Son preference and discrimination against girls is not a new phenomenon in India, it has existed for centuries. In the past, discrimination manifested itself in forms such as infanticide or unequal access to nutrition, health care, educational opportunities, etc. However, the availability of technology and its misuse to detect the sex of the foetus has changed the manner in which discrimination is practiced. The impact of this discrimination is visible in the declining Child Sex Ratio (number of girls per 1000 boys in the 0-6 years age group) in the country. Census data reveal that the Child Sex Ratio has been steadily declining from 962 in 1981 to 945 in 1991. It further declined from 927 in 2001 to 919 in 2011.

Between June 2009 and March 2011, UNFPA in collaboration with Maharashtra State Legal Services Authority, Maharashtra Judicial Academy, Public Health Department and State Health Systems Resource Center organized a series of Judicial colloquia in all districts of Maharashtra on the theme of Sex selection and PCPNDT Act. The purpose of the colloquia was to seek the involvement of the Judiciary in effective implementation of the Act and for speedy redressal of cases. As part of these colloquia 1192 Judicial Officers and 425 prosecutors were trained. Later the issue of sex selection and PCPNDT Act was integrated as part of all induction and other training programs of MJA, wherein around 600 Judicial officers were oriented on the issue. Similarly a series of Programs were organized for Prosecutors at the Maharashtra Judicial Academy and the Judicial officers training Institute. As part of these programs, 450 prosecutors were trained. Based on the experiences of training Judicial officers and prosecutors, in Maharashtra, the Ministry of Health and Family Welfare requested UNFPA and the Maharashtra Judicial Academy to undertake the task of preparation of a Training Module and Handbook on sex selection and PCPNDT that could be used as a training tool for building capacities of Judicial officers from other State Academies.

The training programs conducted for Judicial Officers recommended the need for compilation of important judgments under the PCPNDT Act. Hence UNFPA in collaboration with the Maharashtra Judicial Academy undertook to compile and analyze landmark judgments under the PCPNDT Act. A book titled Compilation and Analysis of case laws under PCPNDT Act was brought out. The book is not just a compilation of cases but also provides an analysis of each
case with a view to share the best practices and positive rulings which can be used by different stake holders involved in implementation of the Act. The book is designed to give exposure to the latest position in interpretation of the provisions of the Act and is expected to serve as ready reference for judges, public prosecutors, legal practitioners and other stake holders. The case laws included in this book are selective and representative in nature. The book has been authored by Dr. Shalini Phansalkar Joshi, Former Joint Director, Maharashtra Judicial Academy.

The Training Module, Handbook for Judicial Officers on Sex Selection and the PCPNDT Act, and the Case Law compilation were released by the Hon. Chief Justice of High Court of Bombay on 8th March.

On the occasion, a panel discussion on the theme of Laws and Son preference was also organized. The Panelists included: Justice Kanade, Sitting Judge of the High Court of Bombay and Director of Maharashtra Judicial Academy. Justice Roshan Dalvi, Justice R.P. Sounder Baldota, Justice Anuja Prabhu Desai, Sitting Judges of the High Court of Bombay, Mr J.K. Banthia, Former Chief Secretary, Government of Maharashtra. Ms Ena Singh, Assistant Representative UNFPA.

In his address Justice Kanade mentioned that if daughters have to be accepted as equally as sons there is a need to bring a change in the policy and legal environment. He also talked of the need to provide women survivors of violence with psycho social support. Justice Roshan Dalvi, talked of how women’s status has been associated almost exclusively with maternity and reproduction. In spite of this, woman have had no control over their bodies or the reproductive process itself and women would be truly free only if they could choose the number and timing of her children and if at all she wanted to have children. Talking of the connect between sex selection and inheritance, Justice SounderBaldota mentioned that it should be the right of every woman to inherit equally and how the Laws of the land should support this. Justice Prabhudesai while discussing the child marriage Act, brought out the fact that there is a need to work on a range of women related laws to address the unwantedness of girls. Mr Banthia talked of conditional sex ratios and how sex ratios decline for the second and third born, if the first born is a girl or first and second children are girls. He also talked of the increasing incidents of sexual harassment at workplace because in recent years more and more women were
entering the workforce, reiterating the Vishakha guidelines and the recent Act on prevention of sexual harassment at workplace he emphasized the need for setting up committees on sexual harassment as envisaged under the Law. The Chief Justice who presided over the panel emphasized that physical and economic security is the two critical preconditions for empowering women. He also brought out the value of equality promoted by the Judiciary while referring to a case where the Court ruled that a woman could give her parents address as her own inspite of the fact that she lived in her maternal home. Ms. Ena Singh wrapped up the discussion and emphasized the need for a comprehensive approach if the practice of son preference and its manifestation, discrimination against daughters, is to be addressed.

The event was attended by around 200 Lady Judicial officers from across Maharashtra and representatives of the Public Health Department. The event was organized in the Central Hall of the High Court of Bombay a heritage structure.