hu (2012) also suggests that parental preference for having a son results in differential investment in male and female sex with women being at the receiving end (Hu *et al.,* 2012: 348). However, he argues that the liberal use of sex selective technology would enhance the outcomes and chances of women, as those parents who would choose their babies as girls would treat them well, with a less prejudiced attitude (Hu *et al.,* 2012: 348).

According to him, in the region of India in which there is an increased tendency to use prenatal sex selective technologies, the proportion of malnourished girls is less as compared to the regions where such technology is not much in use. Thus the application of sex selective innovations is helpful and useful in enhancing outcomes for women. For Hu (2012), as the shortage of girls in the marriage and labour market increases, the parental investment in girls would correspondingly go up even among those families who neither prefer to abort female foetus nor care for their girls after birth (Hu *et al.,* 2012: 367).

However, this understanding that the shortage of women would enhance their status, says Oomman, is not based on any evidence that the scarcity of female sex in human population may turn girls into commodities increasing the chance of violence being used against them. (Oomman, 2002: 186). According to Ooman, in fact, sex selection with the sole aim to abort the female embryo signifies a devaluation of women (Oomman *et al.,* 2002: 186). Similarly, Sabu M George argues that sex selection is a 'dangerous trend', as it signifies 'socio-cultural devaluation of women', which eventually fructifies into discrimination against women. It is therefore important to resist it (George, 2002: 190). Despite all the legislative changes and increased regulation of the family, the patriarchal structures that value sons over daughters persists. Some may argue that son preference as an economic, social and political value is more firmly entrenched now. Thus, pointing to the alliance between technology, custom, family and market which demonstrates a systemic discrimination against women per se.

Conclusion :

The discussion we had makes it clear that the issue of sex selective abortion is understood to be linked to a declining female sex ratio in India's population. The reasons for this decline are located in gender system coupled with patriarchy. Bumgarner (2007) points out that an elimination of the female sex is substantially located in the dowry system. It is correct that it is rooted there too. But again, the dowry system is rooted in a patriarchal system. Essentially, femicide is a creature of sexism and patriarchy where masculinity is celebrated. It is not necessary that the construction of patriarchy in every detail will be uniform throughout the world. Variations in patriarchy without losing its patriarchal substance are possible. Hu (2012)

believes that a shortfall of girls in the human population would contribute to the well being of the female sex. First, this is not conclusive but only plausible. Even on plausibility, it is too dangerous to run the risk of a dipping female quotient in the human population. Contrary scholarship points out that the deficit may spell disaster for women. I am though critical of that kind of scholarship, not because that may not be meritorious, but because of the instinct and impulse from which such scholarship originates. It appears that the scholarship prognosticating disaster for women if their ratio slides in the human population is essentially located in the analysis and appreciation of male biological requirement and concerns. It is because of this that the sex ratio balance is important. This analysis appears to be correct within today's established knowledge and epistemology. Along with it, what is also required to be acknowledged is that this understanding is rooted in adequately patriarchal and masculine normative considerations. In other words, the extension of this understanding and reasoning in the area of sex selective abortion when we know for certain that the scourge is a resultant phenomenon of patriarchal system is a questionable character. It is reason enough to protect female life particularly at gestational level that a particular kind of social order, that is, gendered and patriarchal order, has been threatening the membership of women in homo sapience community. That is, the appetites of gendered and patriarchal system are such that the satisfaction and satiation of those appetites happen by committing fundamentals of life to perilous situations and by effecting exclusions at the very basic levels. This is an unjust situation and the shadows of this injustice thereon become cast across the entire vista of women's life reflecting in devaluation, discrimination and inequality.

REFERENCES

Bhaskar, Venkataraman (2011). "Sex Selection and Gender Balance." *American Economic Journal: Microeconomics,* **3**(1): 214-244.

Bhatnagar, Rashmi Dube and Dube, Renu (2005). *Female infanticide in India: A feminist cultural history*. Albany: State University of New York Press.

Bumgarner, Ashley (2007). "A Right to Choose? Sex selection in the International Context." *Duke J. Gender Law & Policy,* **14** : 1289-1310.

Davis, Kathy, Mary Evans and Judith, Lorber (2006). "Introduction." In: *Handbook of gender and women's studies*. edited by *Kathy Davis, Mary Evans, and Judith Lorber,* London: Sage.

Dreze, Jean and Sen, Amartya (2004). "Gender Inequality and Women's Agency." In Manoranjan Mohanty ed., *Class, caste, gender*, New Delhi: SAGE Publications India, pp. 338-388.

Everett, Jana (1998). "Indian Feminists Debate the Efficacy of Policy Reform: The Maharashtra Ban on Se-Determination Tests." *Social Politics,* **5**(3): 314-337.

George, Sabu M. (2002). "Sex Selection/Determination in India: Contemporary Developments." *Reproductive Health Matters* **10**(19): 190-192.

Hu, Luojia and Analía Schlosser (2012). "Trends in prenatal sex selection and girls' nutritional status in India." *CESifo Economic Studies,* 58 (2) : 348-372.

Millett, Kate (2000). *Sexual Politics*. University of Illinois Press, 2000.

Nandini Oomman (2002). "Sex selection: the systematic elimination of girls." *Reproductive Health Matters,* **10**(19): 184-8

Patel, Vibhuti (2007). "The political economy of missing girls in India." in Sex-selective abortion in India: Gender, society and new reproductive technologies edited by Tulsi Patel, New delhi, SAGE Publications, pp. 286-315.

Powledge, Tabitha M. (1981). 'Unnatural Selection: On choosing children's sex." In *The Custom-made Child? Women-centred Perspectives*, edited by Helen B. Holmes, Betty B. Hoskins, and Michael Gross193-200. Clifton, New Jersey: The Humana Press Inc.

Raman, Sita Anantha (2009). *Women in India: A Social and Cultural History [volume 2),* Santa Barbara:ABC-CLIO.

Stoltenberg, John (2004). "Toward Gender Justice." In *Feminism and Masculinities (Oxford Readings in Feminism)*, edited By Peter F. Murphy, 41-61, Oxford: Oxford University Press.

TOI (1992). "Public hearing on sex test regulation," in *Times of India*, 21 May 1992.

Visaria, Leela (2007). "Deficit of Girls in India: Can it be attributed to Female Selective Abortion?" In *Sex-selective abortion in India—Gender, Society and New Reproductive Technologies*, edited by Tulsi Patel, 61-79. New Delhi: Sage Publications.

****