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RESEARCH ARTICLE

SEX-SELECTIVE PRACTICES IN INDIA: A SOCIO-LEGAL ANALYSIS OF FEMALE FETICIDE AND CONTEMPORARY CHALLENGES

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INTRODUCTION

Female feticide remains one of the most severe expressions of gender-based discrimination in contemporary India. While constitutional protections and detailed statutory frameworks exist, patriarchal norms, economic pressures, technological misuse, and weak enforcement mechanisms continue to drive this practice. This study demonstrates that female feticide is a multi-layered problem that cannot be addressed through legal measures alone.

A sustainable solution requires:

- Stronger and more accountable enforcement of existing laws
- Gender-sensitive education and value-based learning
- Economic empowerment initiatives for women and girls
- Community-led awareness programs that challenge patriarchal norms

Only through a simultaneous legal, social, and cultural transformation can Indian society uphold the constitutional promise of equality, dignity, and the right to life. The eradication of female feticide demands collective moral responsibility and long-term commitment to gender justice.

Objectives of the Study

- To examine the socio-cultural, economic, and patriarchal factors contributing to the persistence of female feticide in India.

ABSTRACT

Female feticide remains one of the most severe expressions of gender-based discrimination in contemporary India. While constitutional protections and detailed statutory frameworks exist, patriarchal norms, economic pressures, technological misuse, and weak enforcement mechanisms continue to drive this practice. This study demonstrates that female feticide is a multi-layered problem that cannot be addressed through legal measures alone.

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- To investigate how medical technologies are being exploited for illegal sex-determination and how such misuse contributes to sex-selective abortions.
- To evaluate the influence of different forms of education—formal schooling, informal learning, and moral/value-based education—on reshaping societal perceptions about the girl child.
- To identify and assess the social consequences of declining sex ratios, including demographic imbalance, trafficking, and gender-based violence.
- To analyze various community-driven initiatives, educational interventions, and social awareness strategies designed to curb female feticide and advance gender equality.
- To provide recommendations for strengthening legal enforcement, improving institutional accountability, and encouraging long-term socio-cultural transformation.

Statement of Problem: Although India's constitutional framework and statutory mechanisms—particularly the PCPNDT Act—were designed to curb sex-selective practices, female feticide continues to occur at disturbing levels, reflected in the steady and unnatural decline of the child sex ratio. The persistence of this issue is rooted in entrenched patriarchal values, economic insecurities, dowry-related pressures, and the objectification of women, all of which strengthen the societal preference for sons. The availability and misuse of modern diagnostic technologies have further enabled clandestine sex determination and selective abortions. Weak institutional vigilance, insufficient regulatory oversight of diagnostic centers, and the normalization of gender bias within communities allow these illegal practices to continue with minimal deterrence. In this context, the

present study seeks to understand the underlying reasons for the endurance of female feticide, identify the socio-legal shortcomings that perpetuate it, and propose strategies capable of addressing this pervasive gender-based injustice.

Concept of Female Feticide: Female feticide remains one of the most severe expressions of gender-based discrimination in contemporary India. While constitutional protections and detailed statutory frameworks exist, patriarchal norms, economic pressures, technological misuse, and weak enforcement mechanisms continue to drive this practice. This study demonstrates that female feticide is a multi-layered problem that cannot be addressed through legal measures alone.

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Misuse of Medical Technology: Female feticide remains one of the most severe expressions of gender-based discrimination in contemporary India. While constitutional protections and detailed statutory frameworks exist, patriarchal norms, economic pressures, technological misuse, and weak enforcement mechanisms continue to drive this practice. This study demonstrates that female feticide is a multi-layered problem that cannot be addressed through legal measures alone.

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Diverse Role of Education in Female Feticide: Female feticide remains one of the most severe expressions of gender-based discrimination in contemporary India. While constitutional protections and detailed statutory frameworks exist, patriarchal norms, economic pressures, technological misuse, and weak enforcement mechanisms continue to drive this practice. This study demonstrates that female feticide is a multi-layered problem that cannot be addressed through legal measures alone.

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Educational and Social Strategies to Prevent Female Feticide:

Educational and social strategies form the backbone of efforts to eliminate female feticide by confronting the deep-rooted gender prejudices that devalue the girl child. Education serves as a transformative force by embedding gender sensitization in school curricula, strengthening teacher training, and empowering women through literacy, awareness, and decision-making skills. Powerful mass media initiatives and national campaigns like Beti Bachao Beti Padhao play a crucial role in dismantling patriarchal beliefs, challenging harmful cultural norms, and promoting positive representations of girls and women. Community participation—through local bodies, NGOs, women's groups, and religious leaders—ensures sustained grassroots engagement, moral accountability, and vigilant monitoring against illegal practices. Additionally, economic empowerment programs such as Sukanya Samridhi Yojana and other girl-centric schemes help counter the perception of daughters as financial burdens by enhancing their economic security and future opportunities. Civil society movements and youth-led initiatives further strengthen the social fabric by mobilizing public opinion, fostering community responsibility, and advocating for long-term policy reforms. Collectively, these educational, social, and community-driven strategies provide a comprehensive and powerful framework for eradicating female feticide and building a gender-equitable society.

Social Consequences of Female Feticide: Female feticide generates far-reaching social consequences that extend well beyond the termination of a female fetus, producing long-term distortions in India's ethical, social, and demographic fabric. The persistent decline in the sex ratio—markedly visible in states such as Haryana, Punjab, Rajasthan, and Gujarat, where figures have fallen below 850 girls per 1,000 boys—reveals a deep-rooted societal preference for sons and a systematic devaluation of daughters. This demographic imbalance has triggered a chain of adverse social outcomes, including forced marriages, cross-regional bride trafficking, and the commodification of women through practices such as "bride buying." These conditions foster increased vulnerability to domestic violence, sexual exploitation, and widespread human rights violations.

The skewed gender ratio also contributes to rising social unrest, aggression, and crime, as communities experience shortages of women and increased competition for marriage partners. Sociological research indicates that such imbalances weaken social cohesion and amplify patriarchal dominance. Female infanticide further entrenches gender discrimination by reinforcing stereotypes that view sons as economic assets and daughters as burdens, thereby limiting women's access to education, healthcare, and inheritance. Women subjected to repeated coerced abortions suffer severe physical and psychological trauma, underscoring the continuing control of patriarchal structures over women's reproductive rights and bodily autonomy.

At its core, female feticide signifies a profound moral crisis. It erodes the values of equality, dignity, and justice, replacing compassion with economic and cultural prejudices. The practice undermines the ethical foundation of society and destabilizes demographic harmony. Addressing female feticide therefore requires not only stringent legal enforcement but also a deep social transformation that restores respect for the girl child and upholds the intrinsic worth of every human life. Only through such collective moral and social awakening can society reclaim balance and move toward genuine gender equality.

Legal Measures Against Female Feticide: Legal measures against female feticide in India operate through a comprehensive constitutional, statutory, and judicial framework designed to combat sex-selective practices and safeguard the rights of the girl child. The Constitution lays the foundation for these protections through Articles 14, 15, and 21, which guarantee equality before the law, prohibit discrimination on the basis of sex, and uphold the right to life and dignity. Female feticide, by violating these core principles, stands as a

direct affront to constitutional morality. The central legislative instrument addressing this issue is the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, later strengthened in 2003. The PCPNDT Act prohibits sex determination before and during pregnancy, regulates the use of diagnostic technologies such as ultrasound, mandates compulsory registration of genetic and imaging centers, and prescribes stringent penalties including imprisonment, fines, and suspension of medical licenses.

Judicial intervention has played a crucial role in reinforcing the Acts implementation. In *CEHAT v. Union of India* (2003), the Supreme Court issued key directives for establishing Central and State Supervisory Boards, improving record-keeping, sealing non-compliant clinics, and ensuring rigorous monitoring. Provisions of the Indian Penal Code—Sections 312 to 316 and 318—criminalize causing miscarriage, death of an unborn child, and concealment of birth, adding further legal deterrence. The Medical Termination of Pregnancy (MTP) Act, 1971, while permitting safe and legal abortions under specific conditions, explicitly prohibits abortions sought for sex-selection purposes.

Despite the strength of this legal framework, enforcement remains a significant challenge. Corruption, poor surveillance, inadequate manpower, and the operation of unregistered diagnostic centers weaken the Acts effectiveness. Social acceptance of patriarchal norms further enables evasion of the law. Therefore, while legal measures are indispensable, their success ultimately depends on strict implementation, greater institutional accountability, and a parallel transformation in societal attitudes that fuel the preference for male children.

CONCLUSION

Female feticide remains one of the most severe expressions of gender-based discrimination in contemporary India. While constitutional protections and detailed statutory frameworks exist, patriarchal norms, economic pressures, technological misuse, and weak enforcement mechanisms continue to drive this practice. This study demonstrates that female feticide is a multi-layered problem that cannot be addressed through legal measures alone.

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