

## 4.8. PREVENTING FEMICIDE IN INDIA: VALUING & SAFEGUARDING THE GIRL CHILD & WOMEN

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A prevalent form of violence against women worldwide and in India is *Femicide*, perpetuated through a wide range of acts such as infanticide, foeticide, trafficking, honor killing, dowry deaths, non-intimate partner violence, sexual and domestic violence. World Health Organization describes “femicide, as the intentional violence against women because of their gender<sup>189</sup>. The National Crime Record Bureau (NCRB), statistics from the years 2009-2014 report 65.8 % increase in crimes against women in India<sup>190</sup>; this increase in the span of five years is significant<sup>191</sup>. According to International Labor Organization (ILO) and Oxfam, due to high incidences of sexual harassment, India ranks second lowest in G20 economies in women’s participation in the workforce.<sup>192</sup>

India has a shocking gender imbalance too! The sex ratio in 2011 is 943 females per 1000 males<sup>193</sup>, not a great increase from 933 as per 2001 census report despite prevention efforts being active throughout the country for decades. Telegraph cites statistics and analysis from a report by the United Nations Department of Economic and Social Welfare.<sup>194</sup> This report states that India is the most dangerous place in the world to be born for a girl and females are twice as likely to die before reaching the age of five.<sup>195</sup> Though preventive measures such as awareness programs, governmental schemes and local community initiatives have triggered some changes in the mindset of people, more needs to be done in this area.

In this paper we will review and deconstruct the multi-dimensional preventive steps taken against femicide in the Indian cultural context and their effectiveness. The multi-level reforms discussed below include selected (based on popularity and success) laws, government schemes, and community initiatives that have contributed to the incremental change.

### LEGISLATIVE FRAMEWORK

Laws in a country play a significant role in preventing social evils. The Indian parliament has framed laws from time to time to protect and safeguard women’s interests. Even though these laws have existed for decades now, the cases of femicide have not significantly gone down rather their reporting have gone up, which in itself can be a mark of success. The dowry prohibition laws, the prenatal sex determination laws, and domestic violence act are deliberated upon in this section to understand their influence on femicide in India. The first law enacted to counter femicide is section 498A of the Indian Penal Code, 1860.<sup>196</sup> It

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<sup>189</sup> World Health Organization. 2012. “Understanding and Addressing Violence Against Women: Femicide.” [http://apps.who.int/iris/bitstream/10665/77421/1/WHO\\_RHR\\_12.38\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/77421/1/WHO_RHR_12.38_eng.pdf)

<sup>190</sup> National Crime Record Bureau. 2014. “Crime in India 2014 Statistics.” [http://ncrb.gov.in/CD-CII2014/CII\\_2014\\_Tables/FILES/Statistics-2014-rev4.pdf](http://ncrb.gov.in/CD-CII2014/CII_2014_Tables/FILES/Statistics-2014-rev4.pdf)

<sup>191</sup> National Crime Record Bureau. 2013. “Crime in India 2013 Statistics.” <http://ncrb.gov.in/CD-CII2013/Chapters/5-Crime%20against%20Women.pdf>

<sup>192</sup> Rema Nagaranjan, “Women account for just 22% workforce in India,” *The Times of India*, November 29, 2013, <http://timesofindia.indiatimes.com/india/Women-account-for-just-22-of-workforce-in-India/articleshow/26548372.cms>

Oxfam Briefing Paper, “The G20 And Gender Equality: How the G20 Can Advance Women’s Rights in Employment, Social Protection and Fiscal Policies,” 14 July, 2014, <https://www.oxfam.org.au/wp-content/uploads/2014/07/bp183-g20-gender-equality-employment-social-protection-140714-enaus.pdf>

<sup>193</sup> “Gender Composition of Population.” Population Census. Government of India, 2011. [http://censusindia.gov.in/2011-prov-results/data\\_files/india/Final\\_PPT\\_2011\\_chapter5.pdf](http://censusindia.gov.in/2011-prov-results/data_files/india/Final_PPT_2011_chapter5.pdf)

<sup>194</sup> Dean Nelson, “India ‘most dangerous place in the world to be born a girl,’” *The Telegraph*, February 1, 2012, <http://www.telegraph.co.uk/news/worldnews/asia/india/9054429/India-most-dangerous-place-in-world-to-be-born-a-girl.html>

<sup>195</sup> Ibid Nelson, “India ‘most dangerous place”

<sup>196</sup> Section 498A, *Indian Penal Code*, 1860: Husband or relative of husband of a woman subjecting her to cruelty.—Whoever,

recognizes cruelty against women and harassing women as a crime.<sup>197</sup> This created a background for future laws for women such as the Dowry Prohibition Act of 1961. In India because of the system of arranged marriage, the girl's family customarily gives the boy's family money and other valuables, this is known as dowry.<sup>198</sup> Dowry system has been followed in India as a tradition for over a century.<sup>199</sup> Dowry customs ended up being misused by the husband's family to earn more money and cases of bride burning were reported when a bride failed to bring the amount asked for in the wedding.<sup>200</sup> Further section 304(b)<sup>201</sup> talks about dowry deaths. It says that if a married woman dies because of unexplained burns or under uncertain circumstances, the case is to be investigated under section 304(b)<sup>202</sup> and if the death has been proved to be caused by the husband or his family and the motive is dowry, the punishment is a minimum of seven years of imprisonment.<sup>203</sup> Following these the Dowry Prohibition Act was enacted in 1961 with rules to maintain lists of gifts given to the bride and bridegroom during the wedding and prohibits taking and giving of dowry.<sup>204</sup> The fact that dowry deaths take place in India shows that even though India has ratified the International Covenant on Civil and Political Rights (ICCPR)<sup>205</sup>, it violates the right to life as mentioned in Article 6(1)<sup>206</sup> and protected by Article 2.<sup>207</sup>

Furthermore, dowry customs also perpetuate preference for a boy child, which not only affects the sex ratio but also the status of women who give birth to female children. They are ill-treated by the family and the demand for boy child is pressing. To counter domestic violence against women on pretext of demand for boy child, dowry, etc. Domestic Violence Act, 2005<sup>208</sup> was enacted. Under this act, women living in any household and being abused are covered.<sup>209</sup> It has provisions for immediate relief in case of domestic violence against women by arresting the persons responsible for it and giving the woman financial assistance.<sup>210</sup> This act is a fresh change compared to other laws in India as it includes economic, verbal and emotional abuse as well as physical and sexual abuse of women.<sup>211</sup> But at the same time implementation, speedy trial and awareness about the act is a problem. To make dowry laws an effective preventive measure the state must implement them strictly, and raise awareness amongst women of their legal rights and amongst the family members about the need to value women<sup>212</sup>. It is important to monitor the role of doctors, police and courts in cases of feticide, dowry violence, and forced abortions.<sup>213</sup> In cases of honor killing where the police have failed to offer protection, support and justice to victims, monitoring

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being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. Explanation.—For the purpose of this section, “cruelty” means— (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

<sup>197</sup> *ibid* Section 498A

<sup>198</sup> Carlason- Whitley, Angela K. “Dowry Death: A Violation of the Right to Life Under Article Six of the International Covenant on Civil and Political Rights.” *University of Puget Sound Law Review* 17 (1994 1993): 637.

<sup>199</sup> *ibid* Angela, “Dowry Death”

<sup>200</sup> *ibid* Angela, “Dowry Death”

<sup>201</sup> Section 304(b), *Indian Penal Code*, 1860: Dowry death.— (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death. Explanation.—For the purpose of this sub-section, “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961). (2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

<sup>202</sup> *ibid* Section 304(b), *Indian Penal Code*

<sup>203</sup> *ibid* Section 304(b), *Indian Penal Code*

<sup>204</sup> *The Protection of Women From Domestic Violence Act, 2005*.

<sup>205</sup> *Supra* note 10.

<sup>206</sup> *ibid* Angela, “Dowry Death”

<sup>207</sup> *ibid* Angela, “Dowry Death”

<sup>208</sup> *Domestic Violence Act, 2005*. <http://wcd.nic.in/wdvact.pdf>.

<sup>209</sup> *ibid* *Domestic Violence Act, 2005*

<sup>210</sup> *ibid* *Domestic Violence Act, 2005*

<sup>211</sup> *ibid* *Domestic Violence Act, 2005*

<sup>212</sup> Rita Banerjee, “Strategies to tackle femicide in India,” *The Symposium on Femicide*, Vienna, November 26, 2012, <http://cpcalliance.org/strategies-to-tackle-femicides-in-india/>

<sup>213</sup> *ibid* Banerjee, “Strategies to Tackle”

police and courts can play an imminent role in countering femicide.<sup>214</sup> Consequently, these systems must work together and in tandem to counter the ill treatment of women in the Indian cultural context.

#### Government Schemes

The child sex ratio<sup>215</sup> (CSR) was 918 girls per 1000 boys and showed an all-time low in 2011.<sup>216</sup> These numbers are indicative of the fact that sex selective abortion and female infanticide are a prominent problem in India.<sup>217</sup> Especially in the northern states of the country there is high preference for boy child because of which female feticide and infanticide are prevalent.<sup>218</sup> The Pre Natal diagnostic techniques (prohibition of sex selection) Act, 1995 (PNDT act hereinafter) prohibits abortion based on sex of the fetus.<sup>219</sup> After the commencement of this act the sex ratio seems to be improving overall but a strong preference for boy child is still seen in states of Haryana<sup>220</sup> and Rajasthan.<sup>221</sup>

In 2009 an initiative called the Nanda Devi Girl Child Scheme was implemented and directed towards families living below the poverty line in the northern state of Uttarakhand<sup>222</sup>. In such families for a girl born after January 2009, this government scheme is oriented towards cognitive changes through awareness and behavioural changes through monetary incentive of 105 dollars for rearing and raising the girl child. This amount of 105 dollars along with the interest can only be retrieved when the girl finishes high school and is of 18 years of age<sup>223</sup>. This initiative somewhat addresses the economic need of the population and gradually influences the desire for a girl child versus a boy child.

The Bhartiya Janta Dal government (ruling government in 2015) came up with the Beti bachao beti Padhao (save daughters teach daughters) scheme in 2015.<sup>224</sup> The aim of this scheme is to specifically improve the CSR in 100 districts.<sup>225</sup> Another objective of the scheme is to prevent gender selective elimination through targeted intervention focusing on implementation of all existing laws, including the PNDT Act.<sup>226</sup> It has been designed to promote girl child education and improve the condition of female infants by providing adequate nutrition.<sup>227</sup> The implementation of this scheme is to be done through community mobilization and each district where the CSR increases by ten points, would be give one crore rupees by the central government.<sup>228</sup> All previous schemes have failed to provide the results that they aimed for, therefore this scheme has been developed. The government seems hopeful of this scheme as it targets previously existing laws and their implementation. The economic incentive for the village for the first time is so high and the motivation is expected to work. If this scheme works in these states, it can be implemented pan India.

### COMMUNITY INITIATIVES

Community initiatives, a form of prevention effort that has gained popularity in places that had the lowest female to male sex ratio. They are localized and target change in the mindset of the community. They have been successful in not only emphasizing the need to value the girl child, but also empowering women. One such localized community initiative that changed the mindset of the community members and brought about systemic changes and growth of the community was started in Piplantri, a rural village in Rajasthan<sup>229</sup>.

214 Geetanjali Gayatri, "A love story with a full stop", *Tribune News Service*, March 30, 2010, <http://www.tribuneindia.com/2010/20100331/khapdiktat.htm#3>

215 Child Sex Ratio is defined as number of girls per 1000 of boys between 0-6 years of age.

216 Beti Bachao, Beti Padhao Scheme, Government of India, 2015, Available at: <http://wcd.nic.in/BBBPscheme/launch/workshop/main.htm>

217 *ibid* Beti Bachao, Beti Padhao Scheme

218 Tandon, Sneha Lata, and Renu Sharma. "Female Foeticide and Infanticide in India: An Analysis of Crimes against Girl Children." *International Journal of Criminal Justice Sciences* 1, no. 1 (n.d.).

219 *ibid* Tandon and Sharma, "Female Foeticide"

220 *Supra* note 4

221 *ibid* "Gender Composition"

222 Nitin Jugran Bahuguna, "India: Missing girls is about Femicide," *IPS Correspondents*, September 18, 2011, <http://www.ipsnews.net/2011/09/india-lsquamissing-girls-is-about-femicidersquo/>

223 *ibid* Bahuguna, "India: Missing Girls"

224 *Supra* note 28

225 *ibid* Beti Bachao, Beti Padhao Scheme

226 *ibid* Beti Bachao, Beti Padhao Scheme

227 *ibid* Beti Bachao, Beti Padhao Scheme

228 *ibid* Beti Bachao, Beti Padhao Scheme

229 Mahim Pratap Singh, "A village that plants 111 trees for every girl born in Rajasthan," *The Hindu*, April 13, 2013,



This initiative focused on saving girl children was started seven years ago. The village panchayat (local self-government) encouraged the villagers to plant 111 trees for every girl born in the village<sup>230</sup> and the community was responsible for nurturing the planted trees (e.g., neem, shesham, mango, and amla)<sup>231</sup>. To prevent plants from getting infected with insects the villages planted aloe vera. The plantations provided a green village, generated income from plant products and provided employment to the village women<sup>232</sup>. Further systemic changes were achieved by including the families that were reluctant to have girl child were encouraged with a new initiative in Piplantri that ensured financial security and prevention of child marriage for a girl born into the village.<sup>233</sup> When a girl is born in such a family, the father had to pay Rs 10, 000 and the village residents contributed Rs 21, 000; together the sum of Rs 31, 000 was made into a fixed deposit for a term of 20 years<sup>234</sup>. In addition, such reluctant parents signed an affidavit that they will not get their daughter married before the legal age for marriage in India. On an average 60 girl children were born every year in this village and the program has been successful in saving girls born in the village for the past 7 years<sup>235</sup>. This initiative spiraled several other changes in the community, such as increased female birth, jobs for women, and overall growth of the community (such as better roads, education, sanitation, health care and electricity in every household of the village)<sup>236</sup>. This community initiative brought fame and recognition for the village<sup>237</sup>. Few community initiatives have achieved success as the one in Rajasthan.

Another remarkable step towards curbing female foeticide was undertaken by a small district in Haryana, Jhajjar and Jhind.<sup>238</sup> The district administration made it mandatory to activate tracking device in the ultrasound labs by all the doctors in the district. This helped Chief Medical Officer (CMO) and administration to monitor and track the machines to curb use of sex determination test. It has been reported that this has enabled a remarkable recovery in sex ratio in Jhajjar.

Another community supported initiative against femicide by a village panchayat in Haryana is the “selfie with your daughter” contest<sup>239</sup>. This program uses unique technology (WhatsApp and social media) for a noble cause in a state that is notorious for its dismal sex ratio<sup>240</sup> and misuse of technology in sex determination and forced abortion cases.<sup>241</sup> The campaign is catching waves and spreading awareness regarding prevention of foeticide and uplifting the social standing of women<sup>242</sup>. This cause has received not only state wise but nationwide recognition due to the current Prime Minister, Mr. Narendra Modi’s support of this social media campaign<sup>243</sup>. Another social media campaign called 50 million Missing Campaign by Rita Banerjee renders voice in this direction since 2006 about missing girls. This campaign spreads awareness and works at grass root levels to end femicide.<sup>244</sup>

In crimes against women, NCRB 2014 reports 30957 abduction and kidnappings of women for marriage and 4447 kidnapping for illicit intercourse.<sup>245</sup> The statistics point to an emerging social crisis that needs

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<http://www.thehindu.com/news/national/other-states/a-village-that-plants-111-trees-for-every-girl-born-in-rajasthan/article4606735.ece>

<sup>230</sup> ibid Singh, “A village that plants”

<sup>231</sup> ibid Singh, “A village that plants”

<sup>232</sup> ibid Singh, “A village that plants”

<sup>233</sup> ibid Singh, “A village that plants”

<sup>234</sup> ibid Singh, “A village that plants”

<sup>235</sup> ibid Singh, “A village that plants”

<sup>236</sup> “Piplantri,” <http://www.piplantri.com/achievements.html>

<sup>237</sup> ibid “Piplantri”

<sup>238</sup> Gaurav Vivek Bhatnagar, “A simple device to curb female foeticide,” *The Hindu*, January 25, 2015 <http://www.thehindu.com/news/national/a-simple-device-to-curb-female-foeticide/article6819468.ece>

<sup>239</sup> Press Trust of India, “Haryana village launches ‘Selfie with daughter’ contest to save girl child.” *IBNLive*, June 13, 2015. <http://www.ibnlive.com/news/india/haryana-village-launches-selfie-with-daughter-contest-to-save-girl-child-1005493.html>

<sup>240</sup> Supra note 5

<sup>241</sup> Supra note 5.

<sup>242</sup> Press Trust of India, “Haryana village launches ‘Selfie with daughter’ contest to save girl child,” *IBNLive*, June 13, 2015, <http://www.ibnlive.com/news/india/haryana-village-launches-selfie-with-daughter-contest-to-save-girl-child-1005493.html>

<sup>243</sup> Betwa Sharma, “Modi Announces Father-Daughter Selfie Campaign For The Girl Child,” June 28, 2015, *The Huffington Post*, [http://www.huffingtonpost.in/2015/06/28/modi-announces-fatherdaug\\_n\\_7680494.html](http://www.huffingtonpost.in/2015/06/28/modi-announces-fatherdaug_n_7680494.html)

<sup>244</sup> “50 million missing”, An international campaign: The fight to end female genocide in India”, <https://genderbytes.wordpress.com/about/>

<sup>245</sup> Supra note 2

urgent national attention! While on one hand, national income, per capita income<sup>246</sup>, literacy rates<sup>247</sup> are increasing; incidences of rapes<sup>248</sup>, domestic violence<sup>249</sup>, human trafficking<sup>250</sup> and overall crime against women<sup>251</sup> have increased.

Does violence against women really happen? According to a sting operation conducted by Tehelka, more than half police officers in Delhi believe that ‘real rape cases’ were rare.<sup>252</sup>

*“She asked for it. It’s all about money. They have made it a business. It is consensual most of the time” – SHO, Delhi (NCR)*<sup>253</sup>

Khap Panchayat, the local council of villages, suggested child marriage as a solution for reducing rapes in India.<sup>254</sup> According to them, marriageable age for girls should be reduced to 16 for reducing rapes incidences.<sup>255</sup> These statements are insensitive! They demonstrate the misogynistic attitude of public, policemen and ministers, and indicate the extent to which it is both accepted as normal, and have become endemic.

## CONCLUSION

Sociologists believe that there is a state of anomie or normlessness in Indian society.<sup>256</sup> More law — or calls for the death sentence — are not the answer to what is a deeply ingrained societal problem. There is a need for parents as well as society not to raise sons in a way in which they are indoctrinated with a sense of superiority and privilege. There is also a need on the part of young men to be actively involved in their schools and communities in advocating women’s equality rights.

What makes a prevention initiative successful? What can limit the usefulness, intensity and impact of the ongoing prevention efforts against femicide in India? Reforms and prevention efforts that address social, cultural, economic and gender disparities can create incremental and everlasting changes<sup>257</sup>. The grass root interventions help change mind sets and prevent femicide. Even though trickledown effect is bringing incremental changes, as apparent from the sex ratio of Kerala<sup>258</sup> (1084 females per 1000 males), still a lot needs to be done. A sustainable paradigm shift in femicide prevention is possible when the medical, legal, administrative services and sociocultural forces work together in conjunction to bring about rapid change. Interventions planned and executed at multidisciplinary levels (national, societal and community level) is essential in bringing about much needed change in tolerance and acceptance of violence against women and girls because of their gender. A single form of preventive strategy is insufficient and ill-equipped to eradicate the critical issue of femicide in a multicultural country like India.

<sup>246</sup> BS reporter, “India’s per capita income up 10%,” Business Standard, July 4, 2015 [http://www.business-standard.com/article/economy-policy/indias-per-capita-income-up-10-in-2014-115070301205\\_1.html](http://www.business-standard.com/article/economy-policy/indias-per-capita-income-up-10-in-2014-115070301205_1.html)

<sup>247</sup> B Sivakumar, “Literacy rates jumps 10% in a decade in India,” *The Times of India*, November 23, 2014 <http://timesofindia.indiatimes.com/India/Literacy-rate-jumps-10-in-a-decade-in-India/articleshow/45244626.cms>

<sup>248</sup> “Ten fold increase in rape cases in India since 1971,” *The Economic Times*, January 14, 2014 [http://articles.economictimes.indiatimes.com/2014-01-14/news/46185373\\_1\\_ncrb-report-increase-dacoity](http://articles.economictimes.indiatimes.com/2014-01-14/news/46185373_1_ncrb-report-increase-dacoity)

<sup>249</sup> Neha Madaan, “Rise in domestic violence cases,” *The Times of India*, February 19, 2014 <http://timesofindia.indiatimes.com/city/pune/Rise-in-domestic-violence-cases/articleshow/30636710.cms>

<sup>250</sup> Devanik Saha, “The Numbers story: A Human Trafficking cases rise, convictions come down,” *The Indian Express*, January 30, 2015 <http://indianexpress.com/article/india/india-others/the-numbers-story-a-human-trafficking-cases-rise-convictions-come-down/>

<sup>251</sup> Supra Note 2

<sup>252</sup> Abhishek Bhalla and G Vishnu, “The Rapes will go on,” Tehelka, April 14, 2012 <http://www.tehelka.com/2012/04/the-rapes-will-go-on/>

<sup>253</sup> *ibid* Bhalla and Vishnu, “The Rapes will go on”

<sup>254</sup> “Haryana khap panchayats meet today to push for early marriages for girls,” NDTV, October 13, 2012 <http://www.ndtv.com/india-news/haryana-khap-panchayats-meet-today-to-push-for-early-marriages-for-girls-501646>

<sup>255</sup> *ibid* “Haryana Khap Panchayats”

<sup>256</sup> Jukka Savolainen, “Inequality, Welfare State, and Homicide: Further support for the Institutional Anomie Theory,” *Criminology* 30 (2000): 1021- 104

<sup>257</sup> Akansha Shukla and Kushendra Mishra, “The Prejudices of Portrayal: A Study of Femicide Reporting in Select Indian Newspapers,” *The Asian Man* 7(2013): 130-134, doi:10.5958/j.0975-6884.7.1X.017.

<sup>258</sup> Supra note 5.