

# Understanding Gender Biased Sex Selection

## A Policy Brief

### The Issue

Gender-biased sex selection is a discriminatory practice against girls that is a result of a complex web of socio-economic and cultural factors. The most dominant contributory factors seem to be deeply entrenched son preference, rapid fertility decline and access to technology and its misuse.

In recent years, the use of ultrasound technology has become the most common mode of sex determination that allows families to act on their preference for sons, often at the cost of daughters. With easy access to ultrasound since the early 1980s and the addition of many sophisticated methods over the years, sex selection seems to have increased as reflected in the steep and continued decline in the child sex ratio across the country.

### Current Scenario

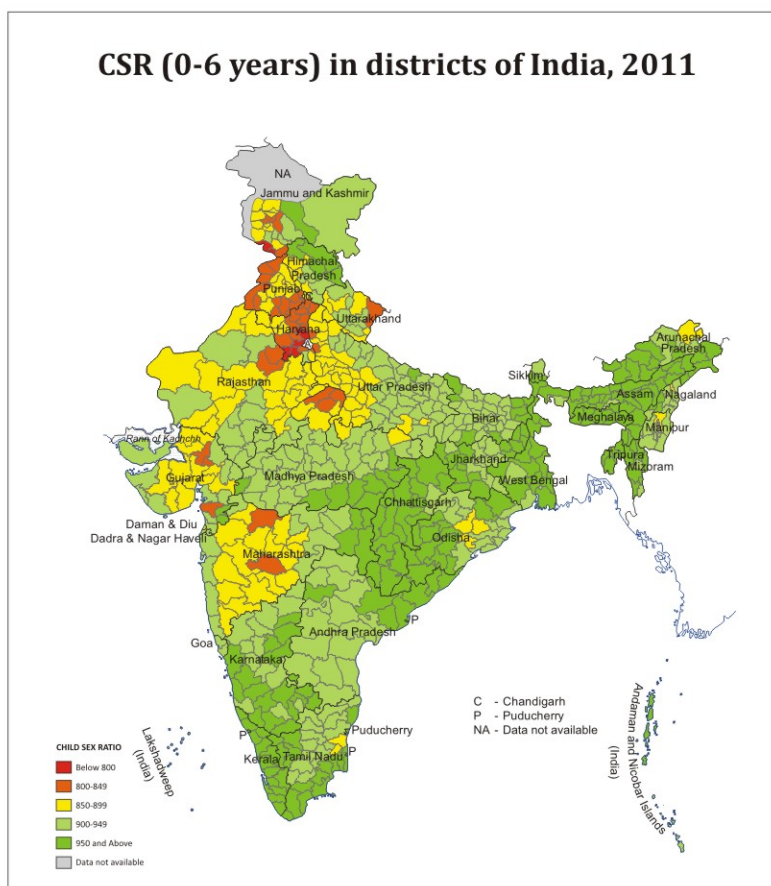
The child sex ratio (CSR) is a powerful indicator of social health of any society. Calculated as number of girls per 1000 boys in the 0-6 years age group, the ratio has shown a sharp decline from 976 girls to 1000 boys in 1961 to 918 as per the 2011 census. According to global trends, the normal child sex ratio should be above 950. However, in certain parts of Punjab, Haryana, UP, MP, Maharashtra and even Delhi, there are less than 850 girls for every 1000 boys.

Child Sex Ratio Trends

Census Year	Total	Rural	Urban
1981	962	963	931
1991	945	948	935
2001	927	934	906
2011	918	923	905

CSR reflects both pre-birth and post-birth discrimination against girls. Therefore, the sex ratio at birth is considered a more accurate and a refined indicator of the extent of sex selection. Sex ratio at birth (SRB) is the number of girls born for every 1000 boys born and hence this ratio is not influenced by post birth factors such as mortality or neglect. The sex ratio at birth for

CSR (0-6 years) in districts of India, 2011



the country for 2009-2011 is estimated at 906 girls born for every 1000 boys. This data is available as a three year moving average from the Sample Registration System. Though sex ratio at birth is a better indicator of the practice of gender-biased sex selection, the child sex ratio is still most widely quoted because of its easy availability at the district level and throughout the country.

## Implications

It is estimated that in India the practice of sex selection has resulted in the loss of approximately 5.7 lakh girls annually during the period 2001-2008. This results in an estimated 45 lakh girls missing over this eight year period (2001-08).

Contrary to what many believe, fewer girls in a society will not enhance their status. Instead, as evidence from states with sex ratio imbalance demonstrates, it could lead to increased violence against women, rape, abduction, trafficking and a resurgence of practices such as polyandry (more than one man marrying one woman). In some parts of the country, women are already being 'bought' as brides, making commodification of women a real threat.

## The Law

In view of growing misuse of technology, the Indian government, responding to a petition made by non-governmental organizations and women's groups, passed an Act prohibiting sex selection for non-medical reasons and regulating prenatal diagnostic techniques such as ultrasonography. The Pre Natal Diagnostic Techniques (PNDT) (Regulation and Prevention of Misuse) Act came into force in 1994 and subsequently was amended in 2003 to include prevention of use of pre conception diagnostic techniques as well. It is now called the Pre-Conception and Pre-Natal Diagnostics Techniques (Prohibition of Sex Selection) Act.

The amended Act not only prohibits determination and disclosure of the sex of the foetus but also bans advertisements related to preconception and pre-natal determination of sex. The Act has also made it mandatory for all ultrasound clinics and other diagnostic facilities capable of sex determination, to prominently display a signboard that clearly indicates that disclosure of the sex of the foetus is illegal. Further, all such facilities have to be registered with the Appropriate Authority of the district (usually the Chief Medical Officer or the Collector). The manufacturers are required to provide information to the government about the sale of ultrasound machines and other similar equipment.

There have been challenges in Act implementation by different states. While a few states have taken proactive steps to improve monitoring, capacity building of implementers and sensitization of the judiciary, others are yet to ensure setting up and effective functioning of the implementation structures under the Act. Apart from a few exceptions, filing of cases has been slow and at times flawed with not many convictions. In view of this, a recent Supreme Court ruling, in response to a Public Interest Litigation, has provided detailed directions to all states to improve the implementation of the Act (4 March 2013).



In India, abortion is legal under certain circumstances as defined by the Medical Termination of Pregnancy Act, 1971. These reasons are, for example, danger to the mother's life, foetal abnormality, rape or contraceptive failure. However, the law does not permit abortion for the reason of sex selection. It is important to recognise this fact and not consider abortion per se as illegal. At times, the practice of sex selection is linked to access to legal abortion. The use of terminologies such as foeticide, bhrun hatya further compounds this mix-up. As permitted by the law, many women seek abortion services for legally valid reasons. Therefore, curbing access to legal abortion services is ineffective in preventing misuse of medical technology, which is the primary concern in the context of sex selection. From a gender equality perspective, sex selection is a reflection of discrimination against girls and subordination of women as a group. Not providing women access to safe abortion services for legally valid reasons deepens this subordination. Further, access to safe and legal abortion is also necessary to prevent maternal death and related ill health.

### Countering Son Preference

Several actors have been working on imbalanced sex ratios for a decade now. While ratios have increased in states such as Punjab, they have also deteriorated in many others and the problem seems to have moved to rural and tribal pockets as well. More importantly, almost all states are showing some degree of imbalance in child sex ratio according to the Census 2011, requiring stepping up of efforts to arrest this decline.

Clearly, efforts are required on multiple fronts whereby actions of different sectors converge to provide a more comprehensive response in addressing gender-biased sex selection, that is a manifestation of gender inequality and patriarchy or a societal set-up that prioritizes men over women. PCPNDT Act implementation is critical, though not sufficient in itself. Technology misuse has to stop. However, at the same time, interventions aimed at gender equality need to be strategic enough to improve the position and value of women and girls. Some immediate and long term steps in this direction could be to

- **Intensify monitoring of the implementation of the PCPNDT Act** - constitute and build capacities of State and district level Act implementing bodies, sensitize and work with the judiciary to strengthen implementation of the Act
- **Strengthen implementation of laws concerning women and girls** and enact laws that tackle their subordination which gives rise to practices such as gender-biased sex selection. Such laws include inheritance, dowry (cost of marriage), prevention of domestic violence, child marriage and other laws concerning gender-based violence, crimes in the name of 'honour', harassment at workplace, to name a few. The implementation mechanism of such laws also requires strengthening along with regular monitoring. A regular fund commitment is a must if the implementation of these laws has to be effective. Further, these laws need to be unpacked to assess inadvertent son preference, for example, as seen in succession laws.

- **Invest in the ability of girls to be self-reliant**, and in their empowerment including asset ownership, skill building, credit availability, safety and security among others. There is a need to also review existing girl child incentive schemes in terms of effectiveness and impact - particularly to ensure that schemes are not seen as compensating parents for having a daughter by providing for marriage expenses; are delinked from sterilization and 2-child norm; provide incentives for better education and skills for girls and are designed to enable easy access without the need for certificates from different departments to confirm eligibility.
- **Consider innovative pension schemes** and streamlining of administrative processes involved in implementing social security schemes as all too important as children are seen as the only source of old age support and often the very reason why sons are 'required'. Equally, programmes to support single women will also go a long way in changing perceptions about them being a liability.
- **Strengthen civil registration** so that accurate birth data is more readily available across districts to enable monitoring of trends in sex ratio at birth.
- **Plan, monitor and implement gender-sensitive communications plans** aimed at various stakeholders; plans that do not inadvertently perpetuate gender stereotypes or blame women or stigmatize legal abortion. Development of a communication and advocacy strategy that is located within the women's empowerment framework is desirable.