

ISSN : 2349 - 705x

**INTERNATIONAL RESEARCH
JOURNAL OF COMMERCE AND
LAW**

VOLUME NO. 11

ISSUE NO. 1

JANUARY - APRIL - 2024

EIS LEARNING

**No - 198, Upper Hatia, Near Mahatma Gandhi
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International Research Journal Of Commerce And Law

(Volume No. 11, Issue No. 1, January - April 2024)

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A Two-Stream Theory of Teacher Capacitation and ICT Resource Management on A Teaching of Kiswahili Language Skills

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ABSTRACT

The Ministry of Education introduced the infusion of computer assisted- instruction in teaching of school curriculum in order to improve quality of teaching and learning among secondary school students in Kenya. Poor learning achievements in Kiswahili language skills has been witnessed for some time, among majority students in sub-county secondary schools in Nakuru County, Kenya. The infusion of CAI in the instruction of Languages, helps to transform ordinary classroom instruction strategies in order to enhance students' learning achievements. The purpose of this study was to determine the difference in performance in Kiswahili language skills between students, taught Kiswahili subject using CAI and those students taught the same content using TTMs. The main objective was to develop a theory explaining the use of CAI on performance in Kiswahili language skills. This study was guided by Constructivist Learning Theory and employed a causal-comparative design. This study was conducted in public sub-county secondary schools in Nakuru County.

INTRODUCTION

In this study, the study sought to establish the effect of computer-aided instruction on performance in Kiswahili language skills. The findings have provided a good background for the development of a theory that can be used as a guiding framework for promoting instruction in Kiswahili language skills and other related African indigenous languages. For instance, computer-aided instruction offers a variety of new alternatives for activities such as learning strategies, learner-centered approach, and advancement of critical thinking. Additionally, constructivist theories can be employed to infuse CAI more effectively in classrooms for the purposes of teaching and learning of secondary school curriculum. CAI can provide the students with abilities to control over their own learning process. Also, allowing students to decide what, when, how and in what sequence to learn to improve their learning achievements. Finally, there is a significant link between computer-aided instruction and students' learning achievements in Kiswahili language skills such as grammar aspects, reading comprehension and writing.

First, it is important to explain why there is a need for this theory; Constructivist Learning Theory by Duffy and Jonassen (1992), which was used as a guiding framework in this study, is not only quite old for

the current application, but also lacks sensitivity to the uniqueness of Kiswahili Language. Kiswahili, being an East African language, need a locally developed theory that is based on African culture and local evidence. In addition, integrating computer-aided instruction for the purposes of teaching and learning in classrooms is not adequate. Second, teachers also are required to develop their own theory explaining their teaching and learning in the classrooms using computer-aided instruction. More so, teachers are very resourceful for students to learn successfully in classrooms. Furthermore, they involve learners in learning concepts that challenge their earlier experiences of the existing limited knowledge; additionally, allow learners to participate fully to make the lesson student driven and more collaborative. Nevertheless, the use of computer-aided instruction in the teaching and learning of school subjects in classrooms is not adequate without establishing a theory that models teachers' competence in integrating computer-aided instruction for the purposes of classroom instruction. Findings by Al-Shamayleh (2014) in English language just like in this study, Moghaden and Falafian (2015) and Naba'h (2012) point that CAI improves performance in the English language. Having said that, the question of how this happens remains a headache? Moreover, different subjects have different instructional methods and tend to pose unique challenges.

Fifth, all other major subjects in the Kenyan curriculum for secondary schools are instructed using the English language. As such, is possible that theories developed based on findings of international global studies can still be applicable in local perspectives. However, Kiswahili language tends to be quite different since the composition of its syntax, semantic, dialect and language structures are all different to a great extent (Milima, 2014)). It is also important to note that CAI contents have been developed in East Africa contrary to other subjects whose much of the contents have been borrowed from the curriculum of western countries.

Lastly, most constructivist learning theories put more stress on individual student learning and external factors that promote students' learning performance in diverse skills leaving out the role of ICT management in the use of computer components in the instruction of classroom subjects at both local and national level. Additionally, it degrades the role of a teacher in the instruction process into a mere facilitator in the classroom; and this view may affect the quality of teaching negatively. Moreover, it ignores, the importance of IT management completely, notwithstanding that IT management brings in, the effectiveness and efficiency of curriculum delivery in classrooms, since it ensures the provision of ICTs infrastructures, instruction strategies, teaching content, supervision of the curriculum implementation, evaluation of the curriculum and teachers capacitation in all learning institutions. It is also important to note that, "Computer-aided instruction strategies cannot replace teachers in

classrooms, but its only teachers with CAI competencies who can the replace the ones who don't have CAI integration skills". And for effective implementation of any CAI curriculum, depends entirely on both teachers and IT curriculum management".

Teachers, students, and principals hold a strong opinion that computer-aided instruction improves students' learning achievements in Kiswahili grammar aspects, reading composition and writing. Teachers believe that when students are exposed to computerized contents, their work is made easier and results are significantly higher. Since computer components are shaping the way we teach and learn, this study finds it important that Kiswahili language instruction in secondary schools is made computerized. This study also argues that examinations should also be made computerized; to encourage learners and teachers to pay more attention to computer-aided instruction.

This study observed that one of the major impediments to adoption of CAI in Kenyan secondary schools is inadequate computer infrastructure resources. Some of the secondary schools had inadequate computer components such as captions, simulations, graphs, and animations. Network availability was also a major problem. It is, therefore, the study's submission that funding ICT infrastructure programs in Kenyan secondary schools would go a long way in improving the integration CAI in these secondary schools. In addition, the IT managers should ensure adequate Investment in the provision of IT infrastructure resources and the network is crucial in ensuring effective integration of CAI in the instruction of Kiswahili language skills is adequate in all secondary schools.

Assuming that there are adequate computers and proper network is provided. The study also assumes that there is an effective and updated Kiswahili CAI curriculum; can there still be good performance? In some of the secondary schools the study visited, there were adequate computer components and internet was not a challenge, however, Kiswahili teachers in these schools were not still using CAI in tutoring of Kiswahili language skills, an indication that there were other missing links. After various conversations with these Kiswahili teachers, the study established that they did not have confidence in using computer components in the instruction of Kiswahili language because they did not have necessary computer knowledge and skills themselves on how to use CAI for classroom instruction purposes. Though most of the teachers admitted having attended seminars and workshops, the computer knowledge and skill gained could not be adequate to use CAI in classrooms. It is, therefore, the study's contention that Kiswahili teachers should be trained on advanced computer literacy while in their training at universities and colleges. In so doing, they will be confident enough to use CAI in their teaching activities.

It is also the study's contention that without proper management of ICT resources from the national level

to individual local sub-county secondary schools, it is still a challenge to ensure efficient and sustainable implementation of CAI in some secondary schools. As the study was talking to some teachers, students, and principals, the study realized that school management has been determining to a great extent on how the CAI curriculum should be implemented in the instruction of Kiswahili language skills. While some secondary schools had all the resources required, they could not still implement CAI because the management was not committed to the programme. Evidence from teachers further proved that the supervision at the Ministry of Education was also not committed to ensuring head teachers implemented CAI in the teaching and learning of specific subjects such as Kiswahili language.

Based on the study findings, the study proposes two theoretical frameworks that explain that two streams of factors influence the adoption of CAI namely: teacher training and ICT resource management. Regarding these proposed current theoretical frameworks on teacher training emphasis on teachers who are adequately trained in computer-aided instruction integration skills from universities and teachers training colleges to enhance the learning outcomes in Kiswahili language skills. Additionally, the frameworks appeal to the ministry of education officers at the national level, counties and sub-counties, curriculum specialists, policymakers and teachers' service commission to ensure that teachers instructing Kiswahili language in secondary schools are computer literate and are regularly equipped with necessary CAI integration competencies so as to integrate fully CAI in the instruction of Kiswahili language skills. In addition, the frameworks contend additional capacitation of Kiswahili language teachers through seminars and workshops to heighten the level of CAI integration in classrooms for the purposes of teaching and learning of Kiswahili language skills. Moreover, this current theoretical framework concludes that the adoption of CAI in the teaching and learning of Kiswahili language would enhance learning achievements in grammar aspects, reading comprehension and writing.

On ICT resource management, the present theoretical frameworks emphasis that both the ministry of education, county government and individual secondary school's administration to avail secondary schools with adequate CAI facilities, network coverage so as to make teachers increase the level of CAI integration and ensure adequate capacitation of teachers so as to enable them effective employ CAI in the instruction of Kiswahili language skills in classrooms. In addition, the frameworks argue that the availability of ICT resource management would enhance the effectiveness of CAI integration in the instruction Kiswahili language to improve the performance of students in Kiswahili: grammar, reading comprehension and writing. Furthermore, the frameworks conclude that efficient management of ICT resources from the ministry of education at the national level to individual local sub-county secondary schools level would motivate teachers to integrate CAI in the instruction of Kiswahili language skills so as enhance learning achievements in grammar aspects, reading comprehension and writing.

The present two stream theoretical frameworks depicted here below show the linkage between the two streams whereby the state of the two streams favor proper implementation of CAI in the instruction of Kiswahili language skills, the study expects better outcomes in terms of performance in grammar aspects', reading comprehension and writing skills.

The Theoretical Frameworks is shown in Figure 4.8

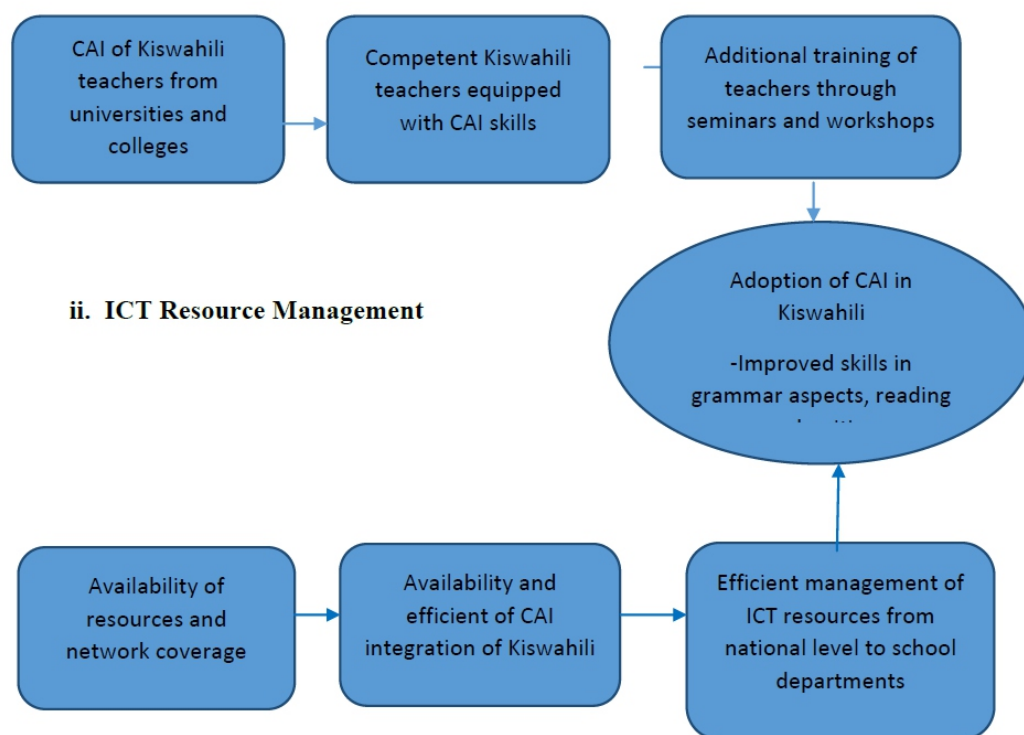


Figure 4.8: Depicts Present Study's Two-Stream Theory of CAI in teaching and Learning of Kiswahili Language Skills.

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A Chronology To The Claims and Right on Self-Determination Based on Iraqi Kurdistan's Experience

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ABSTRACT

The repression experienced by the Kurds has been prevalent for decades. Partly, it was due to decades-long domination and denial of their right to self-determination generally by the international community and specifically the government of Iraq. The Kurds have been struggling for their rights at the expense of severe repression which led to their increasing exodus as refugees. What started presumably as an internal affair has aggravated to a situation that posed threats for international peace and security. This provided the legal basis for United Nations Security Council to intervene and examine this situation against many aspects of repression namely from the denial of cultural rights to genocide. Also, despite the fact that in 1995, the International Court of Justice documented that self-determination is „one of the essential principles of contemporary international law', it is imperative to examine and understand thoroughly the chronology of events of the struggle before any assumptions are drawn as to why self-determination is still being denied for the Kurds. This paper aims to provide a preliminary overview to understanding the historical chronology before a thorough and in-depth research is undertaken with regards to finding the status and stand of the Iraqi Federal Government on the Kurdistan's independence referendum from both the human rights and the international law and perspectives. The methodology used in this paper is a pure library research focusing mainly on primary and secondary sources. This article attempts to establish the bases for self-determination claims and right from both the perspectives of human rights as well as international law.

Keywords: Human Rights, Iraqi Kurdistan, Self-determination, Secession, Treaty Law and International Law.

INTRODUCTION

On September 25, 2017, the Kurds decided for an independence referendum through a resounding majority that the people wished to separate themselves from Iraq and, consequently form an independent state of Kurdistan (Kiblawi, 2017). This comes after a long-winded struggle over many years since the First World War which yet again, was received with a strong opposition from the central government of Iraq in which it has rejected the Kurds' claim for independence.

The Iraq Kurdistan's right to self-determination has been a debatable issue for many years specifically in public International law where many fronts have expressed the case in different legal stages. For example, Article 1 of the International Covenant on Civil and Political Right (ICCPR) in 1966 and International Covenant of Economic, Social and Civil Rights (ICESCR) in 1966 have both established the essential stages in the development of this right. (International Covenant on Civil and Political Rights and international convention on economic, civil and political rights, 1966).

This article provides a historical chronology to the claims for self-determination and secession based on Iraqi Kurdistan's experience. Understanding the historical evidence is important in order for the researcher to undertake a thorough and in-depth research with regards to finding the status and stand of the Iraqi Federal Government on the Kurdistan's independence referendum from both the human rights and the international law and perspectives.

SELF-DETERMINATION

The right to self-determination is an important standard of international law, which replicated into both treaty law and international law. Self-determination is defined as "gathered instruments that deal with the principle of right of peoples to govern their political status and how they want to be developed socially, economically and culturally." (Cop and Dogan, 2018). In other words, it is the right of "all peoples" to decide on how they wish to be governed, who governs them and where they are governed. Also, the decision to self-determination represents an instance of political disintegration, when the citizens of a sub-group withdraw their political activities from the central government to focus on a centre of their own. However, several jurists referred to the principle of self-determination as relevant only in the context of decolonization and within the doctrine of territorial integrity and "uti possidetis." (Bartkus, 1999).

The Kurds, as highlighted in history, have proven on various fronts their claims and right to self-determination as defined by the standard of international law and its providence.

OVERVIEW OF IRAQI KURDISTAN

The Kurdistan region of Iraq, known as „southern Kurdistan“, occupies the mountainous north part of modern day Iraq. The term Kurdistan first appeared in the twelfth century, meaning the land of the Kurds. The Kurds are a mountain dwelling Indo-European people, comprise the fourth largest ethnic group in the Middle East, but they have never obtained statehood. They are speared into four countries Turkey, Syria, Iran, and Iraq, in an area referred to as Kurdistan, which covers an area circa 83,000 square kilometers. (Rubin, 2003).

From a religious perspective, Kurdistan comprised Muslims Sunni, Christians, and Yazidis. The majority of Kurds are Sunni Muslim. There are many smaller ethno-linguistic communities found in Iraqi Kurdistan like the Assyrian-Chaldeans, Turcoman, Arabs, and Armenians. They do not have a single common language but speak a number of different dialects. The Kurds, with a population about 6 million, constitute between one-fourth and one-fifth of Iraq's population. The Kurds have a distinct culture that is not at all like their Persian, Turkish and Arabic neighbors. Despite much repression, they have always been recognized by the State as a separate ethnic group. (Katzman, 2010).

THE CHRONOLOGY TO THE CLAIMS AND RIGHT ON SELF-DETERMINATION

Throughout history, the Kurds have faced many political and military upheavals and struggles in their pursuit for self-determination. The Kurds of Iraq came under British colonial rule after the defeat of the Ottoman Empire in 1918. (Kashi, 1994). Denied of the assurance of undoubted security of life and an unmolested opportunity of an autonomous development despite the Treaty of Sevres (Peace Treaty of Sevres, 1920) signed by the defeated Ottoman government that provided for a Kurdish state in 1920, the Kurds have since launched a series of rebellions against British and subsequently the Iraqi rule. The uprising of the Kurds escalated when the Treaty was not honoured and had never been ratified. Three years later, with the rise of Turkey's Kemal Ataturk, another Treaty was negotiated. The 1923 Treaty of Lausanne recognized a new Turkish republic, and made no mention of the Kurds or of a State of their own. It rather paved the way for the new British Mandate of Iraq to acquire the oil-rich Kurdish province of Mosul. The Treaty of Lausanne completely ignored the Kurdish claim to any form of independent State and carved up Kurdistan. As a result, the Kurds have found themselves divided between four countries (Turkey, Iraq, Iran, and Syria). (McDowall, 2007).

In 1932 an uprising in the Barzan region started to protest at Iraq's admittance to the League of Nations, while the Kurds' demands for autonomy are ignored. Many more other uprising gathered steam including the one led by Mullah Mustafa Barzani in 1943, and another led by Iranian Kurds, Qazi Mohamed following the bombing by British RAF that forced the Kurds' rebels to cross into Iran. In 1946, Mustafa Barzani founded the Kurdish Democratic Party (KDP) which adopted a nationalist programme, dedicated to the creation of an independent Kurdish State from Iraq. In 1960 The relations between the Iraqi government and Kurdish groups become strained. The KDP complains of increasing repression. Subsequently in 1961, KDP was dissolved by the Iraqi government after the Kurds' rebellion in northern Iraq. (Naamani, 1966).

1970 to 1974 promised a glimpse of hope to the struggle when autonomy was granted. A peace agreement signed between the Kurds and the Iraqi government that called for Kurdish self-determination. A census

was supposed to be held in 1974 to determine the borders of the Kurdistan region. It was argued that, the government seemed to commit itself to recognizing Kurdish rights that far exceeded anything that had been conceded before. Amongst others, the distinct national identity of the Kurds was recognised, as was their language, and they were promised participation in government and predominance in the local administration. (Tripp, 2002).

However, in 1974, fighting resumed when the Iraqi government refused to implement the manifesto's elements, and refused to give the Kurds control over their traditional territory including control over oil-rich province of Kirkuk. The Kurds, however, failed to resist this development and the revolt collapsed within weeks. (Tripp, 2002).

From 1979 to the late 1980s Saddam Hussein put down the Kurds ruthlessly through what was known as the Anfal Operations. In 1979, when Saddam Hussain took power in Iraq, the relations broke down irretrievably with the Kurds. In 1986, the main Kurdish political parties the KDP and PUK formed a military coalition against Saddam. This unity threatened the Iraqi government which resulted in Hussain hitting back with unspeakable brutality. During the Iraq-Iran war, the Kurds were sent to the frontlines by both Iraq and Iran, and more than two million died there. Hussain tried to use the war as an opportunity to exterminate the Kurds and systematically redraw the map of Iraqi Kurdistan. (Abdulla, 2012).

It is argued that the US, the USSR, and France provided substantial assistance to Saddam for fear that, the Islamic Republic would win the war and destabilise the oil producing States in the gulf region. Consequently, fighting erupted between the Kurds' liberation movements and Iraqi government. The period from 1987 to 1990 was marked by gradual territorial devastation of Iraqi Kurdistan and massacre of innocent civilian Kurds. (McDowall, 2007).

In March 1991, following the Gulf War in which US-led forces Iraq put down the Kurdish rebellion, around 1.5 million Kurds flee before the Iraqi onslaught. However, Turkey closed the border forcing the exodus to seek refuge in the mountains. (McDowall, 2007).

After the repression, and the mass exodus of Kurds from Northern Iraq, the US and UK decided to protect them. On 5 April 1991, the UNSC passed Resolution 688 in order to restrain Baghdad. "The Resolution condemned the repression of the Iraqi civilian population in many parts of Iraq, including most recently in a Kurdish populated area and demanded that Iraq, as a contribution to removing the threat to international peace and security in the region immediately end this repression, and that Iraq allow immediate access to international humanitarian organizations to all those in need of assistance in

all parts of Iraq." The resolution was historic and raised a number of important issues in international law. It was the first international document since the League's arbitration. (McDowall, 2007).

In 1992, the Kurds established their own Parliament and local authorities that ruled the region in complete independence of the central government consequently the Iraqi State's control over northern Iraq has completely disappeared. Meanwhile, the Kurds in Kurdistan of Iraq have been in control of their own region, and they have been able to institutionalize self-rule in northern Iraq through the "Kurdistan Regional Government" (KRG). As a result, Iraqi Kurdistan became a 'de facto' Kurdish State from 1991-2003. (Gunez, 2018).

In 2003, the Second Gulf War removed Saddam's regime from the power. The Kurds became key allies of the United States in overthrowing Saddam's regime, by joining American forces in capturing the cities of Kirkuk and Mosul, and this paved the way for even greater Kurdish autonomy. The Kurds generally have participated, as a strong ally in the central government, in two national elections in 2005 when Talabani, the PUK leader, became President of Iraq. (Gunez, 2018).

Until the summer 2014, the Kurds enjoyed relative stability, compared to the rest of the country; violence in the Kurdish region had drastically disappeared. The relative stability in the Kurdistan region has allowed the Iraqi Kurds to enjoy the country's highest living standard and highest level of foreign investment. The region is stable enough to allow the Iraqi Kurds to engage in foreign relations with other countries, and even hosts travelers and businessmen from Europe and around the world. Most importantly, the Kurds have succeeded in achieving a federal form of government within the State of Iraq. As a federal entity of Iraq, the Kurdish language has been recognised as an official national language of Iraq alongside Arabic. Moreover, the Kurdish provinces have united into a single, largely autonomous region capable in maintaining its own internal security, armed forces; impose taxes and overruling federal rules. (Plebani, 2017).

In March 2014, turmoil resurfaced. The Iraqi government under Prime Minister Nuri al-Maliki blocked the transfer of revenues to the Kurds' authorities, leaving regional leaders unable to pay the salaries of officials. In December the same year the Iraqi government and the Kurds' leadership signed a deal on sharing Iraq's oil wealth and military resources, amid hopes that the agreement would facilitate in reuniting the countries.

Constitutional reforms was triggered in 2015 when Barzani declared that Sykes-Picot agreement and the Treaty of Lusanne that divided the Middle East had ended and the international community needed to redraw borders to include a Kurdish state. (Rudaw, 2018).

On September 25, 2017, the Kurds, led by President Barzani decided for an independence referendum to separate themselves from Iraq and, consequently form an independent state of Kurdistan despite international opposition and internal resistance demanding the referendum to be withheld given the current security and economic conditions. (Kiblawi, 2017).

CONCLUSION

From the historical chronology of the Kurds' struggle in achieving independence and self-determination, trailing from as far back as since the First World War right to the submission of the independence referendum in 2017, there were hard and strong bases from both the perspectives of human rights as well as international law.

From the perspectives of human rights, the chronology had supported that the Kurds have indeed proven a strong case for self-determination right. Decades of repression, from the denial of cultural rights like taking pride in having a common culture, language, and religion; to genocide violated the basic provision in human rights.

The Kurds have also been denied territorial integrity with the freedom to exercise independent governance on the political system. In international law, self-determination for peoples or a group within an independent State is achieved by participation in the political system of the State, based on respect for its territorial integrity. In other words, in the case of non-colonized peoples, the right to self-determination does not grant them directly the right to secede since their identity as a distinct group is recognized within the parent State. But such was not true for the Kurds.

The enlightenment gauged from understanding the chronological events provided strong foundation in facilitating the researcher before he takes a thorough and in-depth research in finding the status and stand of the Iraqi Federal Government on the Kurdistan's independence referendum from both the human rights and the international law and perspectives. The chronological events have established such bases.

Despite the difficulties and turmoil faced by the Kurds, based on the historical evidence and chronology, it would be possible to develop a strategy or a theory, which will enable the Kurds in Iraq to claim a sustainable solution and prevent any potential ethnic and territorial conflict in future. Also, from this evidence, further analysis could be explored and undertaken in applying the principle of the self-determination right together with a through evaluation and comparison of the referendum with other nations, to include and implement strategies that may contribute to the sustainable solution.

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Problems of Women Entrepreneurs in Shivamogga District

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ABSTRACT

What man can do women can do better. A women entrepreneur depicts the balance between home and office done very effortlessly. Technically, a "women entrepreneur" is any women who organizes and manages any enterprise, usually with considerable initiative and risk. However, quite often the term "women-owned business" is used relative to government contracting. Social and economic development of women is necessary for development of any country. The women who start up their businesses have to face some teething problems. This research paper attempts to ascertain the problems faced by women entrepreneurs in Shivamogga District. From the study, it is ascertained that women entrepreneurs face more difficult in marketing their products followed by financial problem etc.,.

Keywords: Women Entrepreneurship, Finance, Marketing, Middlemen.

INTRODUCTION

Human, physical, and financial resources determine Economic Growth and Development of the country. Even though, there is an abundance of natural and physical resources, machinery and capital may go underutilized or misused, if human resources factors are not adequately cultivated or properly managed.

Industrial development of any region is the outcome of the purposeful human activity and entrepreneurial trust. In India a large number of people are seeking entrepreneurship as a career option. Entrepreneurship is considered as vital factors for the development of the country. After the liberalisation of economy and resultant increase in competition, the emphasis is shifted from efficient utilization of resources to being innovative and opportunities seeking. Hence, it is felt that the Industrial activity can be generated by promoting good entrepreneurs and a positive attitude towards entrepreneurship.

What man can do women can do better. A women entrepreneur depicts the balance between home and office done very effortlessly. She has to up fronted with socio economical problems.

MEANING

Women Entrepreneur according to Government of India is an Entrepreneur who runs an enterprise owned and controlled by her and having minimum financial interest up to 51% of the capital and giving at least 5% of the employment to women¹.

Problems faced by Indian Women Entrepreneurs

Besides the above basic problems the other problems faced by women entrepreneurs are as follows:

- | | |
|-------------------------------------|---|
| 1. Family ties | 9. Male dominated societies |
| 2. Lack of education | 10. Social barriers |
| 3. Shortage of raw materials | 11. Problem of finance |
| 4. Tough competitions | 12. High cost of production |
| 5. Low risk-bearing capa District | 13. Limited mobility |
| 6. Lack of entrepreneurial aptitude | 14. Limited managerial ability |
| 7. Legal formalities | 15. Exploitation by middle men ² |
| 8. Lack of self confidence | |

LITERATURE REVIEW

1. Priyanka Sharma (2013)¹ in her article "Women Entrepreneurship Development in India" found that Entrepreneurship among women, improves the wealth of the nation in general and of the family in particular. Today's women are more willing to take up activities that were once considered the preserve of men, and have proved that they are second to no one with respect to contribution to the growth of the economy. Women entrepreneurship must be moulded properly with entrepreneurial traits and skills to meet the changes in trends, challenges global markets and also be competent enough to sustain and strive for excellence in the entrepreneurial arena.

2. S.John Kaviarasu, et al., (2018)² in their article "Women Entrepreneurship In Indian Context: A Critical Study of Its Challenges And Solution" concluded that women entrepreneurial qualities and skills not only to meet the changing trends and challenging global markets, but also to become competent persons to sustain in the local economic arena as women entrepreneurs.

OBJECTIVES OF THE STUDY

The following are the objectives of the study

1. To study demographic features of women entrepreneurs in Shivamogga District.
2. To identify problems faced by Women Entrepreneurs in Shivamogga District.

RESEARCH METHODOLOGY

The data required for the study is primary in nature. Primary data is collected by making use of Interview Schedule. By adopting convenience sampling method, 50 women entrepreneurs residing in Shivamogga District are contacted for the study. Percentage, and Garrett's Ranking tool is used.

LIMITATIONS OF THE STUDY

Though proper care will be taken, the present study will be subjected to certain limitations which are inherent in this type of study. The limitations are as follows:

1. The study is restricted only to Shivamogga District.
2. The study is limited only to 50 women entrepreneurs.

Table No. 1: Demographic Profile

Age	No. of Respondents	Percentage
Less than 30	5	10
31 - 40	11	22
41 - 50	32	64
Above 50	2	4
Total	50	100
Marital Status	No. of Respondents	
Single	2	4
Married	46	92
Widow	2	4
Total	50	100
Education	No. of Respondents	
SSLC & Below	24	48
PUC/ Diploma	15	30
Graduate	11	22
Total	50	100
Locality	No. of Respondents	
Rural	38	76
Semi Urban	12	24
Total	50	100

Sources: Primary Data

The above table explains the demographic characteristics of the respondents. Most of the respondents (64%) are of between 41-50 age group. With regard to marital status 92% is belongs to married group. Out of all the respondents 24 respondents are less educated.

Table No.2 Garrett's ranking of Problems faced by women entrepreneurs on the basis of their age

Sl. No.	Particulars	Ranks				Overall
		Below 30	31 - 40	41 -50	Above 50	
1	Shortage of Raw Materials	1	1	2	1	2
2	Problems of Finance	1	2	1	2	1
3	Tough Competition	5	5	3	5	5
4	Exploitation by Middlemen	3	3	5	4	3
5	Social Barriers	4	4	4	2	4

Sources: Primary Data

The Garret's ranking table reveals that all age group of the women entrepreneurs are facing the financing problem and standing at the top of all ranks and followed by shortage of raw materials and ranked two. However, tough competition and social barriers are not the major problems for all age group of women entrepreneurs as they are ranked five and four.

Table No. 3: Garrett's ranking of Women entrepreneurs' perception regarding problems in setting up a unit

Sl. No.	Particulars	Total Score	Mean Score	Rank
1	Shortage of Raw Materials	2735	547	2
2	Problems of Finance	2940	588	1
3	Tough Competition	2305	461	5
4	Exploitation by Middlemen	2445	489	3
5	Social Barriers	2425	485	4

Sources: Primary Data

The Garret's ranking table revealed that among various problems problem of finance is a major problem faced by women entrepreneur with highest mean score of 588 and standing at the top of all ranks. However, shortage of raw material obtained second rank and exploitation at third rank with mean value of 489.

SUGGESTIONS

1. Now way days majority of the Public Banks are providing loan facilities to women entrepreneurs, but they should provide loans without any securities. And lengthy procedure and formalities in lending loans should be reduced.
2. Government should provided raw materials at concessional rate.
3. One of the main problems faced by women entrepreneurs are lack of finance support. As married women are full depends upon their husband's property its quite to get finance from banks. Therefore the corporation should lend money to such entrepreneurs without any securities.
4. Central and state Government should assist financially to women entrepreneurs to participate in

International trade affairs, exhibitions and conferences.

CONCLUSION

This paper was under taken with an objective of studying the women entrepreneurs in Shivamogga District. It has been achieved with the study of various factors of women entrepreneurs. The success of women entrepreneur is very less, as they have to face number of problems like difficulties in getting raw materials, finance, and social barriers etc., In order to overcome these problems Government has to offer numerous facilities to Women Entrepreneurs, there by nation and community will get proper.

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"Analysing The Legislations Pertaining To The Female Foeticide in India"

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ABSTRACT

A woman is a lovely combination of strength, intellect, emotional balance and beauty of mind and heart. But from ages, she has been ill-treated. India is mainly a patriarchal society due to which the women have always given a low position, remains under the control of her father, husband or son. Due to this patriarchal structure, India's socio-cultural environment always favored the birth of males over females. The preference for a son continues to be a prevalent norm in traditional Indian society. This is evident from the declining sex ratio which has dropped to alarming levels, especially in the northern states according to recent census reports and looking up to the son as a breadwinner has made the evil practice of female foeticide to become common in the middle and higher socio-economic households. Despite the existence of several acts, female foeticide is one of the most heinous crimes present in India; Perhaps the worst scenario is that the people who commit this crime belong to the educated classes.

This paper attempts to discuss the crime of female foeticide in India and its magnitude, various abortion laws, penal provisions, the objective behind their enactment, amendments and the reasons for failure in their implementation.¹ There is an urgent need to strengthen the prevailing laws as well as to enact new laws in combating the crime of female foeticide.

Keywords: Miscarriage, Induced Abortion, Foeticide, and Homicide

INTRODUCTION

In ancient India, women held a place of high respect in the society as mentioned in Rig-Veda and other scriptures.² Volumes can be written about the status of our women and their heroic deeds from the Vedic period to modern times. But later on, because of social, political and economic changes, women lost their status and were relegated to the background.³ Many evil customs and traditions stepped in which enslaved the women and tied them to the boundaries of the house.⁴ No Human Problem can be solved in isolation detached from the other humanistic factors, least of all induced abortions.

¹Vasu M. & Singh Dr.Meeta, The Rise of sex-selection in India, available at <http://www.ifes.org/publication/a8524e55a7d6c2fad0187772a374a5df/SinghMohan.pdf>

²MitaBhadra, Girl Child in Indian Society, Rawat Publications-Jaipur and New Delhi.

³Supra note 2

⁴<https://www.studymode.com/essays/Victimization-Of-Women-248590.html> (accessed January 02, 2019)

A Pregnancy may be termed as unwanted when it is not desired by either or both the spouses or the society at large. The unwillingness may be because of various factors, of which, the economic consideration might have ranged the last, today it is the first. The other factors may be the moral and ethnic notions of the society at the relevant time. The Indian community in its early days did not suffer either with economic pressure or with such conservative and rigid sex taboos⁵ as later developed. The ancient Hindus gave women a very high position in society, and great honor was given to motherhood. Childbearing was considered their essential function which they should discharge without any hindrance.⁶ The life is divided into four periods⁷ of which the only one is ordained for the worldly and family pursuits. In spite of the systematic lifestyle, the crime against women was in rampant.

The Semantic meaning of crime against women“is direct or indirect physical or mental cruelty to womenl. Crimes which are explicitly directed against women and in which only women are victims are characterized as Crime against Women⁸ like the offences named Female infanticide, Female foeticide, Kidnapping, Dowry death, Rape,etc.,

India is the world's largest democracy and was one of the first countries to grant women the right to vote. The Indian Constitution is firmly grounded in the principles of liberty, fraternity, equality, and justice.⁹ It affirms equality before the law and prohibits discrimination on the grounds of religion, race, caste, sex or place of birth.¹⁰

In spite of the rapid modernization experienced by some segments of Indian society, general social attitudes towards women have not kept pace with the country's economic and political development.¹¹

The Indian Penal Code does not use the word abortion. Instead, the term miscarriage' has been used and causing it was made an offence thereunder. The abortion' or miscarriage' has not been given any statutory definition. However, in some legal dictionaries, it has been defined as “a miscarriage, or the premature expulsion of contents of womb before the term of gestations is over. In law, this means the confinement of a pregnant woman at anything short of full term, that is to say, her miscarriage....”¹²

⁵ In the ancient Hindu culture there was no pardahsystem, boys and girls both were entitled to get education. Marriages were also arranged by the choice of boy and girl themselves and the practice was known as swayambara.

⁶ Mukherjee, S., "Some Aspects of Social Life in Ancient India", (1976) Allahabad: Narayan Publishing House.

⁷ The four periods of life were Brahmacharya, Grihastha, Vanprastha and Sanyas. It was Grihastha when one was to enjoy comforts and indulge in procreation.

⁸ Crime In The World - Term Paper, <https://www.termpaperwarehouse.com/essay-on/Crime-In-TheWorld/172937> (accessed January 02, 2019)

⁹ Sex Selective Abortions - Academike Lawctopus.(n.d.). Retrieved from <https://www.lawctopus.com/academike/sex-selective-abortions/>

¹⁰ Article 21 of the Indian Constitution.

¹¹ India is not alone; both China and South Korea have seen significant changes in the sex ratio at birth. Portner Claus C., Sex-Selective Abortions, Fertility and Birth Spacing, available at <http://are.berkeley.edu/documents/seminar/Portner.pdf>

¹² Earl Jowitt, The Dictionary of English Law 11(1959 edn.)

The Encyclopaedia Britannica has defined abortion, “as the termination of pregnancy before independent viability of the foetus has been attained. Miscarriage is a folk term for spontaneous abortion”.

Abortion has also been defined in the well-recognized Halsbury's Laws of England. It defines abortion as “a felony by statute (1) for any woman with child unlawfully to administer to herself any poison or another noxious thing or to use any instrument or other means whatsoever with intent to procure her miscarriage; or (2) for any person unlawfully to administer to or cause to be taken by any woman, whether she is with child or not, any poison or noxious thing with intent to procure her miscarriage, or to use any instrument or other means with that intent.”¹³

MAGNITUDE OF THE PROBLEM IN THE COUNTRY

A country's child sex ratio statistics can reveal that the country's social attitude towards its girl-children. Under natural circumstances, it is a general phenomenon that more boys than girls are born each year, but during the last few years, India has been experiencing an almost continuous increase in the overall ratio of males to females, is mainly because of excess mortality of girls.¹⁴

During the previous decades, the ratio of males to females at birth has also increased as pre-natal sex determination techniques have become available. The discriminatory practices against females-both before and after birth is continued in some parts of India are extreme by any standards. If not addressed properly, that is, what is likely to happen in the future. Clearly, for a country that is so vast and varied, there can be no simple answer to this question. However, in the end, that matter will depend upon how people come to value the lives of girls and women relative to those of men and boys.¹⁵

Analysis of data from India's previous census reveals that between 22 and 37 million females are missing from its population. Some argue that natural population trends are causing this shift, but demographic factors alone cannot explain the disparities in the numbers.¹⁶ It is overall acknowledged that this skewed sex ratio is a result of sex-selective abortions (female feticide), the practice of killing infant girls (female infanticide) and neglect of the girl-child (resulting in increased mortality rates for girls). The steep decline of the sex ratio in many parts of India is evidence of a deepening crisis.

The data from the Indian census has refocused the world's attention on the dark side of India's demographic

¹³Halsbury's Laws of England 730 (1955 end.)

¹⁴Supra note 2

¹⁵Supra note 1

¹⁶Dyson Tim, Foreword, (ed.) Patel Tulsi, Sex-Selective Abortion in India: Gender, Society and New Reproductive Technologies: New Delhi, SAGE Publications, 2007, p. 18.

change – a low and falling ratio of girls when compared to boys. For the last 40 years, each successive census has found the number of young girls shrinking relative to boys. Interestingly, the deterioration in the child sex ratio has occurred in the face of rising living standards and improvements in every other indicator of demographic change and human development – average life expectancy, infant mortality, male and female literacy, fertility rate, and schooling enrolment of children.

CAUSES OF FEMALE FOETICIDE AND INFANTICIDE

In our country, the causes of female foeticide and infanticide are multifaceted by many authors like Venkatachalam, Aravamudan, Harris-White, Jain, George, Pande, and Malhotra. The essential objectives of female foeticide are as follows¹⁷:

- 1) Indian society at all times is patrilineal, patriarchal and patrilocal. Among the Hindus, the reproduction and heredity beliefs are governed by the laws of Manu. Following this law, Hindus believe that a man cannot attain redemption unless he has a son to light his funeral Pyre. Besides religious consideration, economic, social and emotional desires favor males, as parents expect sons but no daughters to provide financial support, especially in their old age.
- 2) The evil of dowry system which is still prevailing in our society, has led to a belief that daughters have to be protected and sufficient financial resources have to be accumulated to support the marriage of the girl. Boys, on the other hand, are considered as assets, who fetch a fabulous dowry for the parents. This has created a stereotype notion of the girl as a burden” on the household.
- 3) Contrary to popular belief, Gita Aravamudan's research shows an adverse link between education and gender skew (Aravamudan, 2007). The more educated a woman is, the more likely she is to actively choose a boy, assuming that she decides to have one child. The only educated women likely to keep daughters are very independent minded. Educated men, especially in the business class, also want to have sons to carry on their business¹⁸.
- 4) Although women contribute far more to agricultural production, they are by far the largest group of landless laborers with little real security. Modernization of agriculture alleviates the burden of tasks that are traditionally men's responsibility leaving women's burden unrelieved. In some regions, the bias has led to a shift from subsistence food (often women's crops) to cash crops (often men's crops). The systematic marginalization of women in Indian agriculture has led to an increase in violence against women including the epidemic of female foeticide.
- 5) The tests like Amniocentesis and ultrasonography, which were originally designed for detection of

¹⁷ Dr. Vasudev P. Iyer, Female Foeticide And Infanticide In India, Episteme: an online interdisciplinary, multidisciplinary & multi-cultural journal Bharat College of Commerce, Badlapur, MMR, India, Volume 2, Issue 4 March 2014, BCC-ISSN-2278-8794

¹⁸ <http://www.indianexpress.com/news/law-to-cover-new-techniques-of-sex-determination/761343> 19 Supra

congenital abnormalities of the foetus, are being misused for knowing the sex of the foetus with the intention of aborting it if it happens to be that of a female (Patel, 1984). Thus, female foeticide and infanticide are receiving fillip through misuse of technology, done surreptitiously with the active connivance of the service providers.¹⁹

- 6) The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, prohibits the determination of sex of the foetus. It also provides for mandatory registration of genetic counseling centers, clinics, hospitals, nursing homes, etc. However, the implementation of the law is weak, and it has not been used to the fullest. The focus has been only on the registration of the number of ultrasound machines and not on the actual act of abortions of female fetuses.
- 7) Furthermore, in several cases, the accused have not been booked under relevant sections of the Act. Many studies have concluded that prenatal sex determination, followed by abortion of female fetuses, is the most plausible explanation for the low sex ratio at birth in India.²⁰ Patriarchy manifests itself in the social, religious, legal, political and economic organization of society.²¹ They have led to the neglect of nutrition, health care, education and employment for girls.²²

FEMALE FOETICIDE, INFANTICIDE, AND HUMAN RIGHTS:

The Basic rights which are termed to be Human rights are very much essential for an individual. They are also necessary to create awareness with respect to save the females in society. Human rights also provide suitable conditions for the material and moral uplift of the human. Therefore, they must be preserved and defended if peace and prosperity are to be achieved the Constitution of India which is the source of all laws guarantees and gives importance to the rights equal to all members of the society irrespective of the gender. Article 21 is specifically related to the protection of life and personal liberty of every person. Human rights apply to all age groups; foetus and even infant have the same status of human rights as adults. Female Foeticide and infanticide violate the human rights to lead a life with dignity. They also violate the right to birth, right to safety and right of self-determination.²³

Today, female foeticide and infanticide are a blocking stone for the country's growth and also considered as a social evil because after independence some laws have been implemented to prevent female atrocities but majority failed and many programmes were set up for women empowerment and welfare were not fully successful. Women have got a respectable place in constitution, laws and the criminal

¹⁹ Supra note 4

²⁰ Supra note 5

²¹ Nandi Arindam & Deolalikar Anil B, Does a Legal Ban on Sex-Selective Abortions Improve Child Sex Ratios? Evidence from a Policy Change in India, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1824420

²² Patel Tulsi, —The Mindset behind Eliminating the Female Foetus in Sex-Selective Abortion in India: Gender, Society and New Reproductive Technologies, (ed.) Patel Tulsi, SAGE Publications: New Delhi, 2007, p.142.

²³ Dr. Pooja Gupta, Female Infanticide And Female Foeticide - A Curse For Society, New Man International Journal of Multidisciplinary Studies (ISSN: 2348-1390)

justice system but today it is very sensitive to maintain the dignity of a woman and her rights.²⁴ In the Directive Principles of State Policy rights of men and women have been decided and treated equally under the right to equality, but in spite of women are killed before taking birth. There are many acts which were implemented for preventing exploitation of women in which Hindu Marriage Act 1955, Dowry (Prohibition) Act 1961, Prostitution (Prohibition) Act 1986, Pre-Natal Diagnostic Techniques Act 1994, and Domestic Violence (Protection of Women) act 2005, etc. But the data show that these acts have not been followed with obligation because atrocities against women are increasing fast day by day after implementing these acts also.

In eradicating the Female foeticide and infanticide, Police has a vital role to play. They are the one who is supposed to maintain peace and security in society. Thus it has been quoted about police by International Code of Enforcement Ethics “As a law enforcement officer my primary duty is to serve mankind, to defend life and property, to protect the innocent against the deception, the weak against intimidation and the peaceful against the violence and disorder and to respect constitutional right of all people to liberty, equality, and justice”.

According to this above quote if all the officers work they can reduce all crimes happening against the females at large. Many scholars have analyzed the role of police in combatting crime and have laid down certain suggestions. They are (a) every district should set up a Child help linenummer and cells. (b) Protection should be given to the pregnant women who are forced to under the abortion by their in-laws and husband. (c) As most of the cases of illegal abortion happen at night, the police need to be alert and do effective patrolling near private nursing homes and hospitals (e) Police should strictly implement laws related to women and girls (f) Police should punish those family members, who compel for abortion.²⁵

LAWS ABOUT SEX-SELECTIVE ABORTION IN INDIA

Two laws are enacted which prohibit the sex selection of a fetus in India, and they are, The Medical Termination of Pregnancy Act, 1971 (MTP), as amended in 2002, and the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PNDT), as amended in 2002.²⁶

Abortion in India is an illegal act and punishable. The Medical Termination of Pregnancy Act, 1971 (MTP) Act, which prohibits abortion, was enacted with a basic view of minimizing the number of

²⁴ Quoting Arnold Fred, Kishor Sunita & Roy TK, —Sex-selective abortions in India- Population and Development Review (2002), from Vasu M. & Singh Dr. Meeta, The Rise of sex-selection in India, supra note 4.

²⁵ Supra note. 18

²⁶ Supra note 12

members in the family. However, in some cases, the desire for a small family may have outweighed, and the desire for a child of a specific gender added to some sex-selective abortions in India. The MTP Act stipulated that an abortion might lawfully be done in qualified circumstances. But the unscrupulous connived to misuse the law to have abortions conducted for sex selection.²⁷

The advanced technology added to the reasons for the selective sex abortions and the laws were not implemented properly. Thus it was necessitated to the enactment of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PNDT) in 1994. This act was amended in 2002 to close loopholes contained in the original act.

The Indian Penal Code, 1860 specifically states that causing an abortion, even if caused by the pregnant woman herself, is a criminal offence, unless it is done to save the life of the woman under the guidance of the registered medical practitioner. The offense is punishable by imprisonment for three years, by fine, or by both.

The enactment of Medical Termination of Pregnancy Act 1971, India became the first country in the developing world to legalize induced abortions under certain circumstances. The MTP Act provides for an abortion to be performed by a registered medical practitioner in a government hospital provided, in his opinion:

- a. The pregnancy must not be exceeded by twelve weeks ;
- b. Only if the life of the woman is at risk or if it might cause grave injury to her physical or mental health;
or,
- c. If it is vigilant that there might be a substantial risk to the child when born would suffer mental or physical abnormalities or lead to being seriously handicapped after the birth.

The MTP Act also accepts the aspect of the failure of any device used by the couple in limiting the number of children. Where the pregnancy is more than twelve weeks but less than twenty weeks, the opinion regarding the medical necessity for an abortion in the above circumstances must be formed in good faith by two medical practitioners.²⁸ When the pregnancy is less than 12 weeks, the opinion of one medical practitioner is necessary for the approval of abortion. All abortions must be performed in a government hospital, regardless of the length of the pregnancy.

²⁷Alpana D. Sagar. —Social Context of the Missing Girl Child. I in Sex-Selective Abortion in India: Gender, Society and New Reproductive Technologies, (ed.) Patel Tulsi, SAGE Publications: New Delhi, 2007, p.198

²⁸Supra Note 10

PRE- NATAL DIAGNOSTICS TECHNIQUES ACT 1994

The Pre Natal Diagnostics Techniques Act of 1994, because of certain loopholes later it was amended in 2002, with a specific objective as stated in its Preamble:

“...to provide for the prohibition of sex selection, before or after conception, and for regulation of pre-natal diagnostic techniques for the purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female feticide and for matters connected therewith or incidental thereto.”²⁹

Thus, the PNDT Act prohibits the identification of sex selection by all high-end technologies, which would also include the new chromosome separation techniques.³⁰

The PNDT Act emphasis on the following aspects:

- a. Before and after conception the identification of sex selection.
- b. Regulation of prenatal diagnostic techniques (e.g., amniocentesis and ultrasonography) for the detection of genetic abnormalities, by restricting their use to registered institutions. According to the Act, only a qualified person who is a registered medical practitioner is allowed to use these techniques in a registered place for the above-specified purpose.
- c. The techniques used for the sex selection as well as the sex determination should not be advertised.
- d. The sale of ultrasound machines to any other persons who are not registered under this Act is prohibited.
- e. The Act specifies the Punishments for violations any sought would amount to -Violations carry a five-year imprisonment term and a fine of approximately of Rupees 10,000. All the offence under the Act are cognizable, i.e., when police may arrest without a warrant. They are also non-bailable and non-compoundable.

The Act prohibits any person, such as a husband or family member, from pressuring the woman to seek or undergo any pre-natal diagnostic testing to determine the sex of the fetus. It also prohibits and punishes any advertisements relating to pre-natal sex determination. The Act allows for the use of pre-natal diagnostic techniques for the detection of genetic abnormalities or pregnancy complications but restricts those procedures to specific registered institutions and by qualified personnel who have to abide by clear rules outlined in the Act. The Act allows for penalties of five years in jail along with the fine. The

²⁹ The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, No. 57 of 1994, and the Pre-natal Diagnostic Technologies (Regulation and Prevention of Misuse) Amendment Act, No. 2002, No. 14 of 2003.

³⁰ Infra Note 16

Act continues to be amended to address newer technologies for the selection of sex before and after conception. The MTP Act states any act causing the termination of the pregnancy of a normal fetus would amount to feticide, and in addition to rendering the physician criminal liable, is considered professional misconduct on his part, leading to his penal erasure.³¹

In spite of the laws mentioned above being present in our society the illegal practice of sex-selective abortion has increased in recent years and demanding action from the government to control the practice. The Medical Termination of Pregnancy (MTP) Act 1971 is the law that provides an option to abort the child. The MTP Act allows an unwanted pregnancy to be terminated up to 20 weeks of pregnancy and requires a second doctor's approval if the pregnancy is beyond 12 weeks. The Prenatal Diagnostic Techniques (PNDT) Act was enacted with the object of prohibiting the misuse of antenatal diagnostic tests for sex determination, which may lead to the abortion of female fetuses.³² And the violator of the law under the Act is liable to imprisonment of three years and a fine up to rupees 10,000. Thus the misuse of the technology of identifying the sex of the fetus had to be stopped, but still, it is practiced at the high end because of various reasons prevailing in our society. Information about the sex of a fetus is possible to obtain through tests in private clinics/hospitals but at a very high cost. Experts claim that the root cause of sex-selection is not the availabilities of the technologies but the status of women in Indian society.³³ Efforts to tackle this problem cannot be fragmented but need to be comprehensive. Not only do we have to tackle and control our technology, but we also need to improve the social position of woman. Some scholars are of the opinion, in India many women opt for female feticide not because they were heartless but because they were genuinely concerned about the fate of the girls who are being increasingly subjected to eve-teasing, molestation and sexual harassment and, after marriage, exposed to the risk of bride burning and dowry death, in the unending demand for dowry from our emerging consumerist society.³⁴

Still, in many parts of India, it is believed that the act of sex-selective abortion is an act which is forced by the husband and in-laws. Male child preference is not only bound by physical territory, cultural setting, economic and educational access. It also derives its relevance from the urge to establish one's cultural identity. Motherhood is the only chance to uplift the woman's status in Indian society. The first child is the proof of their reproductive ability; therefore the sex of the child is not a matter. However, the second child is the means to achieve their prestige, but only if the second child is the son.³⁵

³¹ <http://www.indianexpress.com/news/law-to-cover-new-techniques-of-sex-determination/761343>

³² Visaria Leela, —Sex- Selective Abortions in Gujarat and Haryana: Some Empirical Evidence, in *Abortion in India: Ground Realities*, (eds.) Ramachandra V. & Visaria Leela, New Delhi: Routledge (Taylor and Fancis Group), 2007, p. 133

³³ <http://www.allresearchjournal.com/archives/2015/vol1issue6/PartC/1-6-20.1.pdf>

³⁴ Supra note 22

³⁵ Supra note 12

Dowry is a practice which is still prevailing in major parts of the country that insists the parents of the bride to give gifts to the groom and his family in large amount.³⁶ Dowry is incredibly unaffordable to even middle-class families, let alone the impoverished ones. “Even commercial minded techno-docs and laboratory owners have been using new reproductive technologies for over two and half decades ... The propertied class does not desire daughter/daughters because, after their marriage, the son-in-law may demand a share in the property.” According to studies on female feticide, urban and upper-income groups, who have access to medical facilities; utilize these to practice preference for the desired sex of the child.

With the increase in sex-selective abortion in India, there has been a contradiction in feminist's ideologies on the ground of abortion. Some support the government's incentives to control the use of New Reproductive Technologies (NRT) in sex-selective abortion; while others condemn the regulations as government controls in reproductive rights of women. It is also stated, “...pro-choice face formidable danger in advocating legislation against, or perhaps even strongly condemning, prenatal sex-selection. The basic reason is that many of these advocates call for government legislation to promote the twin goals of reproductive rights and gender equality.”

Dr. Sabu George along with the NGOs CEHAT (Centre for Enquiry Into Health and Allied Themes) and MASUM (Banglar Manabadhikar Suraksha Mancha) in 2000 filed the Public Interest Litigation suit in the Supreme Court against the Government of India for failure to implement the PNDDT Act, a policy review meeting discussed amending the MTP Act to prevent sex-selective abortion following sex determination.³⁷ One of the suggestions was to only allow abortion up to 12 weeks, which will result in preventing sex-selective abortions following from sex determination by use of ultrasound technique. But, the majority in the meeting were of the opinion that there should be no amendment to the MTP Act and instead they suggested that there should be the rigid implementation of the PNDDT Act. Also, as mentioned before, ineffective implementation of the law results in no convictions of medical professionals and failure to prevent people from having sex determination tests.³⁸

There are some International laws that are applicable regarding the case of sex-selective abortion in India, as the country has committed itself to safeguard human and reproductive rights which are stated in many International Treaties and Forums.

³⁶ Supra note 18

³⁷ Rainuka Dagar, —Rethinking Female Foeticide, in *Sex-Selective Abortion in India: Gender, Society and New Reproductive Technologies*, (ed.) Patel Tulsi, SAGE Publications: New Delhi, 2007, p.114

³⁸ Agarwal, H.O., 2010, *Human Rights*, Central law Publications, Allahabad, p. 2

In 1994 the United Nations Conference on Population and Development in Cairo stated the elimination of all forms of discrimination against the girl child and the root causes of son preference, which result in harmful and unethical practices regarding female infanticide and prenatal sex selection. The United Nation Population Fund (UNFPA) is guided by this Conference and by the Millennium Development Goals (UNFPA 2012). India is also a part of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and has submitted its Initial Report in August 1998 (Committee on the Elimination of Discrimination against Women 2005). Implementation of the PNDT Act and its amendments is away in which India is preserving the CEDAW. Creating awareness and formulating advocacy strategies in partnership with several stakeholders are ways in which India is trying to prevent sex selection.³⁹ The monitoring and effective implementation of the Act has also been issued by the Supreme Court (Committee on the Elimination of Discrimination against Women 2005). However, the Committee on The Elimination of Discrimination against Women (2007) expressed its concern about the continuing deterioration of the sex-ratio despite the PNDT Act.⁴⁰ The Committee also stated that the act of sex-selective abortion is in many ways a violation of the law and that proper implementation is needed to end these violations.⁴¹

CONCLUSION

Sex-Selective Abortion is an evil to the society which has been in practice from many decades in many countries of the world including India. However, earlier where the technology was not used more the cases of female infanticide were more in number as they were not able to identify the sex of the foetus, and it leads to the killing of the female babies after the birth. But with the help of technology, they can do the sex selection any majority of the educated people are committing this crime of female foeticide. However, this practice of sex selection through abortion raises the certain important question to be answered otherwise which may lead to the disaster of the Indian society. Does the life of an unborn female have no value? How is nature going to continue if there are no or fewer women to reproduce? These are some serious questions, which need to be addressed immediately along with the implementation of the prevailing laws and enactment of new rigid laws to control this menace.

³⁹ Supra Note 11

⁴⁰ Carey, Ronald, June 12, 2011, It's Murder, Pure And Simple, The Hindu, New Delhi, pp14. Chaturvedi, Muralidhar, 2007, Ciminology and Penology, Allahabad Law Publications, Allhabad, pp.216.

⁴¹ Supra Note 10

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