

RIGHT TO LIFE

Laws concerning an unborn child



Denial of a female child's right to life

Child sex ratio in India

Child Sex Ratio – 0 to 6 years - girls / 1000 boys

■ Census 2001 - 927 girls / 1000 boys

■ Census 2011 - 914 girls / 1000 boys

■ Child sex ratio is the lowest IN India since the Independence – as per Census data

■ 71.15 million fewer female children are present in comparison with male children

Fewer female babies were born in urban areas in comparison with rural areas – indicating the fact that usage of technology to find the gender of a fetus was more easily available in urban than in rural.

Reference: Census of India LCWTR

Likelihood of an imbalanced child-sex ratio

The natural "sex ratio at birth" is often considered to be around 105. This means that at birth on average, there are 105 males

for every 100 females. Thus a significant departure from the ratio of 1.05 boys per every girl born indicates an imbalanced child sex ratio. Thus, India had a natural child sex ratio before 1981. However, according to the 2011 census, a large city in India, Jhajjar, had almost 15,000 more baby boys than baby girls, that is 128 boys per 100 girls.

Sex-Selective Abortions] In Asian culture, families want baby boys because it is traditional that the boys take care of the parents while the daughters marry and leave the family. These families want to ensure elderly security; therefore, they want more boys in the family. Typically, it costs more to have a daughter, and they cannot contribute to the family nearly as much as the son can. These factors cause families to get an abortion Contrary to popular opinion, this is not driven by poorer families but by wealthier ones who can afford access to gender screening technology.

WIKIPEDIA

Hence, in India, the following two important Laws are in force to ensure the Right to Life of an unborn child.

1. THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971

2. THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) ACT, 1994 - (PCPNDT ACT)

The Medical Termination of Pregnancy Act

“The right to life” - which is proclaimed as a fundamental right of every citizen in Article 21 of our Indian Constitution is applicable

even to a child who is yet to be born, of course, with certain limitations.

As per current Law, Termination of pregnancy is allowed when the duration of pregnancy is less than 20 weeks and under certain special circumstances before the pregnancy crosses 24 weeks.

Failure in family planning procedures, pregnancy which could endanger the life of a pregnant woman, women & minor girls who were victims of rape, when medical evidence proves that the child will be born with multiple deformities - are some of the causes when this act could be used to terminate a pregnancy.

The act strictly prohibits abortions conducted by unqualified persons and provides adequate restrictions and provisions for qualified medical professionals to follow while performing a termination of a pregnancy.

THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971

<https://www.indiacode.nic.in/handle/123456789/1593?locale=en>

AUTHOR:INDIA CODE

THE MEDICAL TERMINATION OF PREGNANCY (AMENDMENT) ACT, 2021 NO. 8 OF 2021

https://prsindia.org/files/bills_acts/acts_parliament/2021/Medical%20Termination%20of%20Pregnancy%20Amendment%20Act%202021.pdf

AUTHOR:MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

LAW COMMENT: THE MEDICAL TERMINATION OF PREGNANCY (AMENDMENT) ACT, 2021:A STEP TOWARDS LIBERATION - VERONICA ARORA, ISHWAR C VERMA

[HTTPS://IJME.IN/WP-CONTENT/UPLOADS/2021/05/ARORA_THE-MEDICAL-TERMINATION-OF-PREGNANCY_65-68.PDF](https://ijme.in/wp-content/uploads/2021/05/ARORA_THE-MEDICAL-TERMINATION-OF-PREGNANCY_65-68.PDF)

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THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) ACT, 1994- (PCPNDT ACT)

The purpose of the Act is to prevent the use of medical technology from promoting any existing social discrimination on account of gender. The Act prohibits gender selection before or after conception, and misuse of technology to commit female feticide. The act extensively deals with rules and norms to be followed by persons who conduct these tests, and they are forbidden from revealing the sex of the fetus at any time.

While regulating the prenatal diagnostic techniques for the purposes of detecting genetic abnormalities, metabolic disorders, chromosomal abnormalities, or certain congenital malformations, the Act tries to prohibit termination of pregnancies only on account of gender discrimination

Stringent punishments are prescribed for those who violate these laws and rules. It is compulsory for All those genetic-related

technology centres as defined under this act to register under this Act.

PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PCPNDT) ACT, 1994

[HTTPS://WWW.INDIACODE.NIC.IN/BITSTREAM/123456789/8399/1/PRE-CONCEPTION-PRE-NATAL-DIAGNOSTIC-TECHNIQUES-ACT-1994.PDF](https://www.indiacode.nic.in/bitstream/123456789/8399/1/pre-conception-pre-natal-diagnostic-techniques-act-1994.pdf)

AUTHOR:INDIA CODE

PCPNDT

[HTTPS://PMC.NCBI.NLM.NIH.GOV/ARTICLES/PMC3498638/](https://pmc.ncbi.nlm.nih.gov/articles/PMC3498638/)

AUTHOR:NATIONAL INSTITUTES OF HEALTH (NIH GOV)

AMENDMENT TO PCPNDT ACT

[HTTPS://WWW.MUSK.ORG.IN/RECENT-AMENDMENTS-IN-PC-PNT-LAW.PDF](https://www.musk.org.in/recent-amendments-in-pc-pnt-law.pdf)

AUTHOR: MINISTRY OF HEALTH AND FAMILY WELFARE

CHILD SEX RATIO – CENSUS OF INDIA 2011

<https://censusindia.gov.in/nada/index.php/catalog/42610/download/46272/Census%20of%20India%202011-Child%20Sex%20Ratio.pdf>

AUTHOR: Dr C Chandramouli Registrar General & C C i i di Census Commissioner, India