

FEMALE INFANTICIDE: THE INDIAN STANDPOINT AND ITS LASTING EFFECTS

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Abstract: Sex selection, whether through abortions or deliberate killing of a newborn female child, has become a significant social phenomenon in several parts of India. It is not dependent on the divisions of castes, class and communities or even location. The girl children have become target of attack even before they are born as are assumed as liability. This attitude is rooted in a complex set of social, cultural, and economic factors. This paper theoretically analyses the magnitude of the incidence of female foeticide and infanticide in India and how this is affecting the gender issues related to sex compositions of Indian households. Also measures and suggestions to curb this problem before it worsens anymore have been discussed.

Key Words: Foeticide, Infanticide, Crimes against women, Sex-selective abortion, Discrimination.

1. INTRODUCTION:

Female infanticide is the deliberate killing of a newborn female child or the termination of a female foetus by the methods of selective abortion [1]. The practice has led to the death of millions and is a major cause of concern in several nations, especially in India and China. The women are viewed in a low status in patriarchal societies, which creates a bias against females and makes the society gender biased.

What needs to be seen is that there is nothing new about this phenomenon and in fact female infanticide is as old as many cultures, and has in all probability accounted for millions of gender-selective deaths throughout history and remains a critical concern in a number of countries today. In all cases, specifically female infanticide reflects the low status accorded to women in most parts of the world; it is arguably the most brutal and destructive manifestation of the anti-female bias that pervades "patriarchal" societies i.e. places where cultural norms value male children over female children. [2]

This practice of sex selection in favour of males (sometimes called son preference or female de-selection) is quite common, especially in China, Korea, Taiwan, Singapore, Malaysia, India, Pakistan, New Guinea, and many other developing countries in Asia and North Africa. [3]

2. AIMS AND OBJECTIVES:

The purpose of this paper is to realize the reality of the problem of girl child infanticide in India. It is a reflection on the past as well as present demonic practice of female de-selection. The objective is to realize the problem behind the smoke screens of claims that the situation is under control and to control the same before it is too late.

3. SCOPE:

The scope of this paper is confined to study the problem of girl child infanticide within the Indian Sub-continent, with certain illustrations of practice in other countries and cultures. This study will concentrate not only on overall sex ratio in the country of India but will also highlight the sex ration among the age groups 0-4 and 0-6, which in fact is the most troublesome issue.

4. HISTORY:

The reason for this intentional killing of baby girls can be attributed to the low value associated with the birth of females.

In many cultures, government permitted, if not encouraged, the killing of handicapped or female infants or otherwise unwanted children. In the Greece of 200 B.C., for example, the murder of female infants was so common that among 6,000 families living in Delphi no more than 1 percent had two daughters. Among 79 families, nearly as many had one child as two. Among all there were only 28 daughters to 118 sons. But classical Greece was not unusual. R.J. Rummel says, "In eighty-four societies spanning the Renaissance to our time, "defective" children have been killed in one-third of them. In India, for example, because of Hindu beliefs and the rigid caste system, young girls were murdered as a matter of course. When demographic statistics were first collected in the nineteenth century,

it was discovered that in "some villages, no girl babies were found at all; in a total of thirty others, there were 343 boys to 54 girls. ... [I]n Bombay, the number of girls alive in 1834 was 603." [4]

In 1857, John Cave-Brown documented for the first time the practice of female infanticide among the *Jats* in the Punjab region. Data from the census during the colonial period and from 2001 propose that the *Jat* have practiced female infanticide for 150 years. In the Gujarat region, the first cited examples of discrepancies in the sex ratio among *Lewa Patidars* and Kanbis dates from 1847. [5]

In 1789 during British colonial rule in India the British discovered that female infanticide in Uttar Pradesh was openly acknowledged. A letter from a magistrate who was stationed in the North West of India during this period spoke of the fact that for several hundred years no daughter had ever been raised in the strongholds of the Rajahs of Mynpoorie. In 1845 however the ruler at that time did keep a daughter alive after a district collector named Unwin intervened. A review of scholarship has shown that the majority of female infanticides in India during the colonial period occurred for the most part in the North West, and that although not all groups carried out this practice it was widespread. In 1870, after an investigation by the colonial authorities the practice was made illegal. [6]

In India, since 1974 amniocentesis has been used to determine the gender of a child before birth, and should the child be female then an abortion can be carried out. According to women's rights activist Donna Fernandes, some practices are so deeply embedded within Indian culture it is "almost impossible to do away with them", and she has said that India is undergoing a type of "female genocide". The United Nations has declared that India is the most deadly country for female children, and that in 2012 female children aged between 1 and 5 were 75 percent more likely to die as opposed to boys. The children's rights group CRY has estimated that of 12 million females born yearly in India 1 million will have died within their first year of life. In the Indian state of Tamil Nadu during British rule, the practice of female infanticide in Tamil Nadu among the Kallars and the Todas was reported. More recently in June 1986 it was reported by India Today in a cover story Born to Die that female infanticide was still in use in Usilampatti in southern Tamil Nadu. The practice was mostly prevalent among the dominant caste of the region, Kallars. [7]

It should be seen as a subset of the broader phenomenon of infanticide, which has also targeted the physically or mentally handicapped, and infant males (alongside infant females or, occasionally, on a gender-selective basis).

4. NATIONAL FRAMEWORK AND SITUATION:

4.1 Prevalence In India

As John-Thor Dahlburg points out, "in rural India, the centuries-old practice of female infanticide can still be considered a wise course of action." [8]

According to census statistics, from 972 females for every 1,000 males in 1901, the gender imbalance tilted to 933 in 2001; even though the over-all sex ratio has risen to 940 in 2011, however hidden behind this is the reality that India is in fact being 'Masculinised'. Though the word masculinisation has more of a scientific meaning, however an article by Mr. Kannan Kasturi, which has been titled as 'The Masculinisation of India' [9] reflects upon this underlying term in accordance with the societal trends. The term here means tilting of the balance of society so as to inculcate higher male population to that of females [10], leading to over masculinisation of the population especially in the infant age group i.e. 0-4. The indicator that has assisted the author in coming to a conclusion that the number of females of the age group 0-4 has decreased over the years is the sex ratio, which has been assimilated through census reports of various decades.

While in 2001 Census of India Sex Ratio for the age group 0-4 was 934 [11] while in 2011 Census it stands at a mere and shameful figure of 915 [12] while for the age group 0-6 it went from 976 in 1961, 964 in 1971, 962 in 1981, 945 in 1991, 927 in 2001 to a disturbingly low 914 in 2011. This is a clear indication that the fear of the dip in child sex ratio is not a hoax but a bitter reality.

4.2 "Horrible Profiles"

There are various disturbing cases from all over India which feature the brutality of female infanticide:

Case 1:

In the nearly 300 poor hamlets of the Usilampatti area of Tamil Nadu, as many as 196 girls died under suspicious circumstances in 1993. Some were fed dry, unhulled rice that punctured their windpipes, or were made to swallow poisonous powdered fertilizer. Others were smothered with a wet towel, strangled or allowed to starve to death.

A study of Tamil Nadu by the Community Service Guild of Madras similarly found that "female infanticide is rampant" in the state, though only among Hindu (rather than Moslem or Christian) families. "Of the 1,250 families covered by the study, 740 had only one girl child and 249 agreed directly that they had done away with the unwanted

girl child. More than 213 of the families had more than one male child whereas half the respondents had only one daughter." [13]

Case 2:

The oleander plant yields a bright, pleasant flower, but also a milky sap that, if ingested, can be a deadly poison.

It's one of the methods families use to kill newborn girls in the Salem District of Tamil Nadu, a part of India notorious for female infanticide. [14]

Nearly 60 percent of girls born in Salem District are killed within three days of birth, according to the local social welfare department. That doesn't count the growing number of abortions there to ensure a girl baby won't be carried to term.

4.3 Judicial Decisions And Outlook

The courts have provided with their views on the current issue in contemplation, have given rulings to enforce several mechanisms to resolve this problem. Some such cases are as under:

Voluntary Health Ass. of Punjab v. Union Of India & Ors., (2013) 4 SCC 1

The judgment of the Apex Court in the above mentioned case draws the attention of the researcher to the very core aspect of the concept. Being the most recent judgment this case is a landmark step discussing the societal viewpoints which the order passed by Supreme Court states very evidently. The Court basically noticed that the directions which were laid down in the case of *CEHAT v. UOI* in the 2001 and again in the same case in the year 2003, as well as the provisions of the Act were not being properly implemented by the various States and Union Territories, thus the court passed an order on 8.1.2013 directing personal appearance of the Health Secretaries of the States of Punjab, Haryana, NCT Delhi, Rajasthan, Uttar Pradesh, Bihar and Maharashtra, to examine what steps they have taken for the proper and effective implementation of the provisions of the Act as well as the various directions issued by this Court.

The ratio decidendi of the case stated that the court has taken cognizance of the matter and was very thorough in conducting the enquiry. The obiter dicta of the case gave following guidelines which were made mandatory and the non-compliance of which would lead to serious consequences. The comparative data provided in the case also suggests that the judgment passed by the court was after due diligence and keeping the current figures very well studied. The court also noticed that there has been no effective supervision or follow up action so as to achieve the object and purpose of the PCPNDT Act. The court also pointed out that there was no attention paid to the Mushrooming of various Sonography Centres, Genetic Clinics, Genetic Counseling Centres, Genetic Laboratories, Ultrasonic Clinics and Imaging Centres in almost all parts of the country and opined that it needed attention by the authorities under the Act. But, the court observed that unfortunately, their functioning is not being properly monitored or supervised by the authorities under the Act or to find out whether they are misusing the pre-natal diagnostic techniques for determination of sex of fetus leading to feticide. Thus, to monitor and keep a vigil the court laid certain significant guidelines in this respect and made an hierarchical arrangement for the reporting of such work conducted by all the committees under the directions given.

Thus, the case has been a pioneer in the study carried out by researcher in understanding the role of the judiciary in bringing up and giving legal sanctity to the issue.

Manju v. State on 12 March, 2010

The work of judiciary is to give a legal stand point but in this case the judiciary has worked even more profoundly indicating the actions taken by parents as compulsions due to societal trends and economic norms. The order of the Delhi High Court starts with those sensitive words where a reader could actually wet his/her eyes. It starts with stating the destiny of the child which has been killed by her own parents. The judgment draws the attention to the moral values which a human carries with him/herself. It sadly but very boldly titles the parents who killed their as 'architect of crime' who even before her birth planned to kill her. It's such an irony that the birth giving mother being a female herself kills her own daughter because she knows exactly how the treatment of her child is going to be. But what is the reason of this fear? Is it poverty, illiteracy or the socio-economic factors which terrifies the heart of a mother when she sees that her new born is a female. It's a question which every individual has to ponder upon. No articles, books or legal actions can do if the very basic though process is corrupted.

The case basically provides with all the necessary details regarding the birth and death of the child. The series of incidents lead to the judgment that whatsoever are the circumstances the parents have no right to kill their child. In the arguments there was a question raised which pointed out that 'it depends on the birth giver to keep the baby or to kill the baby' in reply of this the judge said that it is in the hands of the almighty to decide that. If the child is born it is

mandatory on the parents to keep the child, if they are not performing their duty properly then their rights of killing the child does not even arise.

Thus, the ratio of the court clearly states that the culprit is the one who does not have a conscience but if the other factors which are influencing the decision of the wrongdoer then it's a question on the society that what it is turning out to be: globalized or obsolete? Thus, the case has given an outlook towards the general practice which is prevalent giving it a legal shape by the help of the provisions of the law applicable for the particular issues.

Centre For Enquiry Into Health and Allied Themes (CEHAT) v. Union Of India And Ors., (2003) 8 SCC 398

The original case being in the year 2001 brings the current writ petition of this case stating the non-compliance by the statutory authorities of the directions and the guidelines provided by the court in the case of 2001. The major issue involved in the case is regarding the applicability of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act PCPNDT Act. The very significant aspect of the case is regarding the analysis of the technological advancements which are there in the field of science. The court very keenly observed and describes that the technology is for the growth and development of the mankind and not for the eradication of humanity. The analysis of the PCPNDT and PNDT (Pre-natal Diagnostic Techniques) Act, the court said that the technology of diagnosing a child is in relation to its health, growth and for the detection of abnormalities if there are any, of a child and not for determination of the sex of the child.

The technology today is creating a havoc in the growing scenario and thus, decreasing the sex ratio. The urge that was done through this writ petition was regarding the loose implementation policies of the said acts. The scarcity of the authorities, the lack of supervision by the appointed authorities, the growing advertisements of pre-natal sex selection including all other sex determination techniques took the central theme and there was an advocacy for the banning of such advertisement and for seeking the directions on the other issues. Thus, the court gave detailed guidelines in this regard and made different committees to look into the matter and to conduct a supervision meeting in every six months to verify and discuss the proper implementations of the policy. Thus, the judgement gives a sufficient comprehensiveness to the legal provisions of the act and also provides for the enhanced techniques for the check of the proper implementation.

By the order of the court there was composition of Central Supervisory Board and also there were directions, which were given to central government time and again on this issue. The proper mechanism for the complaint system was also being improvised due to this case. It was also suggested by the courts that there must be proper awareness campaigns that must be conducted so as to sensitize people and to make them understand the policies formed by state and central government with regard to welfare of the female child.

5. REASONS AS TO WHY THIS PRACTICE IS FOLLOWED:

When one embarks upon to trace the reasons for female de-selection in India, studies have revealed three factors for the same, which are economic utility, socio-cultural utility, and religious functions. The factor as to economic utility is that studies indicate that sons are more likely than daughters to provide for the family, assimilate themselves in family business, earn wages, and give old-age support for parents. Upon marriage, a son makes a daughter-in-law an addition and asset to the family providing additional assistance in household work and brings an economic reward through dowry payments, while daughters get married off, the situation is just the reverse and thus the daughters are considered as economic penalty. The socio-cultural utility factor of female de-selection is that, as in China, in India's patrilineal and patriarchal system of families is that having at least one son is mandatory in order to continue the familial line, sons represent lineage; daughters marry and relocate to their husbands' homes, and many sons constitute additional status to families. The final factor of female de-selection is the religious functions that only sons are allowed to provide, based on Hindu tradition, which mandate that sons are mandatory in order to kindle the funeral pyre of their late parents and to assist in the soul salvation. [15]

Moreover in many parts of India one another reason exists leading to rampant killing of girl child. The reason is to intact property rights. Like the Vellala Gounder community, the dominant caste there, owns most of the land and is intent on retaining property rights within the family. [16] And after the recent Succession Rights to daughters this reason may turn up as the major reason.

According to Krishna H. Pradhan [17], these societal problems are at the roots of the escalating problem in India and even though we are in the 21st century the mindset of the people has been the same and it will remain the same till we ourselves do not work on it.

5.1 WHO IS RESPONSIBLE?

As already noted, female infanticide reflects the low status accorded to women in many societies around the world. The "burden" of taking a woman into the family accounts for the high dowry rates in India, which, in turn, have led to an epidemic female infanticide.

Infanticide is a crime overwhelmingly committed by women, both in the Third and First Worlds. [18] In India, according to John-Thor Dahlburg, "many births take place in isolated villages, with only female friends and the midwife present. If a child dies, the women can always blame natural causes." [6] But it is not what they want; after all they are mothers, sisters and foremostly females themselves. It is the demonic society that forces them to act in that manner because they know the fate of that child, as they have themselves experienced it.

Secondly, it is the fault of the government that keeps its clutches loose. Infanticide is illegal in India but has never been prosecuted. [14]

Thus, the real fault lies either in the minds of the people and partially with the crippled law which has deteriorated the issue.

5.2 SOCIETAL EFFECTS:

The overall practices of sex-selection have had larger societal effects, particularly in relation to demographics. Culture is a strong motivation for sex-selection, as is evident by the practice of sex-selection among cultures where male children are preferred over female children.

The women in such societies have to face tremendous societal pressures and persecution ensuing right from her birth, rather from her conception and worries of her education, to her upbringing and her marriage keeps the whole household haggard down. Even though the studies have reflected [19], that a girl child has a better chance of survival than a male child, due to disparity in health related facilities, a famished and malnourished child falls prey to the clutches of death. It is estimated that by 2020 there could be more than 25 million young "surplus males" in India. [20]

Sex-selective abortion has been seen as worsening the (child) sex ratio in India, and thus affecting gender issues related to sex compositions of Indian households. [21]

6. HOW TO CURB THE PROBLEM:

Amid such stubborn statistics, activists are at work to counter the forces of tradition. A focus of their work: improving the standing and self-image of women themselves.

Community Services Guild (CSG), a nongovernmental organization, works with rural women in particular to discourage female feticide. One of CSG's interventions targets women who already have at least one girl. Now 20 years old, the program sends workers to visit these mothers, teaching them and their daughters' skills that contribute income to their families (such as basket-weaving or selling produce) and re-educating them about the value of girls to society.

"Educating the new-generation girl - and empowering her with the skills necessary for economic independence - is the only long-term solution," says G. Prasad, CSG deputy director. Though CSG works in a patriarchal culture where female inferiority is ingrained, the group encourages women to become decision-makers. [22]

Also, in India, under the Pre-Conception and Pre-Natal Diagnostic Technique (Prohibition of Sex Selection) Act, 1994, sex selective abortions are made punishable. The Government in the Ministry of Health and Family Welfare is responsible for administration of this Act and its implementation is the responsibility of the State Governments/ Union Territory Administrations. Further, foeticide is also punishable under Section 315 of Indian Penal Code (IPC), with imprisonment of either description for a term which may extend to ten years, or with fine, or with both and infanticide amounts to homicide and all legal provisions applicable to the offence of homicide are applicable to infanticide (Section 318 concealment of birth by secret disposal of the dead body amounts to culpable homicide).

However, the above means do not seem to be effective enough as the problem is still on increase. One of the reasons that can be attributed to this is changing social norms towards smaller family size because of which couples try and achieve desired sex composition of children within a limited allowance for the number of children resulting in higher foeticides and infanticides.

During the 1994 United Nations International Conference on Population and Development in Cairo, Egypt, policy objectives intended to eliminate sex-selective abortion and infanticide, along with discrimination against female children, were stated in Article 4.15 of the Programme of Action: "...to eliminate all forms of discrimination against the girl child and the root causes of son preference, which results in harmful and unethical practices regarding female infanticide and prenatal sex selection". [23]

7. CONCLUSION AND SUGGESTIONS:

What we have been able to deduce from the discussions above is that the major reason for these horrendous practices is that girls are assumed as liability. This attitude is rooted in a complex set of social, cultural, and economic factors. It is the dowry system, lack of economic independence, social customs and traditions that have relegated the female to a secondary status. The degree may vary but the neglect of the girl child and discrimination goes hand-in-hand.

A deep rooted traditional preference given to sons exists for the reasons of a view which may be termed as ‘Theory of

Insurance vs. Expense’.

The reasons which may be prescribe for wanting a male child are that firstly a boy inherits the family name and property continuing the legacy of his ancestors and his father which for a typical Indian family is a huge relief as procreation of children is done basically so that the family name must not come to an end, secondly in Hindu families as the traditional practice only a male member can give fire to pyre of the family member and as the myth prevails a father or mother find place in heavens or receive freedom from the cycle of births when son performs these rites. Another reason that in view of society heavily tilts favour in side of males is the fact that when parents will grow old the son will remain in the family to take care of them, returning all the fruits of the tree which they have sown by investing in his up-bringing (though sons hardly remain in joint families these days!!), thus by spending on son they seem to insure their future in all means.

Whereas the girls are seemed as burden since the second they are conceived. Firstly they have to constantly fear for her safety while she is growing up and then parents fear the day she has to be married, when they will have to shell out the ‘hard-earned’ money for no avail as girl will move to another family and they will be left alone without anyone to support and take care of them in their old age.

Thus, due to the above mentioned social-economic thinking of parents male child is assumed to be an Insurance policy while investment on girls is like betting on already lost lottery where there is only expense and no return.

It is for the above-mentioned theory and the reasons assigned and due to rise in crimes against women and ever increasing rates of dowry parents in India are becoming more and more reluctant to have a girl child.

This practice is bound to result into a scenario that will change the equations of the society. The decreasing ratio of girls as a child will be carry forwarded to the marriageable age and there would be a deficit of women. Men would have to delay their marriages in search of a suitable partner, which will in turn affect the coming generations of men further delaying their marriages and ultimately many would have to forego marriage altogether. In regions where a significant proportion of parents today have a single son, risk of sons remaining unmarried would mean the end of the traditional patrilineal family as it is currently known.

However, this will not improve the position of women in the society, infact due to pent up male egos and simultaneous increase in pressure to marry, there would be a higher risk of gender-based violence, rising demand for sex work and the development of trafficking networks. [24] Thus, the situation that awaits is not in favour of any section of the society and will shake the very foundations that it rests upon.

There is a lot of responsibility on government to control, say eradicate this practice. So it should promote the laws that curb female infanticide like Laws against Dowry; Laws against Sex Determination; Laws favouring Girl Education; Laws favouring Women's right; Laws favouring Equal Property Share for a daughter, and discourage laws that favour female infanticide like there are no laws to curb wedding expense by the bride's parents alone; no laws to curb divorced men and widowers from remarrying unmarried women from poorer background, hence making remarriage for a woman harder.

The most important task for the Indian government is to control population and increase awareness on the benefits of controlled human population, which includes better lifestyle, education, environment, health and well being of every individual. "We two, ours one", "Girl or Boy, let there just be one child" are awareness campaigns started by the government of India, but there is lack of laws that enforce single child.

The most important point is the mindset and the thought process of people which is drifted and as far as that will not change the problem will continue to remain alive. The government rather than making new policies if only focus on the judicial guidelines provided by court and follow them meticulously the task of eradicating the problem will become absolutely controllable. Thus, let’s assure our own self that this is a task to save humanity and to save the genesis of the mankind and it can be done by personal and individual effort done by each one of us. Otherwise, the system of “Born to Die” for female children will remain the same and it will not change.

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