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Introduction

The National Policy for the Empowerment of Women in India (2001) was a great achievement in the history of Indian women's human rights. It refers to many aspects of women's lives, and includes assurances that:

‘Measures will be adopted that take into account the reproductive rights of women to enable them to exercise informed choices.’ (6.2) And ‘All forms of discrimination against the girl child and violation of her rights shall be eliminated by undertaking strong measures both preventive and punitive within and outside the family. These would relate specifically to strict enforcement of laws against prenatal sex selection and the practices of female foeticide, female infanticide, child marriage, child abuse and child prostitution etc.’ (8.1)

Yet, gender bias is traditional in India, with some states noted for female infanticides and female foeticides. The incidence of female foeticide is rising. I wish to argue that both are due to traditional son preference and intrinsically linked to the dowry system, which has technically been illegal since 1961 (The Dowry prohibition Act, 1961).

The dowry system effectively commodified women, so they came to be seen as expensive, as well as less powerful in the economic exchange within the joint family system.

As part of the development of women's rights, women now have the right to choose abortion, yet attitudes of expectant mothers continue to be influenced by the dowry system. Women themselves get caught up in under-valuing girl children. Women often prefer not to have girl children, because they will cost the family too much. On the one hand women

are blamed for having abortions, yet they participate in sex-selection related abortions because girls are less valued.

When daughters ARE born, families must hold back on economic resources to save for gifts to the woman's future husband and his family. For example, Girls are denied the right to education, since expenses on their education is not considered to be an investment of higher returns. According to Janice Raymond (1994, p24) girls are breastfed for a shorter period of time, which denies their right to adequate health and nutrition. Girls are also not immunized, failure of which leads to poor health and sickness. There is suggestion that this can be a deliberate attempt to limit their lives.

Early marriages are favoured in some Indian states like Rajasthan, because families favour younger brides. The biological family no longer has to support the girl. The husband's family may view her as cheap labour in the household and fields, and more accommodating, in that they do not question their husband's family. Trafficking in India is rising, and sometimes this, too, is driven by the value of dowry. Some of the girls who have been trafficked are from Nepal. They marry Indian men in exchange for dowry. The young wife might then be sold in to brothels as child-sex workers across India.

The paper will briefly discuss the status of women in India; the dowry system and the rising use of sex-selection technologies in female foeticide, to further develop my argument.

Women in Indian Society

India is a democratic republic with the second largest population in the world: 980 million total population in 1998 of, which 470 million consist of women (U.N. 1999, p18).

The sex ratio for the total population has increased from 927 females per 1000 males in 1991 to 933 in 2001. However the sex ratio for the population of female children up to 6 years has declined from 945 in 1991 to 927 in 2001.

The status of women in India has been a chequered one as it has seen many ups and downs. In the VEDIC Age 1500-1000 BC, they were worshipped as goddesses. In the Muslim age 1026-1756 AD their status suffered a sharp decline and in the British regime they were looked down upon as 'slaves of slaves' (Sachdeva 1998, p285). Women in India have made some progress in the fields of education, health or economics or as a result of technological developments, or because of a process of evolution. Though in very small numbers today India has women in almost all spheres of life. Women of today are doctors, engineers, pilots, journalists, teachers, administrators, judges including a woman Judge in the supreme court, state governors, ambassadors, members of parliament and ministers. India has had a woman Prime Minister and a President of the UN Assembly. In spite of these achievements the fact remains that ordinary women's condition is a grim reality (See Chart 1). According to the 1981 census report there were 933 women per 1000 men, and 47 % literate men compared with 25 % of women who were literate. Dowry deaths, child marriages, the perpetuation of widowhood and the preference for a son continue to have social sanctions. As for the child marriages, out of the total of 321 million females, 147 million or 47 percent were married, and of these 2.63 million or 1.79 percent were in the age group of 10-14 years. In the rural areas, out of 115 million married females, 2.42 million or 2.41 percent were aged between 10-14 years. In the urban areas the figures are relatively smaller, out of 32.14 million, 0.68 percent in the age group of 10-14 years (Sachdeva, 1998).

Chart 1

Statistical overview of Status of Women in Indian society

Statistical Overview of Women's Status

Population	846 million
Female	407 million
Male	439 million
Sex Ratio	927 females per 1000 males
Female Life Expectancy at Birth	58.1 years
Male Life Expectancy at Birth	57.7 years
Annual Population Growth	2%
Infant Mortality Rate (Female)	80 per 1000 (1992)
Infant Mortality Rate (Male)	79 per thousand
Literacy Rate (Female)	39.19%
Literacy Rate (Male)	64.13%
Gross Enrolment Ratio (Female)	92.9%
Gross Enrolment Ratio (Male)	115.3%
Drop-out rates (Female) (1993-94)	
Primary level	39.1%
Middle level	56.8%
Drop-out rates (Male) (1994)	
Primary level	36.1%
Middle level	50.0%
Paid Work Participation rate (Female) 22.27%	22.27%
Paid Work Participation rate (Male) 51.6%	51.6%

(The reason for the figure being above 100% is that they include over-age children i.e. children who are above the primary school age group) CEDAW report on Indian women, Convention of elimination of discrimination against women.

(www.wcd.nic.in/CEDAW accessed on 30/01/02)

The Dowry System

Traditionally, the custom of Dowry, long entrenched in male dominated society has attained alarming proportions over the last few decades (Ranjana Kumari 1989, p1). According to Goody (quoted by Ranjana Kumari 1989, p3), “Dowry can be seen as a type of pre-mortem inheritance to the bride”. Thambiah defines Dowry as

“Wealth given to a daughter at her marriage for the couple to use as the nucleus of their conjugal estate, by and large we can say that dowry in India and Ceylon (Srilanka) the notion of female property (Streedhanam) which technically is her property and in her own control though the husband usually has rights of management”.

(quoted by Kumari 1982, p3)

Dowry normally means gifts given during the marriage to the son-in-law or his parents either in cash or kind. From the point of view of women’s status, however, dowry has to be looked at as constituting what is given to the bride, and is often settled before hand and announced openly or discreetly. The gift, though given to the bride may not be regarded as exclusively her property, but includes what is given to the bridegroom before and after marriage; and what is presented to the in-laws of the girl. The practice of giving dowry was meant to assist a newly wed couple to start their life together with ease. However, now it has degenerated into a sordid commercial transaction in which monetary considerations receive priority over the personal merits of the bride.

The Dowry system has always given rise to innumerable socio-economic problems of far reaching consequences and wide ranging ramifications. Of late, numerous incidents of bride burning, harassment and physical torture of the young brides and various kinds of pressure tactics being adopted by the husbands /in-laws pressurising for more dowry have compelled the social reformers and the intelligentsia to give serious thought to the various aspects connected with the very institution of dowry (Sachdeva, 1998, p301). Legislation by itself cannot normally solve deep-rooted social problems. Nonetheless, legislation is necessary to exercise educative impact besides providing legal sanctions against this social evil of devastating consequences.

It is in this context that while the Dowry Prohibition Act was enacted in 1961, the Dowry prohibition (Amendment) Act, 1984 was passed to further plug some of the loopholes in the original Act. It came in to force 2nd October, 1985, requiring that lists shall be maintained in writing and shall contain a brief description of each present, its approximate value, the name of the person who has given the present, and whether the person giving the present is related to the bride or bridegroom a description of such relationship, and shall be signed by both the bride and the bridegroom (Sachdeva, 1998, p302).

The Dowry 'give and take' phenomenon is practised widely throughout India irrespective of caste and class. In spite of the legal sanctions women have been victims of Dowry harassment and victims of violence due to insufficient dowry given by the bride's family to the groom's family (Sachdeva, 1998, p302). In India an average of five women a day are burned in dowry related disputes and many cases are never reported. (www.un.org/rights/dpil/772e.html 12/4/01) This can be attributed to an internalization of prevailing attitudes, which view women as inferior and see them as having only themselves to blame for their predicament. It seldom sees them as victims a form of oppression or of socially prevalent sex biases.

Sex Determination: Abuse of Advanced Technologies

Various techniques of sex determination and sex pre-selection have been developed during the last fifteen years (Kotala, 1983, quoted in Vibhuti Patel, 1996). Techniques such as fonography, fetoscopy, needling, chorion biopsy and the most popular one, amniocentesis are increasingly becoming household names in India (Ravindra, 1986, quoted in Vibhuti Patel 1996, p17) Amniocentesis is a scientific technique that was supposed to be used mainly to detect genetic abnormalities, which has become very popular for the detection of the sex of the foetus. For this 15-20 ml of amniotic fluid is taken from the womb pricking the fetus membrane with the help of a special kind of needle. After separating foetic cells from amniotic fluid, a chromosomal analysis is conducted on it. This test helps in detecting several genetic disorders like mongolism, defects of neotube in the fetus, retarded muscle growth "Rh" incompatibility, haemophilia and other types of abnormalities. This test is to be conducted on women above 40 years because there are higher chances of Mongoloid children produced by such women. In

some cases, a sex determination test is required to identify sex specific deformities such as haemophilia, retarded muscular growth, which mainly affect males. These tests have had serious implications, which is evident from the provisional results of the Census of 2001 that were released recently. The sex Ratio for the total population of the country has increased from (927 Females per 1000 Males in 1991 to 933 in 2001). The decline is most prominent in relatively prosperous states such as Punjab and Haryana. The combination of the system of patriarchy and feudalism inherent in the traditional dowry system and medical technology tends to perpetuate discrimination against girl babies.

Taking cognizance of the link between pre-natal sex determination tests and the declining sex ratio among children, the Supreme Court, in a recent judgement, came down heavily on the central and state governments for having failed to implement the prenatal Diagnostic techniques (Regulation for the prevention of misuse Act 1994). The act which came in to effect in 1996 January, Provided for the regulation of the use of prenatal diagnostic techniques for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex –linked disorders and for the prevention of misuses of such techniques for the purpose of prenatal sex determination leading to female foeticide (www.flonet.com accessed on 2/11/01, Rajalakshmi, 2001, p1) While factors such as poverty and the dowry system play a crucial role in people's preference for the male child, the bias against the female child among people who are relatively well off needs an explanation. Better living standards do not necessarily ensure a better deal for the female child.

According to a documentary film entitled 'Let Her Die', produced for SBS on female foeticide "India is short of 25 million women". It starts by reporting 'Many individuals in Indian society consider that if in the first instance they have a baby girl it would be considered bad luck, in the second a disaster and in third a catastrophe'. In the South Indian communities they believe that 'Bringing up a girl is like watering a neighbours plant'. What is ironical is that Indian laws lack muscle to enforce them stringently in the community. Their husbands often abandon women if the appropriate amount of 'Dowry' as demanded is not gifted to his family and him. To be a single woman in India with a child is the worst stigma a woman could live with, that is the fate worse than death. With conditions such as these, Indian women justify female foeticide to be the only solution to discrimination that exists for the 'Girl child' from the minute she is born.

Conclusion

In summary, I have argued that the act of female foeticide is intrinsically linked to the 'Dowry system', to bring an end to abortions of female foetuses it is essential for Indian communities to bring an end to the ritual of Dowry.

Indian women still have a long way to go until the National policy of Women's Empowerment lives in practice in women's everyday lives.

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