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POLICY MEASURES ON SEX-SELECTIVE ABORTIONS IN INDIA: A GENDER TRANSFORMATIVE EVALUATION

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ABSTRACT:

The preference for a son and deselection of a daughter in India has been a persistent problem for a century. Patrilineal and patrilocal kinship practices are prevalent, particularly in the northwest- ern region of India. Women are separated from the natal household and are completely absorbed in the marital family. Rigid kinship practices and norms disincentivise families from raising a daughter and make it essential to have a son. The present paper adopts a gender-transformative lens to review the literature discussing the causes behind the practice of sex-selective abortions and the policies aimed at curbing them. While the root causes behind sex-selective abortions lie in the patrilineal and patrilocal kinship practices, the laws, social protection schemes, awareness, and sensitisation messages have hardly influenced the structure where the problem stems from. The paper recommends measures that address the root causes of the problem.

KEYWORDS:Gender Transformative Approach, Policies, Sex Selective

INTRODUCTION

The problem of low sex ratios and gender imbalance has plagued India for more than a century. Despite this problem getting attention during the post-independence era, it persists. There has been an alarming decline in the Child Sex Ratio (CSR) from 967 girls per 1000 boys in 1961 to 927 girls in 2001 and further to 918 girls in 2011. This declining trend is a cause for significant concern. This data reflects the existing illegal practice of sex-selective abortions and the neglect of health and nutrition for girls. The Indian household views the sons as the inheritors of the family lineage and property. On the other hand, the daughters are considered financial liabili- ties—the ones who will eventually go to another household. Consequently, the skewed CSR serves as a poignant indicator of the deeply ingrained negative attitudes toward girl children and the violence perpetrated against them. This paper aims to review and discuss the root causes of the problem of son preference and daughter aversion, and the policy measures aimed at address- ing the problem, to critically analyse the policy measures with a gender transformative approach, and to recommend measures to address the root causes.

MATERIALS AND METHODS

The present paper reviews the literature on the practice of sex-selective abortions in India and the policies adopted by the government to curb the practice. The news reports, government reports, and policy analysis papers were reviewed through a gender transformative lens. An emphasis was given to identifying the deep-rooted gender norms, gender roles, and gender relations shap- ing the negative attitudes and harmful practices against daughters. The

policies were discussed with regard to their success in influencing the gender relations, where the problem stems from.

DISCUSSION

3

Background

India has a historical record of female infanticide dating back to 1789, when Jonathan Duncan, the British resident in Benares, first documented the practice among the Rajkumar Rajputs in the Jaunpur district of the Benares Division [1]. From the interviews with Rajputs in the region, the Britishers learned that the Rajputs sought high-status marriage alliances, which often incurred significant expenses. These expenses could lead to the loss of a substantial part of their heredi- tary lands, making the birth of a daughter perceived as a calamity. As a result, the newborn fe- male infants were either killed or neglected [1]. To eradicate the practice, the British enacted the Female Infanticide Act in 1870, but it failed to yield any substantial results [1].

In the post-independence period, particularly during the 1970s, India took aggressive population control measures. Through television advertisements, posters, and messages on public trans- portation, the government encouraged couples to have small families with only up to two chil- dren [2, 3]. It was also in the early 1970s when amniocentesis technology was introduced in In- dia with the purpose of detecting genetic or metabolic disorders in the fetus. In the context of population control measures, the introduction of amniocentesis and the practice of de-selection of daughters began to re-emerge in India.

With the introduction of reproductive technologies, the process of female infanticide became sophisticated and convenient in the form of

female feticide. The government took various mea- sures, like banning sex detection and sex-selective abortions through legal measures, as well as by introducing various schemes for girl children. The child sex ratio could be influenced to a limited extent in some states; however, the downward trend of the ratio has not been reversed despite the measures of more than two decades.

Social consequences of son-preference and daughter aversion

The practice of female feticide fundamentally violates the right of girls to be born. Women's re- productive health suffers, as they have to go through multiple abortions and deliveries until a male fetus is conceived. While the advocates of reproductive technologies argue that it offer women choices, studies have demonstrated the negative psychological consequences for women,

including feelings of guilt and pain (Puri et al, 2011, as cited in Ekland & Purewal, 2017) [3]. In the context of families strongly preferring sons, reproductive technologies can become tools that undermine women's decisions around abortion [3].

Demographers have pointed out that China and India have an excess of males, as millions of women are ‘missing’ due to sex-selective abortions [4]. As per the 2011 census of India, there were 37.3 million more men than women. This surplus of males has raised concerns about the availability of marriage partners for these men [5, 6]. Field studies have identified issues related to male bachelorhood and the living conditions of bachelor men [7, 8]. Bachelorhood among men in the Patidar community in rural Gujarat [9] and among men in the Jat community in rural Uttar Pradesh [8], were identified as one of the social, cultural, and economic effects of the sex ratio imbalances, along with the crisis in agriculture, devaluing of rural identities, and

aspirations of women for upward mobility in cities. However, there is a lack of research done to determine the extent to which the problem of male bachelorhood can be attributed to a poor sex ratio. Additionally, the substantial deselection of female children is reflected in the Child Sex Ratio (CSR), which indicates discrimination and violence against girls on a large scale. An enduring preva- lence of son preference and daughter de-selection, despite various measures from time to time, calls for a closer examination of its root causes.

Causes of son preference and daughter aversion

The Child Sex Ratio (CSR) is persistently low not only in India but also in countries like China, South Korea, Vietnam, and others. A cross-country analysis by Gupta et al. illuminates the phe- nomenon of daughter-deselection deep-rooted in the patrilineal and patrilocal kinship systems prevalent in these regions [10]. In a kinship organisation, patrilineality involves the passing of property through male descendants, while women in the household may receive only movable property in the form of dowry at their marriage. Patrilocality refers to a couple residing in the husband's home after marriage.

Although patrilineal and patrilocal systems are found in various parts of the world, they are
rigidly practised in India (particularly the Northwest region), China, and South Korea [10]. It is this rigidity that shapes a preference for sons and an aversion to daughters. For example, within Northwest Indian kinship systems, the relationship between the families of brides and grooms is hierarchical. This hierarchy is marked by inferior bride-givers who are expected to give gifts to superior bride-receivers on various occasions. Furthermore, a prevailing norm dictates that par- ents of the bride can only give and not receive anything back from their daughter. Such rigid kin- ship practices and

norms limit and deny parents the ability to get support from daughters, espe- cially in old age. Such a situation discourages parents from raising and investing in daughters. In India, there are sayings like ‘bringing up a girl is like pouring water in the sand’ or ‘bringing up a girl is like planting a sapling in another’s courtyard’ [11]. In societies where daughters are entire- ly assimilated into their husbands' households, the value of daughters remains low to their par- ents [10]. Additionally, the rule of exogamous marriages, particularly in North India, significant- ly distances women from their natal families and denies daughters the right to inherit property in almost any condition. Unlike in comparatively flexible kinship systems with cross-cousin mar- riage systems found in South India, daughters can inherit land in some situations, like in the ab- sence of a brother. This also enables women to support parents to some extent [10].

In the Northwest Indian kinship systems, marriage, and thereby distancing daughters from their natal family, is compulsory, especially for women. The proportion of women who remained un- married in India was less than one per cent (d’Souza, 1980, as cited in Billig, 1991) [12]. This contrasts with many parts of Europe, where it is socially acceptable for women to remain unmar- ried, take care of their parents, or work on others' farms [10]. The marriage of a daughter in India is a big concern and responsibility for parents, which they must fulfil, irrespective of the huge amount of dowry as well as the suitability of the match for their daughter.

A son is considered an important support during old age. Women's autonomy and status in their households during old age depend on the support of their sons. As a result, women take measures to ensure that their sons remain emotionally attached to them. This cultural aspect

strongly rein- forces the preference for sons in Northwest India [10]. Even though old-age support of sons was

not an important factor for respondents of a study in Maharashtra and Haryana, respondents shared that brothers were required for looking after sisters [13].

The cross-country analysis also illuminated economic factors like poverty, dowry & marriage expenses, and women's financial dependency, adding to the problem of daughter deselection but not fully explaining the underlying reasons [10]. Dowry and the expenses associated with daugh- ters' weddings strain the household resources. However, in China, South Korea, and Taiwan, the cost of sons' weddings is three to five times higher than that of daughters. The groom's family is responsible for buying or constructing a new house for the couple and bearing a larger share of the marriage expenses. In India, bride-price marriages coexisted with discrimination against daughters. Therefore, dowry and related marriage expenses do not fully account for the prefer- ence for sons over daughters. On the contrary, the distinction lies in the fact that when parents must spend significant amounts on their sons' weddings, they do not resent it, as the money re- mains within the family. In contrast, even modest expenses for daughters' weddings are per- ceived as a drain on household resources [10].

While women's paid employment can increase their status and decision-making power, it does not necessarily mean they will be valued in their families. As long as women are rigidly incorpo- rated into their husbands' families and contribute minimally to their parental families, raising and investing in daughters will continue to be perceived as an investment in someone else's house- hold, thereby burdening the parents [10]. Regarding whether poverty discourages

families from raising daughters, there is limited evidence to suggest that the poor discriminate more against daughters than the wealthy. Rather, discrimination tends to intensify when individuals face worsening circumstances relative to their previous position. For example, war and famine have been known to increase discrimination against girls in China and South Korea [10].

Societal pressures on women in the context of North India further compound the issue. The ab- sence of a son renders a woman vulnerable, with limited bargaining power vis-à-vis her in-laws, particularly her mother-in-law. Narratives of women reflected the necessity for brides to avoid the wrath or dissatisfaction of their in-laws [10]. There are documented studies on the increased violence against women when they give birth to daughters who are not desired by their families. Meanwhile, others face divorce and the blame for bearing daughters, as well as the burden of raising them. (Rew, Gangoli, & Gill, 2013; Belanger, 2002, as cited in Ekland & Purewal, 2017) [3]. In this context, sex-selective abortions are preventive measures taken by women to protect themselves and to protect their status in marital families, as well as to save female children from discrimination and to even avoid the dowry obligations [3].

As such, the discrimination against daughters and the preference for sons are deeply rooted in the political economy of patrilineal, patrilocal kinship systems. The rigidity of these practices, limit- ing or denying women's contribution and support to natal families, discourages families from investing in and raising daughters and makes it essential for them to have sons.

In this context, government policies and measures should be aimed at

empowering and enabling girls to support their parents as well as influencing kinship norms and practices, like the stigma attached to getting supported and being looked after by a married daughter. The policies and schemes introduced to address the daughter de-selection should be assessed in terms of how much they enable women to contribute and support parents even after marriage.

Government policies and measures

Measures During Colonial Times

Efforts to address the issue of female infanticide in India can be traced back to the colonial era, when British authorities took various initiatives to curtail this "barbaric" practice. Between 1795 and 1812, Jonathan Duncan obtained written agreements from Rajkumar Rajput to refrain from killing their daughters, as it went against the Hindu Shastras. However, by 1817, census data re- vealed that many talukas in Kathiawad had only one female child; some had none. No single fe- male child was there in 400 Jadeja Rajput families in Drappa Taluka [1]. In the 1840s and 1850s, the British also obtained agreements for self-regulation, aiming to prevent huge wedding expens- es. However, these agreements were found difficult to enforce, and it was learned that huge wed-

ding expenses were associated with the norm of hypergamous marriages, making huge marriage expenses compulsory. Therefore, the British encouraged reciprocal marriages, for which Lewa Kanbis formed endogamous circles known as *'ekada'* or *'gols'* and prohibited members from marrying their daughters into higher-status families. Nonetheless, ambitious members of these circles still engaged in hypergamous marriages, often involving substantial dowries. By 1847, census data revealed a dismal sex ratio of 73 Kanbi females per

hundred males, with less than one per cent improvement in 23 years.

Post-Independence Legal Measures

In the post-independence period, the central government of India introduced several legislative measures to combat the declining child sex ratio. The government enacted the Pre-Natal Diag- nostic Techniques (Regulation and Prevention of Misuse) (PNDT) Act of 1994. The act was fur- ther amended, and the Pre-Conception Pre-Natal Diagnostic Techniques (Prohibition of Sex Se- lection) Act, 2003, was enacted. This act prohibited sex selection before and after conception. It regulated the use of prenatal diagnostic techniques for detecting fetal abnormalities. Since the law was passed, there have been ups and downs in the sex ratios in different parts of India.

Though the law alone has not succeeded in reversing the downward trend in the female-to-male child sex ratio. Instead, the enforcement of the act has pushed the practice underground, and the sex ratio at birth continues to be imbalanced against girl children. Strict implementation of the PCPNDT Act has also had repercussions on women's right to safe abortions. For example, pri- vate health practitioners stopped providing abortion services in the second trimester, as the woman might have done sex determination, and the practitioner can be penalised under the PCPNDT Act, 2003. Abortion service was also denied to couples who had one or two daughters and, in some cases, to unmarried pregnant women, as it would be risky in case the fetus is female [14]. Private health practitioners faced difficulties and challenges following the guidelines of the PCPNDT Act, primarily due to the time-consuming nature of record-keeping. The time, as shared by health practitioners, could instead be given to interacting with the couple and learning their intentions and

counselling them [14].

Girl Child Promotion Schemes

The government recognised the alarming child sex ratio in many states, evident in the 2001 cen- sus. The poor rates of girls' survival, education, healthcare, and development became a matter of concern. There was an overall realisation of the dire need to empower girl children from all as- pects, including a change in the negative attitude and bringing positive behavioural change to- wards girl children [15]. Thus, several state governments and the central government introduced approximately 15 schemes in the 2000s to promote the welfare of girl children. These schemes, known as Conditional Cash Transfer Schemes (CCTS), provided cash transfers contingent on meeting specific requirements. These requirements included institutional delivery, birth registra- tion, childhood immunization, school enrollment, completion of school education, and delaying marriage until the age of 18. The expected outcome of these schemes was that the fulfillment of these requirements would enhance the value of the girl child. The evidence would be seen through improved sex ratios at birth, child sex ratios, increased school enrollment, and delayed marriage.

These 15 schemes that were launched to promote the welfare of girl children by different states from 2007 onwards were successful in achieving the objectives partially. CCTS enabled direct financial support to poor families, thus helping them educate their daughters [15]. However, a downfall of the scheme was that communities began to perceive the schemes, such as ‘Apni Beti Apna Dhan’ and ‘Ladli’, as compensation from the government for raising a girl child. People perceived the financial support as a way to cover the marriage dowry

expenses. The cash bene- fits of the schemes were frequently utilised to cover the expenses of girls' weddings [15, 16]. Furthermore, these schemes aimed to enhance the value of the girl child and achieve multiple other outcomes by imposing various conditions. These factors influenced the primary objective of the schemes to promote the girl child. For instance, some schemes linked conditions and incentives to couples' sterilisation after two children. There were other schemes that limited the incentives to two girls, offering larger incentives for the elder girl. These conditions reflected dual intentions of promoting smaller families, family planning, and the birth of girls. Such multiple conditions and intentions conveyed confusing messages to the public [15]. Most of these schemes were aimed at families below the poverty line. However, census data consistently showed poorer child sex ratios among families that were educated, affluent, and urban. Also, some schemes required domicile certificates. This led to the exclusion of migrant families from accessing the scheme benefits. Additionally, operational gaps, such as a lack of coordination be- tween different departments, led to delays in incentive payments [15].

There have been measures taken to encourage and support women to get their inheritance rights in the parental property. There are many systemic barriers, like lack of awareness along with lack of recognition of women’s right to share in ancestral and coparcenary property. Asking for or getting a share in the property, women also risk losing ties and support from parents and brothers; hence, women preferred not asking for their rights themselves [17].

Beti Bachao, Beti Padhao

In January 2015, the central government launched the Beti Bachao,

Beti Padhao Scheme. The objectives of the scheme were to prevent gender-biased sex selection and ensure survival, protec- tion, education, and participation of the girl child [18].

The scheme set targets of improving the sex ratio at birth, reducing the child mortality rate, in- creasing institutional deliveries, Antenatal Care Registration, increasing enrollment of girls in secondary education, improving nutritional status, promoting a protective environment through implementing the act against sexual violence (POCSO Act, 2012), and training local self-gov- ernment bodies and grassroots functionaries to improve CSR and promote girls' education [18]. It was a multi-stakeholder coordinated approach involving the departments of health, women and child development, education, police, and prosecution. The scheme targeted 100 districts in India with low child sex ratios. The scheme planned awareness and advocacy campaigns, promoting girls' education, effective enforcement of the Pre-Conception and Pre-Natal Diagnostic Tech- niques (PCPNDT) Act and Medical Termination of Pregnancy Act, etc. It took initiatives of tracking girls leaving schools after 8th and 10th grade to check the school dropout of girls.

The government also launched a special deposit scheme, the Sukanya Samriddhi Yojana (Girl Welfare Scheme), to support girls' education and financial security. The scheme offered an 8% cumulative interest rate, and unlike previous conditional cash transfer schemes, the scheme had fewer conditions, like the girl being 10 years or younger and studying and remaining unmarried at least until 18 years of age. The scheme was open for all castes and class communities, and two girl children and three in cases of twins and triplets were eligible for the scheme.

The BBBP scheme was successful in capturing the national consciousness of the issue [19]. In terms of the design and objectives

of the BBBP, the focus of the scheme is limited to girl chil- dren, and it does not speak of economic empowerment, employment, or training opportunities for young women. On the part of the implementation of the scheme, gaps were identified through the report of the Comptroller and Auditor of General, 2016, in which three districts in Haryana state, namely Mahendragarh, Panipat, and Sonipat, were audited. The central government re- leased only 44% of the provisioned budget to the states, and only 29% of funds were spent. Funds assigned to strengthen the PCPNDT Act cell, research studies, and IEC activities were di- verted to other activities. No action was taken to strengthen the PCPNDT cells in the test- checked districts in Haryana state. States received only 6.67% of the allocated funds to bring back the school dropout girls. Girls' enrollment in secondary education (9^{th} to 12^{th} class) in test- checked districts decreased in 2015-16 compared to 2014-2015. A shortfall was observed in the meetings by the State Task Force and District Task Force, which were constituted for coordinat- ing the multi-sectoral implementation of the girl child promotion schemes [20].

In terms of the impact of the scheme, the sex ratio at birth declined in Panipat and Mahendragarh districts by 11 and 23 points, respectively, from 2015 to 2016, and the ratio increased by 58 points in Sonepat district from 2015 to 2016. The report also stated that the increase in SRB can- not be attributed to the scheme, which was launched only in January 2015. Additionally, it noted that the sex ratio has been steadily increasing for the last four years in the state [20]. As per Union Ministry of Women and Child Development data, 'over a dozen states observed a decline in the sex ratio since 2020.' Karnataka's sex ratio fell from 949 in 2020-21 to 940 in 2021-22; Delhi's sex ratio fell from 927 in 2020-21 to 924 in 2021-22 and 916 in 2022-23; Bihar's sexratio fell from 917 in 2020-21 to 915 in

2021-22 and 895 in 2022-23; Chandigarh's sex ratio fell

from 935 in 2020-21 to 902 in 2022-23; and Himachal Pradesh's sex ratio fell from 944 in 2020- 21 to 941 in 2021-22 and 932 in 2022-23. However, the sex ratio improved in states like Ra- jasthan, Telangana, Assam, Kerala, and Uttar Pradesh [21].

In terms of the awareness and sensitising messages, they remained largely superficial and did not address the structural factors contributing to son preference, such as father-to-son inheritance, patrilocal marriages, and daughters' support in old age, etc. [3]. Instead of delving into these crit- ical issues, many of the messages reinforced traditional gender roles and provided utilitarian rea- soning for girls' values. For instance, messages like *"If you don't save daughters, where will you get your daughter-in-law?"* and *"How will you eat bread from their hands when you won't allow daughters to be born?"* - inadvertently reinforced women's role in relation to others, primarily as sisters and mothers. These messages implied that the value of daughters lies in their roles as wives and mothers.

An enduring persistence of the problem of son preference and daughter aversion asks for a strong political and social will, as well as consistent endeavours, considering that the problem may take decades to be addressed.

Recommendations

While tackling the problem deeply rooted in society, culture, and political economy, it will be a narrow-minded approach to focus merely on penalising the practice through law. The problem of son preference and daughter aversion cannot be addressed until the gender relations in families are altered. To reduce the son preference and

daughter deselection, it is important that parents find both girl and boy children equally important. The government policies and measures should aim to influence the kinship norms and practices and empower and enable girls to support their parents. The policies and schemes introduced to address the daughter de-selection should be assessed in terms of how much they enable women to contribute and support parents even after the marriage [22].

Changes in the larger political economy, like urbanisation and women's employment, can posi- tively influence son preference. In urban areas, parents are supported by the child living closer by and not necessarily by the child of the opposite sex. Also, employed women are in a better position to support parents before and after marriage, as well as bear their marriage expenses [22]. Urbanisation and market reforms encouraging women's employment have positively influ- enced the sex ratio in South Korea and China [22].

Various measures to combat the problem of son preference and daughter aversion largely includ- ed the survival, health, protection, and education of girl children. However, very little has been aimed towards empowering women and girls financially, which is one of the most important so- lutions to the problem of son preference and daughter aversion.

Women's entitlement to land and productive resources has shown empowering effects on women, like land titled in women's names enhancing their self-esteem, getting more respect from husbands and children and the community, being in a position to escape violence and mari- tal conflict, reducing risk of eviction from marital households, enabling access to institutional credit, etc. [17]. The systemic barriers in women's entitlements should be addressed, considering their potential to transform women's position in families

and communities.

The media agencies, through awareness and sensitisation messages and slogans, need to present women and girls in alternate gender roles and positions. Their rights should be emphasised rather than their contribution or ‘use’ in families and countries. Above all, there is a need to influence the norms and stigma attached to receiving support from daughters in old age.

In the enforcement of the PCPNDT Act, the law enforcement agencies should ensure women’s rights to safe abortion are protected. More focus can be placed on identifying and penalising health practitioners for performing sex determination tests and revealing the sex of the fetus.

Above all, it is of extreme importance to empower girl children and alter the gender relations in families, where the problem stems from. To tackle these deep-seated issues effectively, it is cru- cial for both political and social will to focus on addressing the root causes of son preference and daughter aversion, acknowledging that substantial progress will require persistent and compre- hensive efforts.

CONCLUSION

Over time, government policies and measures have aimed to address the critical issue of female infanticide and the declining sex ratio. From colonial efforts to post-independence initiatives such as the legal frameworks and various girl child promotion schemes, they reflect an ongoing concern for the well-being and rights of female children. Despite some successes, such as im- proved educational opportunities and awareness campaigns, significant challenges remain.

The introduction of schemes like Beti Bachao, Beti Padhao and Sukanya Samriddhi Yojana marks a proactive approach, yet persistent gaps in implementation and the need for deeper struc- tural changes highlight the complexity of the issue. Although legal measures like the PCPNDT Act have sought to regulate sex determination practices, enforcement challenges and unintended consequences reveal the limitations of punitive approaches alone. It is crucial for both political and social will to comprehensively address the root causes of son preference and daughter aver- sion. With millions of women already "missing" from our society, this issue is extremely critical, and we cannot afford to ignore its underlying causes any longer.

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