

# Joint submission on eliminating female foeticide in India<sup>1</sup>

## 1. Executive Summary & recommendations

India is infamous for female foeticide and female infanticide, the crudest forms of gender based violence. The reasons are known: “*son preference and the belief that it is only the son who can perform the last rites, that lineage and inheritance runs through the male line, sons will look after parents in old age, men are the bread winners, exorbitant dowry demand is another reason for female foeticide/infanticide*”.<sup>2</sup> The ‘*Family Law of Usage and Customs of ‘Gentile Hindus’ of Goa*’ under the Goa Civil Code allows “simultaneous polygamy” by a Hindu man to marry a second wife, among others, if the first wife does not have a male child till the age of 30.<sup>3</sup> Even though women’s intestate as well as ancestral property rights are safeguarded under their personal laws, in practice women do not get any legal hold on parents, ancestral or matrimonial property.

During examination of India’s human rights records under the Universal Periodic Review in May 2012, Canada (138.41), Norway (138.152) and Liechtenstein made specific recommendations on female foeticide.<sup>4</sup> The Government of India had accepted the recommendations of Norway to “effectively balance the skewed ratio among children, including by combating female foeticide”.<sup>5</sup>

This joint submission of the civil society shows that India has failed to take effective measures to combat female foeticide since the UPR in 2012. There is no improvement in the implementation of the Preconception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PCPNDT Act) despite numerous directions of the Supreme Court of India. The various schemes of the Government of India and the State Governments providing incentives for reducing gender imbalance in child sex ratio, preventing female foeticide as well as infanticide and providing social and

---

1. Adopted at the National Consultation on Submission to the UN’s UPR on the issue of female foeticide organised by Asian Centre for Human Rights in New Delhi on 15 September 2016.

2. Statement of Shri Ghulam Nabi Azad, Union Minister for Health and Family Welfare in Rajya Sabha on 11 February 2014, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=103437>

3. Study cites Goan law to show tilt to sons, The Telegraph, 16 November 2013, [http://www.telegraphindia.com/1131116/jsp/nation/story\\_17575819.jsp#.V66zdph96M8](http://www.telegraphindia.com/1131116/jsp/nation/story_17575819.jsp#.V66zdph96M8)

4. Report of the Working Group on the Universal Periodic Review, India, A/HRC/21/10 dated 9 July 2012

5. Report of the Working Group on the Universal Periodic Review, India Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/21/10 dated 17 September 2012

## Joint submission on eliminating female foeticide in India

economic security to the girl child are mainly targets those Below Poverty Line (BPL) i.e. 21.9% of India's population in 2011-12<sup>6</sup>. These schemes effectively leave out those Above Poverty Line (APL) i.e. 79.1% of India's population who can afford sex selection. The outreach to the BPL under these schemes is extremely low as stated this submission, in Uttarakhand only 4.97% of the BPL families had been covered under the Nanda Devi Kanya Yojana from 2009 to 2014.

The Government of India launched "*Beti Bachao, Beti Padhao*" (BBBP, Save girl child, Educate girl child) in 2014 and the Prime Minister Mr Narendra Modi has been at the forefront in the implementation of the programme. It is a matter of concern that for the financial year 2014-15, out of Rs. 13,37,49,000 about Rs. 9,86,58,000 i.e. 73.76% of the sanctioned funds remained unutilized by 11 States namely Andhra Pradesh, Haryana, Himachal Pradesh, Maharashtra, Manipur, Punjab, Odisha, Uttarakhand, Uttar Pradesh, Bihar and Assam during 2014-2015.<sup>7</sup>

The falling child sex ratio is instructive. The problem lies in poor effective - implementation of the PC&PNDT Act and lack of serious initiative incentivizing retention of the girl child.

The civil society organizations therefore urge the member States of the United Nations to make the following recommendations to the Government of India on eliminating female foeticide in India:

- Ensure effective implementation of the PC&PNDT Act in letter and spirit including through launching of pilot schemes on the implementation of the Act in the targeted districts;
- Establish a Central nodal agency to combat female foeticide under the joint collaboration of Ministry of Women and Child Development and Ministry of Health & Family Welfare by bringing (i) Increased accountability of the Appropriate Authorities of the PC&PNDT Act currently under the Ministry of Health and Family Welfare, (ii) incentivized schemes for retention of the girl child across all economic class currently under the Ministry of Women and Child Development and (iii) Mandatory birth registration with a concentrated focus on girls currently under Ministry of Home Affairs under the administrative control of the nodal agency for effective combating of falling CSR;
- Use of Sex Ratio at Birth (SRB) by Registrar General of India should be taken annually instead of the CSR calculated every decade by RGI to identify districts

---

6. Press Note on Poverty, Planning Commission, July 2013 [http://planningcommission.nic.in/news/pre\\_pov2307.pdf](http://planningcommission.nic.in/news/pre_pov2307.pdf)

7. See Sanction Orders 2014-15 <http://wcd.nic.in/BBBPScheme/main.htm>

## Joint submission on eliminating female foeticide in India

having lowest child sex ratio and undertake effective implementation of the PC&PNDT act; and

- Government of India should either incorporate/strengthen in the Beti Bachao Beti Padao Program or launch a specific scheme to provide financial assistance to families to retain/survival of the girl child irrespective of income of the parents and make the scheme attractive enough for retention/survival of the girl child.

## 2. The scale of female foeticide

**Table 1: Fact sheet on female foeticide in India**

|   |  |
|---|--|
| Number of missing girls due to sex selection during 1991-2011   | 25,49,3,480 i.e. 25.49 million   |
| Number of missing girls due to sex selection per year   | 12,74,674 i.e. 12.74 million   |
| Number of cases registered under the Preconception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PCPNDT Act) from 1994-2014 | 2,021  |
| Number of cases registered under the PCPNDT Act per year  | 101  |
| Number of conviction secured under the PCPNDT Act from 1994-2014  | 206  |
| Ratio of cases registered against missing girls   | 1 (one) case approximately per 12,614 missing girls due to sex selection         |
| Number of conviction under the PCPNDT Act   | 1 conviction per 123,755 missing girls due to sex selection or sex determination |
| Number of States/Union territories which had not registered a single case under the PCPNDT Act since 1994   | 14 <sup>8</sup>  |
| Number of States/Union territories which had not  | 23 <sup>9</sup>  |

8. Arunachal Pradesh, Himachal Pradesh, Kerala, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Andaman & Nicobar Island, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep and Puducherry

9. Arunachal Pradesh, Himachal Pradesh, Kerala, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Andaman & Nicobar Island, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep and Puducherry, Andhra Pradesh, Chhattisgarh, Goa, Jharkhand, Karnataka, Tamil Nadu, Uttarakhand and West Bengal and Union Territories of Chandigarh.

## Joint submission on eliminating female foeticide in India

|   |  |
|---|--|
| secured as single conviction under the PC&PNDT Act since 1994   |  |
| Percentage of unutilized funds of the Government of India's flagship programme <i>Beti Bachao Beti Padao</i> (Save the Girl, Educate the Girl) scheme launched during 2014-2015 | Rs. 9,86,58,000 out of Rs. 13,37,49,000 i.e. 73.76%  |
| Percentage of Below Poverty Line population in India  | As per Suresh Tendulkar Committee estimates, 21.9% Indians were BPL in 2011-12 <sup>10</sup> |
| Coverage of BPL families under the <i>Nanda Devi Kanya Yojana</i> for retention of the girl child from 2009-2014 in State of Uttarakhand  | 4.97% availed schemes of the BPL families  |
| Percentage of population i.e. Above Poverty Line families excluded from schemes for retention of the girl child   | 79.1%  |

The Ministry of Statistics and Programme Implementation of the Government of India in its report, "*CHILDREN IN INDIA 2012 - A Statistical Appraisal*" of September 2012 stated that faster decline of sex ratio "*led to missing of nearly 3 million girl children compared to 2 million missing boy children in 2011, compared to 2001*".<sup>11</sup> This is based on the fact that children population of 0-6 years was 78.83 million in 2001 and it declined to 75.84 million in 2011.<sup>12</sup>

This statement of the Ministry of Statistics and Programme Implementation does not take into account the fact that decadal growth of population from 1.028 billion in 2001 to 1.21 billion in 2011<sup>13</sup> would have also resulted birth of more girls from 2001 to 2011 in actual terms. Further, census is conducted every 10 years. While calculating the CSR, the census only includes children of 0-6 years age group and excludes those in 07-10 years age group. Therefore, it does not reflect the actual number of missing girls during the decade.

10. Press Note on Poverty, Planning Commission, July 2013 [http://planningcommission.nic.in/news/pre\\_pov2307.pdf](http://planningcommission.nic.in/news/pre_pov2307.pdf)

11. CHILDREN IN INDIA 2012 - A Statistical Appraisal, Ministry of statistics and Programme Implementation Government of India available at [http://mospi.nic.in/mospi\\_new/upload/children\\_in\\_india\\_2012.pdf](http://mospi.nic.in/mospi_new/upload/children_in_india_2012.pdf)

12. CHILDREN IN INDIA 2012 - A Statistical Appraisal, Ministry of statistics and Programme Implementation Government of India available at [http://mospi.nic.in/mospi\\_new/upload/children\\_in\\_india\\_2012.pdf](http://mospi.nic.in/mospi_new/upload/children_in_india_2012.pdf)

13. Census data of 2001 & 2011 available at: <http://censusindia.gov.in/>

## Joint submission on eliminating female foeticide in India

As per the 2011 census report, total child population in the age group of 0-6 years was 7,58,37,152 females against 8,29,52,135 males during 2001 to 2011.<sup>14</sup> Based on the World Health Organisation's (WHO) estimate of natural sex ratio of 105 males for every 100 females<sup>15</sup>, for 8,29,52,135 males, there would have been around 7,90,02,033 females in the age group of 0-6 years instead of 7,58,37,152 girls. This means the total number of missing girls were 3,16,4,881 i.e. 7,90,02,033 females ideally to be born in the age group of 0-6 years minus 7,58,37,152 actually born in the age group of 0-6 years which is about 5,27,480 girls per age group. As the census is conducted every 10 years, it is indispensable to take into account those in the age group of 7-10 years to find out the exact number of missing girls in a decade. If a total of 3,16,4,881 girls in the age group of 0-6 years or 5,27,480 girls per age group went missing, another 21,09,920 girls in the age group of 7-10 years (5,27,480 girls per age group x 4 years) also went missing. This implies that a total of 52,74,801 girls altogether went missing during 2001 and 2011 from 0-10 years.

Similarly, as per 2001 census, there were a total of 78,820,411 females in 0-6 years age group against 84,999,203 males.<sup>16</sup> Based on the WHO's estimate of natural sex ratio of 105 males for every 100 females<sup>17</sup>, there would have been 8,09,51,622 girls in 2001 census instead of 78,820,411 girls. This means the total number of missing girls were 1,21,31,211 (8,09,51,622 - 7,88,20,411) in the age group of 0-6 or average of 20,21,869 girls missing per age group during 1991 to 2001. Taking into account those in the age group of 7-10 years, another 80,87,476 (20,21,869 x 4) also went missing during 1991 to 2001. This implies that a total of 2,02,18,687 girls were missing altogether during 1991 and 2001 in the age group of 0-10 years.

Therefore, total number of girls missing as a result of sex selection during 1991 to 2011 was 25,49,3,480 or 1,27,4674 girls every year.

---

14. Census 2011, <http://censusindia.gov.in/>

15. Health situation and trend assessment: Sex Ratio, WHO  
[http://www.searo.who.int/entity/health\\_situation\\_trends/data/chi/sex-ratio/en/](http://www.searo.who.int/entity/health_situation_trends/data/chi/sex-ratio/en/)

16. [http://censusindia.gov.in/Census\\_Data\\_2001/India\\_at\\_glance/broad.aspx](http://censusindia.gov.in/Census_Data_2001/India_at_glance/broad.aspx)

17. Health situation and trend assessment: Sex Ratio, WHO  
[http://www.searo.who.int/entity/health\\_situation\\_trends/data/chi/sex-ratio/en/](http://www.searo.who.int/entity/health_situation_trends/data/chi/sex-ratio/en/)

### **3. Further declining sex ratio of children**

The CSR is all set to fall further from 919 as per 2011 census.<sup>18</sup> According to Sample Registration System *Statistical Report-2013*<sup>19</sup>, the Sex Ratio at Birth (SRB) in the age group 0-4 for the country for the period 2011-2013 (3-years average) was estimated at 909. If under-five mortality rate of 48 deaths per 1,000 births in India<sup>20</sup> is taken into account, the child sex ratio during 2011-2013 will be about 886<sup>21</sup> girls per thousand boys which is drastic fall from CSR of 919 during 2011 census.

**Table 2: Comparison of Sex Ratio at Birth and Child Sex Ratio**

| State             | SRB<br>(2011-2013) <sup>22</sup> | CSR of 0-6<br>years (2011) <sup>23</sup> |
|-------------------|----------------------------------|--|
| Haryana           | 864                              | 834                                      |
| Punjab            | 867                              | 846                                      |
| Uttar Pradesh     | 878                              | 902                                      |
| Delhi             | 887                              | 871                                      |
| Rajasthan         | 893                              | 888                                      |
| Jammu and Kashmir | 902                              | 862                                      |
| Maharashtra       | 902                              | 894                                      |
| Gujarat           | 911                              | 890                                      |
| Bihar             | 911                              |  |
| Jharkhand         | 913                              |  |
| Andhra Pradesh    | 916                              |  |
| Assam             | 920                              |  |
| Madhya Pradesh    | 920                              | 918                                      |
| Tamil Nadu        | 927                              |  |
| Himachal Pradesh  | 943                              | 909                                      |
| West Bengal       | 943                              |  |

18. See the Statement of Shri Ghulam Nabi Azad, then Union Minister for Health and Family Welfare in a written reply to the Rajya Sabha on 11.02.2014 <http://pib.nic.in/newsite/PrintRelease.aspx?relid=103437>

19. The SRS Statistical Report 2013 of the Census of India, Government of India is available at [http://www.censusindia.gov.in/vital\\_statistics/SRS\\_Reports\\_2013.html](http://www.censusindia.gov.in/vital_statistics/SRS_Reports_2013.html)

20. 20% of world's under-5 deaths occur in India, The Times of India, 9 September 2015 available at <http://timesofindia.indiatimes.com/india/20-of-worlds-under-5-deaths-occur-in-India/articleshow/48878224.cms>

21. As per WHO estimate of natural sex ratio of 105 males for every 100 females, for 48 death, the number of male death will be 25 and the number of female will be 23

22. See [http://www.censusindia.gov.in/vital\\_statistics/SRS\\_Reports\\_2013.html](http://www.censusindia.gov.in/vital_statistics/SRS_Reports_2013.html)

23. Census 2011, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=103437>

#### **4. Status of the Government measures to combat falling CSR**

Female infanticide is a criminal offence under Section 315<sup>24</sup> and Section 316<sup>25</sup> of the Indian Penal Code (IPC). The Government of India further enacted the Preconception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PCPNDT Act)<sup>26</sup> to prohibit and regulate the use of diagnostics techniques for sex determinations leading to sex selective elimination of female foetus. The Government of India and various State Governments further launched specific schemes to reduce gender imbalance in child sex ratio, prevent female foeticide and provide social and economic security to the girl child.

#### **4.1 The failure of the laws criminalizing female foeticide and infanticide**

##### **i. Female foeticide**

Facilitating son preference is a booming business in India despite the same being criminalized under the “Preconception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994” (PC&PNDT Act).

On 5 July 2016, the Supreme Court reprimanded online search engines Microsoft, Google and Yahoo of violating the PC&PNDT Act by hosting advertisements pertaining to pre-natal sex determination and directed the Government of India to remove them at the earliest with help from technical experts.<sup>27</sup> On 9 September 2016, Google, Microsoft and Yahoo assured the Supreme Court to block sites and

---

24. Section 315. Act done with intent to prevent child being born alive or to cause it to die after birth, “Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

25. Section 316. Causing death of quick unborn child by act amounting to culpable homicide, “Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

26. See Chapter 19 ‘Gender Issues’, Annual Report 2014–15, Ministry of Health and Family Welfare, Government of India, <http://www.mohfw.nic.in/WriteReadData/l892s/56321456698774563.pdf>

27. See SC slams Microsoft, Google, Yahoo for hosting sex determination Advts violating PNDT Act, Live Law, 5 July 2016, and [http://sci.nic.in/FileServer/2016-07-05\\_1467718758.pdf](http://sci.nic.in/FileServer/2016-07-05_1467718758.pdf)

## Joint submission on eliminating female foeticide in India

advertisements offering kits to determine the foetus' gender and facilitate female foeticide.<sup>28</sup>

The advertisement of Google and others show the failure of the "Preconception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994" (PCPNDT Act)<sup>29</sup> which was enacted to prohibit and regulate the use of diagnostics techniques for sex determinations leading to sex selective elimination of female foetus. As per the statement of the Government of India made before the parliament on 27.02.2015, since the PC&PNDT Act came into force in 1994 in September 2014, the number of registered Ultra Sound centres, Genetic Counseling Centre/Genetic Clinic/Genetic Laboratory etc registered under the PC&PNDT Act were 50,743; the number of pending court and police cases were 2,021; the number of convictions secured were 206; the number of suspension/ cancellation of medical licenses were 98; and the number of machines seized/sealed were 1,716.<sup>30</sup>

If about 25,49,3,480 girls approximately went missing as a consequence of sex selective abortion in 20 years from 1991 to 2011 and 2,021 court cases were filed from 1994 to 2014 under the PC&PNDT Act as per the Government of India, it implies that only 1 (one) court case was filed approximately for 12,614 cases of sex selective abortions. As conviction was secured only in 206 cases in 20 years, it implies that only 1 (one) conviction was secured per 123,755 cases of sex selective abortions. This abysmal failure in the implementation of the PC&PNDT Act is evident despite numerous directions of the Supreme Court in *CEHAT and Others v. Union of India*,<sup>31</sup> *Voluntary Health Association of Punjab vs. Union of India & Ors*<sup>32</sup> and numerous judgments of the High Courts.

Further, as of September 2014, 14 States/UTs i.e. Arunachal Pradesh, Himachal Pradesh, Kerala, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Andaman & Nicobar Island, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep

---

28. Google, other search engines to block content aiding female foeticide, SC told, The Tribune, 19 September 2016

<http://www.tribuneindia.com/news/nation/google-other-search-engines-to-block-content-aiding-female-foeticide-sc-told/297629.html>

29. See Chapter 19 'Gender Issues', Annual Report 2014-15, Ministry of Health and Family Welfare, Government of India, <http://www.mohfw.nic.in/WriteReadData/1892s/56321456698774563.pdf>

30. See Annexure III as referred to reply to part (a) of Lok Sabha Unstarred Question No. 799 answered on 27.02.2015 Union Minister of Health and Family Welfare, J. P. Nadda, <http://164.100.47.132/LssNew/psearch/QResult16.aspx?qref=12203>

31. Writ Petition (civil) 301 of 2000, *CEHAT and Others v. Union of India*

32. *Voluntary Health Association of Punjab vs. Union of India & Ors (2013) 4 SCC 1*



## Joint submission on eliminating female foeticide in India

and Puducherry<sup>33</sup> had not filed a single case under the PC&PNDT Act since 1994 despite all these States having districts targeted under the *Beti Bachao Beti Padoo*, the flagship programme launched by the Prime Minister of India to arrest the falling CSR. Further, during the same period, no conviction was secured in Andhra Pradesh, Chhattisgarh, Goa, Jharkhand, Karnataka, Tamil Nadu, Uttarakhand and West Bengal and Union Territories of Chandigarh.<sup>34</sup>

### ii. Female infanticide

As stated, female infanticide is criminalized under Section 315 and Section 316 of the IPC. As per the National Crime Records Bureau (NCRB) under the Ministry of Home Affairs, Government of India, female infanticide has been showing increasing trend from 2012 with the exception in 2015: with 81 cases in 2012, 82 cases in 2013, 121 cases in 2014 and 91 cases in 2015.<sup>35</sup> Among the States, Madhya Pradesh topped with 537 cases followed by Uttar Pradesh with 395 and Maharashtra with 286.<sup>36</sup>

That India registered 2,266 cases for female infanticide<sup>37</sup> and 2,021 cases under the PC&PNDT Act<sup>38</sup> during 1994-2014 exposes poor -implementation of the PC&PNDT Act as the sex determination leading to sex selective abortions in violations of the PC&PNDT Act are far more widespread than female infanticide.

### 4.2 The poor implementation of the schemes incentivizing retention of girl child

The Government of India and the State Governments have launched various schemes providing incentives for reducing gender imbalance in child sex ratio, preventing female foeticide as well as infanticide and providing social and economic security to the girl child. All the schemes have little impact as it mainly

---

33. See Annexure III as referred to reply to part (a) of Lok Sabha Unstarred Question No. 799 answered on 27.02.2015 Union Minister of Health and Family Welfare, J. P. Nadda, <http://164.100.47.132/LssNew/psearch/QResult16.aspx?qref=12203>

34. See Annexure III as referred to reply to part (a) of Lok Sabha Unstarred Question No. 799 answered on 27.02.2015 Union Minister of Health and Family Welfare, J. P. Nadda, <http://164.100.47.132/LssNew/psearch/QResult16.aspx?qref=12203>

35. Crime in India report series 1994 to 2015, National Crime Records Bureau, available at: <http://ncrb.gov.in/>

36. Statewise data for two years 1998 and 2000 is not available and hence not included in the total in States of Madhya Pradesh, Maharashtra and Uttar Pradesh

37. Crime in India report series 1994 to 2015, National Crime Records Bureau, available at: <http://ncrb.gov.in/>

38. Reply of the Union Health Minister J P Nadda to UNSTARRED QUESTION NO. 799 ANSWERED on 7.02.2015 before Lok Sabha

## Joint submission on eliminating female foeticide in India

targets those Below Poverty Line (BPL) i.e. 21.9% of India's population in 2011-12 as per Suresh Tendulkar Committee established by the Government of India.<sup>39</sup> It is clear that those Above Poverty Line (APL) i.e. 79.1% of India's population are either excluded from the programmes or the incentives provided is not attractive enough. The census reports of India have shown that those above poverty line resort to sex determination and pre natal sex selection more than those below the poverty line, and the urban areas having more APL families had consistently shown lower CSR than the rural areas having more BPL families as given below:

**Table 3: Status of child sex ration in urban and rural areas from 1991 to 2011:<sup>40</sup>**

|       | 1991 | 2001 | 2011 |
|-------|------|------|------|
| India | 945  | 927  | 918  |
| Rural | 948  | 934  | 923  |
| Urban | 935  | 906  | 905  |

The assessment conducted by Asian Centre for Human Rights exposes/found poor implementation of the schemes by various governments.

### **i. Haryana<sup>41</sup>**

The sex ratio in Haryana has fallen so low that men are unable to find brides. According to a media report, around 13.5% of Haryana's young men between the age group of 25 and 29 were unmarried in 2010, primarily due to lack of brides.<sup>42</sup> Unmarried men in Jind district (which had 871 females per 1,000 males) have even formed "*Jind Kunwara Union*" (Jind Bachelors Union) and demanded "brides" in lieu of their votes ahead of the Parliamentary elections of 2014.<sup>43</sup> As a result, women including minor girls are being bought and trafficked from other states of India, including North Eastern states like Assam and Tripura to be brides for men in Haryana.<sup>44</sup> Out of 100 critical gender gap districts selected to be targeted under the

---

39. Press Note on Poverty, Planning Commission, July 2013 [http://planningcommission.nic.in/news/pre\\_pov2307.pdf](http://planningcommission.nic.in/news/pre_pov2307.pdf)

40. Missing... Mapping the Adverse Child Sex Ratio in India...2014, <http://www.censusindia.gov.in/2011census/missing.pdf>

41. For details please see, "The State of Female Foeticide in Haryana", Asian Centre for Human Rights, July 2016, available at <http://www.stopfemaleinfanticide.org/files/Haryana.pdf>

42. Give bride, Get vote, say Jind Villagers, The Sunday Guardian, 5 April 2014, <http://www.sunday-guardian.com/news/give-bride-get-vote-say-jind-villagers>

43. Bachelors demand brides for votes in Haryana election - paper, Reuters, 25 September 2014, <http://in.reuters.com/article/foundation-india-women-brides-idINKCN0HK1RG20140925>

44. 'Brides' from Assam sold for Rs 50,000 in Hisar, The Times of India, 9 May 2013, <http://timesofindia.indiatimes.com/city/guwahati/Brides-from-Assam-sold-for-Rs-50000-in-Hisar/articleshow/19962962.cms>

## Joint submission on eliminating female foeticide in India

“*Beti Bachao, Beti Padhao*” (Save girl child, Educate girl child) programme, highest number of districts are from Haryana (12).<sup>45</sup>

Yet, the implementation of the *Ladli Scheme*, the main programme to retain the girl child in Haryana evokes little confidence. The financial incentive of Rs 5,000/- per year for five years is too less to encourage even poor families to give birth to more girl children and prevent female foeticide and female infanticide. The *Ladli Scheme* is too restrictive and does not promote retention of the girl child. The scheme does not cover a single girl child in the family while more than two girl children in a single family is a disqualification under the Scheme. More strangely, in case of death of either of the girl child, the enrollment as a beneficiary under the Group Scheme Ladli-Life Insurance Corporation of India is cancelled with immediate effect.

The Comptroller and Auditor General of India and Accountant General of Haryana found irregularities of Rs 194 million in the implementation of the Ladli scheme in four districts of Jind, Karnal, Hisar and Rewari alone during May-June 2014 and for period of August 2009 to April 2013 respectively.

### ii. Himachal Pradesh<sup>46</sup>

The State Government of Himachal Pradesh launched the *Beti Hai Anmol Yojana*, the flagship scheme to combat female foeticide. However, the State government provides a meager Rs. 5,100 in fixed deposit as post birth benefit to Below Poverty Line parents having up to two girl children in the family and the beneficiary girl child is expected to get Rs. 23,585 after 18 years at the current interest rate of 9%.

The amount is too meager to be an incentive even for the BPL families for retention of girl child. The *Beti Hai Anmol Yojana* excludes those above the poverty line, middle class and upper class who have been found to resort to abortion of the female fetuses. Further, dowry being the primary cause of female foeticide, the scheme does not provide any assistance for marriage to the beneficiary girls.

The coverage of the *Beti Hai Anmol Yojana* is also extremely limited. The Comptroller & Auditor General (CAG) of India in its report on Social, General and

---

45. Naveen Kumar, “Beti Bachao and Beti Padhao (Save the Girl Child and Educate Her) (A Geographical Analysis of Child Sex Ratio of Haryana), Global Journal for Research and Analysis, Volume-4, Issue-6, June-2015, [http://www.worldwidejournals.com/gra/file.php?val=June\\_2015\\_1435727412\\_\\_141.pdf](http://www.worldwidejournals.com/gra/file.php?val=June_2015_1435727412__141.pdf)

46. For details, please see, The State of Female Infanticide in Himachal Pradesh, Asian Centre for Human Rights, June 2016 available at <http://www.stopfemaleinfanticide.org/files/HimachalPradesh.pdf>

## Joint submission on eliminating female foeticide in India

Economic Sectors (Non-Public Sector Undertakings) for the year ending on 31 March 2014 noted that against 18,222 beneficiaries identified during 2011-14 under post-birth grant, only 13,332 beneficiaries were covered while 4,890 beneficiaries comprising 27% remained deprived of the intended benefits. The CAG stated that the failure to cover all the identified beneficiaries due to lack of funds was not convincing as the funds were sanctioned.<sup>47</sup> However, as per information provided by the Himachal Pradesh Government under the Right to Information Act to the Asian Centre for Human Rights (ACHR), only 5,930 beneficiaries were given post birth assistance under the *Beti Hai Anmol Yojana* from 2009-2010 to 2014-2015.

Moreover, the Utilization Certificates provided by the Child Development Project Officers of Himachal Pradesh for the *Beti Hai Anmol Yojana* are without date, signature and stamp of the concerned officer and raise serious doubts as to whether benefits are actually reaching to the beneficiaries.

### iii. Uttarakhand<sup>48</sup>

Uttarakhand launched the *Nanda Devi Kanya Yojana* (NDKY) in 2009 and renamed it as *Hamari Beti Hamara Abhiman* (HBHA)<sup>49</sup> in 2014 to reduce gender imbalance in child sex ratio, prevent female foeticide and provide social and economic security to the girl child.<sup>50</sup> The scheme itself is designed not to have any impact.

The NDKY is extended only to Below Poverty Line (BPL) families while the Above Poverty Line (APL) families who use and can afford sex selection are completely left out. Even for the BPL families, the NDKY covered only 4.97% of the BPL families. As per the BPL survey conducted by the Government of Uttarakhand during 2011-2012, there were a total of 6,19,718 BPL families<sup>51</sup> but as per the Uttarakhand government's own admission, in 5 years from 01.01.2009 to

---

47. Report of Audit by the Comptroller & Auditor General of India on Social, General and Economic Sectors (Non-Public Sector Undertakings) for the year ended 31 March 2014 on Report No.3/2014 of the Government of Himachal Pradesh; Available at: [http://www.saiindia.gov.in/english/home/Our\\_Products/Audit\\_Report/Government\\_Wise/state\\_audit/recent\\_reports/Himachal\\_Pradesh/2014/Report\\_3/Report\\_3.html](http://www.saiindia.gov.in/english/home/Our_Products/Audit_Report/Government_Wise/state_audit/recent_reports/Himachal_Pradesh/2014/Report_3/Report_3.html)

48. For details, please see "The State of Female Foeticide in Uttarakhand", Asian Centre for Human Rights, August 2016 available at <http://www.stopfemaleinfanticide.org/files/Uttarakhand.pdf>

49. Available at: <http://www.jagran.com/uttarakhand/dehradun-city-11110267.html>

50. Letter dated 27 May 2009 written by Secretary, Department of Women Empowerment and Child Development, to Director, ICDS, Uttarakhand Government received under RTI Act, 2005

51. Government of Uttarakhand BPL Survey 2002 which was revised during 2011-2012; available at: [http://ukrd.uk.gov.in/files/BPL-\\_2002\\_Revised\\_2011-12.pdf](http://ukrd.uk.gov.in/files/BPL-_2002_Revised_2011-12.pdf)

## Joint submission on eliminating female foeticide in India

31.12.2015, only 30,830 girls or 4.97% were given benefits under the NDKY.<sup>52</sup> As per 2011 census, a total of 2,50,803 females in the age group of 0–2 years or an average of 83,601 girls are born annually in Uttarakhand.<sup>53</sup> If only 30,830 beneficiaries were extended benefits under the NDKY from 01.01.2009 to 31.12.2015, it implies that 6,166 girls were given benefits annually against the birth of 83,601 girls i.e. 7.37% of the girls born annually.

All except one Utilisation Certificate of the NDFY submitted by the District Program Officer), Almora have no date, reference number and official stamp. In the absence of all these, authenticity of the UCs is highly doubtful. There are serious doubts whether the benefits under the scheme are reaching to actual beneficiaries.

### **iv. *Beti Bachao, Beti Padhao* Scheme**

Alarmed by the sharp decline in Child Sex Ratio in the age group of 0-6 years, the Government of India launched “*Beti Bachao, Beti Padhao*” (BBBP, Save girl child, Educate girl child) in 2014. About 100 low sex ratio districts covering all States and UTs were selected for (i) prevention of gender biased sex selective elimination, (ii) ensuring survival & protection of the girl child, and (iii) ensuring education and participation of the girl child. Another 61 districts with low CSR were included on 5 January 2016, totaling 161 districts.<sup>54</sup> The BBBP initiative funded by the Central government has two major components namely (i) Mass Communication Campaign and (ii) Multi-sectoral action in the selected districts with adverse CSR, covering all States and UTs.

However, the implementation of the BBBP scheme observed remains extremely poor. During 2014-15, the Ministry of Women and Child Development, Government of India released a total of Rs. 13,37,49,000 to 17 States/UTs under BBBP scheme. Out of the total, as much as Rs. 9,86,58,000 i.e. 73.76% of the sanctioned funds remained unutilized by 11 States namely Andhra Pradesh, Haryana, Himachal Pradesh, Maharashtra, Manipur, Punjab, Odisha, Uttarakhand, Uttar Pradesh, Bihar and Assam during 2014-2015.<sup>55</sup> It is clear that BBBP is not implemented beyond Television channels or radio stations.

---

52. Nanda Devi Kanya Yojana misses targets, The Tribune, 26 March 2015, <http://www.tribuneindia.com/news/uttarakhand/nanda-devi-kanya-dhan-yojana-misses-targets/58477.html>

53. C-13 SINGLE YEAR AGE RETURNS BY RESIDENCE AND SEX; Available at: <http://www.censusindia.gov.in/2011census/C-series/C-13.html>

54. See <http://wcd.nic.in/sites/default/files/Expansion%20BBBP%20for%20website.pdf>

55. See Sanction Orders 2014-15 <http://wcd.nic.in/BBBPScheme/main.htm>

## **Joint submission on eliminating female foeticide in India**

As a result, the Ministry of Women and Child Development, Government of India had to revalidate the unutilized amount to these States/UTs for the next financial year i.e. 2015-16.

## Joint submission on eliminating female foeticide in India

**Table 4: Status of unutilized funds under the Beti Bachao, Beti Padoo scheme in 2014-2015**

| States                         | Amount released (in Rs.) | Amount utilised | % of amount unutilized |
|--------------------------------|--------------------------|-----------------|------------------------|
| Andhra Pradesh <sup>56</sup>   | 36,34,000                | Nil             | 100%                   |
| Bihar <sup>57</sup>            | 36,34,000                | Nil             | 100%                   |
| Odisha <sup>58</sup>           | 18,14,000                | Nil             | 100%                   |
| Assam <sup>59</sup>            | 36,34,000                | Nil             | 100%                   |
| Manipur <sup>60</sup>          | 18,14,000                | Nil             | 100%                   |
| Maharashtra <sup>61</sup>      | 1,58,73,000              | Nil             | 100%                   |
| Uttarakhand <sup>62</sup>      | 21,15,000                | Nil             | 100%                   |
| Haryana <sup>63</sup>          | 2,23,00,000              | 36,89,000       | 83.5%                  |
| Himachal Pradesh <sup>64</sup> | 36,34,000                | Nil             | 100%                   |
| Maharashtra <sup>65</sup>      | 1,58,73,000              | Nil             | 100%                   |
| Punjab <sup>66</sup>           | 2,50,97,000              | Nil             | 100%                   |
| Uttar Pradesh <sup>67</sup>    | 1,87,98,000              | Nil             | 100%                   |

56. See Sanction Order No. F. No. 4-6(11)2014-WW, 07.08.2015 <http://wcd.nic.in/BBBPScheme/2015-16/ANDHRAPRADESH.pdf>

57. Sanction Order No. F. No. 4-16 (7)/2014-WW, 07.08.2015 <http://wcd.nic.in/BBBPScheme/2015-16/BIHAR.pdf>

58. Sanction Order No. F. No. 4-12(11)/2014-WW, 10.08.2015 <http://wcd.nic.in/BBBPScheme/2015-16/ODISHA.pdf>

59. Sanction Order No. F. No. 12013/1/15-BBBP, 27.11.2015 <http://wcd.nic.in/BBBPScheme/2015-16/assam.pdf>

60. Sanction Order No. 12026/1/2015-BBBP, 21.09.2015, <http://wcd.nic.in/BBBPScheme/2015-16/manipur.pdf>

61. Sanction Order No. 12025/1/2015-BBBP, 10.11.2015 <http://wcd.nic.in/BBBPScheme/2015-16/maharashtra.pdf>

62. Sanction Order No. F. No. 4-16(10)/2014-WW, 10.08.2015 <http://wcd.nic.in/BBBPScheme/2015-16/UTTRAKHAND.pdf>

63. Sanction Order No. F. No. 12018/1/2015-BBBP, 17.11.2015 <http://wcd.nic.in/BBBPScheme/2015-16/haryana.pdf>

64. Sanction Order No. F. No. 12019/1/2015-BBBP, 29.09.2015 <http://wcd.nic.in/BBBPScheme/2015-16/hp.pdf>

65. Sanction Order No. F. No. 12025/1/2015-BBBP, 10.11.2015 <http://wcd.nic.in/BBBPScheme/2015-16/maharashtra.pdf>

66. Sanction Order No. F. No. 12031/01/2015-BBBP, 13.10.2015 <http://wcd.nic.in/BBBPScheme/2015-16/punjab.pdf>

67. Sanction Order No. F. No. 12036/01/2015-BBBP, 17.11.2015 <http://wcd.nic.in/BBBPScheme/2015-16/up.pdf>

## 5. Conclusion

**Table 5: Trend of declining Child Sex Ratio in India (1951 to 2011)<sup>68</sup>**

| Year | CSR (0-6 years) | Decadal change |
|------|-----------------|----------------|
| 1951 | 983             |                |
| 1961 | 976             | -7             |
| 1971 | 964             | -12            |
| 1981 | 962             | -2             |
| 1991 | 945             | -17            |
| 2001 | 927             | -18            |
| 2011 | 919             | -9             |

The use of technology to detect sex of the foetuses started in late 1970s, picked up by 1980s and the movement against sex selective abortion started in Maharashtra by mid 1980s and the PNDT Act was enacted in 1994 and came into force from 1996.

The highest fall in the CSR was recorded from 1981 to 1991 (17 points) and 1991-2001 (18 points) confirm beyond any reasonable doubt about the misuse of technology for sex selective abortion. Once the PC&PNDT Act was made a bit more stringent in 2002, it appears to have had some deterrent effect and the CSR from 2001 to 2011 fell only by 9 points. Indeed, without the PC&PNDT Act, sex ratio at birth and child sex ratio in India would have further drastically reduced.

The need for implementation of the recommendations made above cannot be emphasized enough. [Ends]

---

68. Census of India publications, 1961, 1971, 1981, 1991, 2001, available at <http://iasir.net/AIJRHASSpapers/AIJRHASS14-203.pdf> and 2011 census <http://pib.nic.in/newsite/PrintRelease.aspx?relid=103437>



## Joint submission on eliminating female foeticide in India

### List of the organizations endorsing this submission

1. Name of the endorsing organisation: Asian Centre for Human Rights  
Name of the person endorsing: Mr Suhas Chakma  
Email: suhaschakma@achrweb.org
2. Name of the endorsing organisation : Plan International -India  
Name of the person endorsing: Ms Debjani Khan  
Email: Debjani.Khan@planindia.org
3. Name of the endorsing organisation : Vimochona  
Ms Sumitra Acharya  
Email: sumitraya@gmail.com
4. Name of the endorsing organisation : Vanishing Girls  
Name of the person endorsing: Ms Anushree Bernard  
Email: abernard@vanishinggirls.in
5. Name of the endorsing organisation : Vasavya Mahila Mandali  
Name of the person endorsing: Dr B Keerthi  
Email: vasavyamm@gmail.com
6. Name of the endorsing organisation : Breakthrough  
Name of the person endorsing: Ms Mousumi Kundu  
Email: mousumi@breakthrough.tv
7. Name of the endorsing organisation : Manab Adhikar Suraksha Manch  
Name of the person endorsing: Mr Biplab Mukherjee  
Email: kirityroy@gmail.com
8. Name of the endorsing organisation : Gramin Evam Nagar Vikas Parishad  
Name of the person endorsing: Mr Ram Kishor Prasad Singh  
Email: genvp.genvp@gmail.com
9. Name of the endorsing organisation : India Alliance for Child Rights  
Name of the person endorsing: Ms Razia Ismail  
Email: iacrindia@gmail.com
10. Name of the endorsing organisation : Shikshit Rozgar Kendra Prabandhak Samiti  
Name of the person endorsing: Mr Rajan Choudhary  
Email: rajan\_ch1@rediffmail.com
11. Name of the endorsing organisation : South India Aids Action Programme  
Name of the person endorsing: K Swaminathan

## Joint submission on eliminating female foeticide in India

Email: nataraj.shyamala@gmail.com

12. Name of the endorsing organisation : WeCan Women's Coalition Trust

Name of the person endorsing: Ms Deepak Bose

Email: iacrindia@gmail.com

13. Name of the endorsing organisation : Girls Count

Name of the person endorsing: Saem Hashmi

Email: rizwan@girlscount.in

14. Name of the endorsing organisation : Ma Bhagawati Vikas Sansthan Udaipur

Name of the person endorsing: Mr. Amit Sethia

Email: office.mbvs@gmail.com

15. Name of the endorsing organisation : Control Arms Foundation of India

Name of the person endorsing: Ms Omita Sharungbam

Email: omita.cafi@gmail.com

16. Name of the endorsing organisation : Aarti for Girls/ Vijay Foundation Trust

Name of the person endorsing: Ms Sandhya Puchalapalli

Email: pvsandhya@gmail.com

17. Name of the endorsing organisation : Global Village Foundation

Name of the person endorsing: Ms Sunita MC

Email: infogvfoundation@gmail.com

18. Ms Shiluinla Jamir

Academician

Email: sjamir37@gmail.com

19. Ms Neha Reddy

Academician, Nehru Fulbright Scholar

Email: pvsandhya@gmail.com