



Right to life of Foetus – Verification of laws in the context of female Foeticide

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Abstract

The right to life is a very broad concept and has been recognized under Indian Constitution. A person's life begins at birth and extinguishes with death with the result the pre-birth and post-death these two stages are devoid of any existence. Globally, different Constitutions recognize the sanctity and importance of life; but they have completely failed to provide adequate protection to the life of foetus. Judicial pronouncements are also not conclusive, and vary in different jurisdictions. There have been several critical issues which underlie the problem of right of unborn child. These issues need to be addressed carefully so as to evolve a strategy to combat the problem. Whether unborn fetuses or a child in the mother's womb is a living human being or not? If life begins only post birth would be an exaggeration to say that an unborn is worse off in his mother's womb and susceptible and doomed to suffer all assaults without any respite. If we say that a foetus enjoys right to life, then will it affects the right of a pregnant woman to abort? Is a foetus to be recognized as a separate entity or a part of its mother? These questions are baffling the courts worldwide. An attempt is made to study critically the life of unborn child/fetus in the womb then examine the various rights of the unborn child/fetus and verification of different laws and its constitutional provisions in the context of female foeticide.

Keywords: foetus, right to life, human being, constitution, judicial pronouncements

Introduction

The right to life is a very broad concept and has been recognized under Indian Constitution^[1]. A person's life begins at birth and extinguishes with death with the result the pre-birth and post-death these two stages are devoid of any existence. There are various aspects such as religious, ethics, moral and legal values that rule over the aspect of right to life. It a well-established right and is recognized by various national and international instruments. Globally, different Constitutions recognize the sanctity and importance of life; but they have completely failed to provide adequate protection to the life of foetus. Judicial pronouncements are also not conclusive, and vary in different jurisdictions. The problem is complicated by other disciplines like theology and medicine maintaining that the unborn is having life. But the question always arises whether an unborn child should be considered as a human being and be given the status of person or not.

There is a complexity embedded in the host of issues that constitute the terrain within which sex determination and sex-selective abortion takes place in India. A set of hierarchical systems prevails in all tiers of the social order. Right from the ancient scriptures, men are glowingly praised as the key to continue the family lineage. A girl is forced to undergo multiple pregnancies/abortions, until she fulfills her lifelong goal of being a breeding machine that produces male offspring as per the needs of the family. In this context we should all remember that men cannot do without women.

There have been several critical issues which underlie the problem of right of unborn child. These issues need to be addressed carefully so as to evolve a strategy to combat the problem. Whether unborn fetuses or a child in the mother's womb is a living human being or not? If life begins only post birth would be an exaggeration to say that an unborn is worse off in his mother's womb and susceptible and doomed to suffer all assaults without any respite. If we say that a foetus enjoys

right to life, then will it affects the right of a pregnant woman to abort? Is a foetus to be recognized as a separate entity or a part of its mother? These questions are baffling the courts worldwide. An attempt is made to study critically the life of unborn child/fetus in the womb then examine the various rights of the unborn child/fetus and verification of different laws and its constitutional provisions in the context of female foeticide.

International Convention of the Unborn Child/Foetus.

In recent years the children's rights movement has gathered considerable strength and the adoption of international legal standards has been viewed by many to entrench the national law. A fundamental issue is whether the rights of the unborn child are protected by the Charter of the United Nations?. The International Covenant on Civil and Political Rights^[2] declares that 'every human being' has the inherent right to life, while in respect of other rights. The expressions used are 'everyone', 'every person, every child' - or 'every citizen.'" The use of different terminology has raised the question whether 'every human being' has a more expansive meaning than usually attributed to 'every person'; in particular, whether it also includes the unborn child should be discussed in detail.

Some of the important international instruments that must be mentioned while dealing with the rights of the unborn child have been discussed briefly.

i) The Universal Declaration of Human Rights 1948

The first piece of International law that should be cited while investigating whether a fetus has been given any status. It speaks in its Preamble 'equal and inalienable rights of all members of the human family, and it states that 'everyone has the right to life'^[3] and 'Everyone has the right to recognition everywhere as a person before the law.'^[4] and adds the notion of equality: 'All are equal before the law and are entitled without any discrimination to every protection of the law'^[5] The formulators of the declaration deliberately kept the issue of

the fetus at bay but opted for broader interpretation and affirmed that fetus is having human life, even deserves the legal protection at an early state. 'Everyone' is understood to mean 'every member of the human family' the provision would have little meaning and it is beyond debate that an unborn is a human being.

ii) The International Covenant on Civil and Political Rights 1966

Declares that 'Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.'^[6] Again, the meaning of the term 'every human being' is not defined but neither is it limited, and hence one can easily maintain that it includes the unborn life. Further, in the next sentence, 'no one' must mean 'no human being' or the expression itself would be rendered meaningless. Paragraph 5 of the same article provides in part that 'Sentence of death shall not be carried out on pregnant women.' The statement not only underscores the right to life, but also expresses a shared understanding that the unborn child is a human being. In other words, the unborn also has an independent protection. The author maintains that there can be no explicit recognition than this in international law that human rights enjoyed by every member of the human family include the unborn.

iii) Convention on the Rights of the Child 1989

Asserts that 'States Parties shall ensure to the maximum extent possible the survival and development of the child. Does it necessarily follow from this that the right to life of the unborn is protected? It is a contentious issue no international consensus has evolved over it yet. Consequently, the child's rights before birth are a question to be determined by individual states parties. While some states believe that it offers protection to the unborn child, there are others that do not. The latter group is of the opinion that an unborn child is not literally a person whose rights could already be protected, and that the main thrust of the Convention was to protect the rights and freedoms of every human being after his birth till the age of 18 years. The Convention defines a child as 'every human being below the age of eighteen years unless under the laws applicable to the child, majority is attained earlier.'^[7] Though the article does not state 'every human being from the moment of conception', it could be interpreted that the words do not exclude the unborn.

The crux of the matter is that The World Health Organization recognizes 'reproductive rights'^[8] which are available to all women but the unborn child has not been authoritatively rejected or overwhelmingly acknowledged by international law, but the framers has been to remain silent or obscure about it so that the matter is left to the discretion of the member states, under respective municipal laws.

The Right of Fetus under Different Laws in India

Abortion as a legal right was unknown since ancient times in India. It was severely condemned by Vedic, Upanishadic, the later puranic and smriti literature. Arguments on morality and legality tend to collide each other in this regard. Before the passing of the Medical Termination of Pregnancy Act 1971, abortion was considered to be illegal. The government, through this statute has tried to balance the state's legitimate interests with the individual's constitutional rights. The rights of unborn child/fetus are well recognized in various different legal

contexts which are as under:

1. Limitation Act^[9] provides that where a person entitled to institute a suit or make an application for the execution of the decree is, at the time from which the prescribed period is to be reckoned a minor, he may institute the suit or make the application within the same period after the disability has ceased. Explanation to Sec. 6 reads thus: Explanation: - for the purpose of this section minor includes a child in the womb.
2. Hindu Succession Act^[10] recognizes the rights of a child in the womb. It says that a child who was in the womb at the time of the death of an intestate and who is subsequently born alive shall have the same right to inherit to the intestate as if he or she had been born, before the death of the intestate, and the inheritance shall be deemed to vest in such a case with effect from the date of the death of the intestate. In the case of *M S Subbukrishna v. Parvathi*,^[11] the father had been given a meagre share during the joint family partition. The son was born right after the partition. The court ruled that this child cannot claim a share of coparcenary but he can claim his father's share as well as his self-acquired property to the exclusion of the divided sons.
3. Indian Succession Act^[12] minor means any person subject to the Indian Majority Act 1875, who has not attained his majority within the meaning of that Act, and any other person who has not completed the age of eighteen years, and minority means the status of any such person. Indian Succession Act provides that the domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled and in the case of a posthumous child, in the country in which his father was domiciled at the time of the father's death^[13] and also recognizes the rights of a person coming into existence after the death of a testator^[14].
4. The Transfer of Property Act^[15] deals Where, on a transfer of property, an interest therein is created for the benefit of a person not in existence at the date of the transfer, subject to a prior interest created by the same transfer, the interest created for the benefit of such person shall not take effect unless it extends to the whole of the remaining interest of the transferor in the property.
5. The Indian Penal Code^[16] provide for punishment for the offence of miscarriage for doing any act with intent to prevent child being born alive, for causing death of quick unborn child by act amounting to culpable homicide. Section 312 of the IPC provides punishment of imprisonment of either description for a term may extend to seven years, and shall be liable to fine to the woman causing miscarriage to a child. By treating the act of procuring an abortion as an offence, an implicit protection has been provided to the fetal right.
6. The code of Criminal Procedure^[17] mandates that the High Court shall order of execution of capital sentences on a pregnant woman be postponed or it may commute the sentence to imprisonment for life, thereby indirectly recognizing the right to life of fetus. It is only escapist view to deny the right to life to a fetus saying it is not a person. The state is evading the crucial issue of right to life of a fetus such frivolous reasons, although it indirectly recognizes this right through criminal statutes and also recognizes that an unborn can enjoy certain interest in

property.

7. Medical termination of Pregnancy Act also allowed Abortion under certain circumstances for example continuance of pregnancy would risk life of pregnant woman or there is substantial risk of physical or mental abnormalities in the unborn child^[18]. When pregnancy arises from sex crime like rape^[19] (marital rape not included) or intercourse with a lunatic woman, etc. Women whose physical/or mental health would be endangered by the pregnancy^[20]. Pregnancies that are a result of failure of any contraceptive device used by husband or wife to limit the number of children^[21]. Pregnancies in unmarried girls under the age of eighteen; with the consent of a guardian^[22]. In the case of *Dr. Nisha Malviya and Anr. Vs. State of M.P*^[23], 3 accused initially committed rape on 12 years girl and later got her pregnancy terminated without the consent of her or her mother therefore was held guilty. In another case *Shri Bhagwan Katariya and Others vs. State of M.P*^[24], the pregnancy was terminated without women's consent. Court was of the view that in the present case, a permanent scar has been carved on the heart and soul of the woman by depriving her of her child. Therefore, the doctor was held liable.

Maximum time limit for terminating the pregnancy under above stated grounds is twenty weeks^[25]. This time limit is considered suitable because lower limit of viability is approximately five months of gestational period. It is during 20-21st week that the fetus starts showing movements. Therefore, till that period, the fetus is considered non-viable^[26].

1. Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 this Act, came into force on January 1, 1996, was enacted primarily to check sex-selective foeticide. In the beginning, the Central government and most State governments hardly took any steps to implement the provisions of the Act. Following a petition filed in the Supreme Court, the State governments and Union Territories were directed by the court to supply quarterly reports to a central supervisory board regarding action taken towards the implementation of the Act. The act was renamed in 2002 as Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act. It prohibited use of any technology for determining the sex of foetus before its birth. Punishment for any person who is violating the said act would be punished with imprisonment or fine or with both. Once again, several States either dragged their feet in furnishing the reports or failed to initiate prompt action as per the guidelines.

The Status of Life of foetus under Indian Constitution

The Indian constitution states that the right to life is a very broad concept and it is the most fundamental of all. It says that "No person shall be deprived of his life and personal liberty except according to procedure established by law"^[27] among various rights which are available to women, the right to abortion is also believed to be one of the most essential and fundamental right. Right to life is a well-established right and is recognized by various international instruments. Now the question is, does a fetus really enjoy these rights? We do not have definite answer. Globally, each constitution recognized the sanctity of life, yet has failed to adequately protect the life of fetus. Judicial pronouncements are also not conclusive and

vary in different jurisdictions. In India the right to life is guaranteed to every person under the constitution of India^[28]. The concept of personhood complicates the position of legal status of fetus.

Often courts shy from answering this question due to complex issues that arise in determining this question like when does fetus attain parenthood. This question is baffling the courts worldwide. There is a desperate need for the courts to come clear on this vital issue and recognize the rights of the fetus. Even though, In India Article 21 of the constitution guarantees the life and liberty of every person, but it is doubtful if this would include the life of fetus as the meaning is restricted by the use of the word person. The Indian Constitution has recognized the right to life of fetus under Article 21 as also recognized in several cases.

In the case of *Kharak Singh v. State of Uttar Pradesh*^[29], The Supreme Court quoted and held that by the term "life" as here used something more is meant than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the mutilation of the body by amputation of an arm or leg or the pulling out of an eye, or the destruction of any other organ of the body through which the soul communicates with the outer world.

In *Sunil Batra v. Delhi Administration*^[30], the Supreme Court reiterated with the approval the above observations and held that the "right to life" included the right to lead a healthy life so as to enjoy all faculties of the human body in their prime conditions. It would even include the right to protection of a person's tradition, culture, heritage and all that gives meaning to a man's life. It includes the right to live in peace, to sleep in peace and the right to repose and health.

In the case of *Bandhua Mukthi Morcha V Union of India*^[31] the honorable Supreme Court held that is fundamental right of a everyone in this country assured under the interpretation of Article 21 to live with human dignity.... It must include the tender age of children to develop in a healthy manner and in conditions of freedom and dignity. Further some states in India have made special legislations to confer special protection to the life of fetus. The Nuclear Installations Act, 1965 recognizes liability for compensation in respect of injury or damage caused to an unborn child by the occurrence involving nuclear matter or the emission of ionizing radiation.

In the light of the above discussion in various cases it is agreed that fetus should enjoy the right to life in the mother's womb.

Does a foetus have a right to life?

When does life begin is a key question to be addressed. The literature reveals that life sciences have not offered any well laid guidelines to determine this crucial question. Some non-medical men and women have made bold assumptions on the subject, which have come to represent the layman's view. One view states that life begins at the moment of conception and to suggest otherwise seems to be casuistry conception is the magic moment. Another view believes that a fertilized ovum is human life in the common sense i.e. life begins at birth. Or more technically, when fetus is sufficiently developed to be capable of living if removed from the mother's womb, from that moment the human life begins. Conception is a religious test that makes no claim whatsoever to scientific truth.

Each of these two views standing at the extreme is creating dilemma to the lawmakers. If one were to go by the first view

that life begins at the moment of conception then interference with the fetus at any stage of its fetal existence could be seen as unethical unless one could take the stand that the rules of the ethics do not recognize a right to life. Even the unborn child is entitled to protection by the law from the moment of its conception. This is logically perfect, but pragmatically impracticable. On the other hand, at the other end of the scale is the second view, the other extreme stand namely, life begins only on birth. This creates a dilemma of a different type. One may then argue that if there was not life before birth, and then all sorts of legal restrictions and sanctions dealing with the inference of the fetus become unnecessary except to the limited extent of preventing such interference in the interest of the mother's health.

On this logic whether or not a mother should be free to abort belongs almost entirely to the category of the individual therapeutic question. It eases to have any ethical or legal relevance. No country gives absolute choice to the women throughout the period of pregnancy. The fact that during the second or third trimester, almost all countries restrict interference with the fetus except on medical grounds implies that they regard interference with the fetus as deserving of legal condemnation. Such condemnation could only be on the basis that there is some kind of life deserving protection.

It is pertinent to discuss whether a child in the womb of the mother can be called as a person. Let us study the different stages of birth of a child in the womb of a mother. Technically the term developing ovum is used for the first seven to ten days after conception i.e. until implantation occurs. It is called an "embryo" from one week to the end of the second month and later it is called "fetus". It becomes an infant only when it is completely born. The life may enter immediately on the date of conception in the form of a small cell, which gets multiplied, but physically a mother can feel the movement of child only when the fetus is twenty weeks old i.e. five months, as the cell changes its structures and texture to become an eye, legs, bones, blood, head etc., and only when the child makes movements touching internal all of the womb, then the actual life does take its physical form, therefore, there may be controversy as regards the exact date of the life entering the fetus but there cannot be any controversy as regards the life of the unborn child if a woman is carrying seven months pregnancy as in many instances premature delivery takes place during the seventh month of preparing and the child still survives.

Society as a whole has not been very sensitive or responsive to its female members. Women's perspectives and realities have too often been ignored. The low status of women, the cultural barriers and low political commitment hinder the recognition of abortion right as a part of women's rights. In *Davis v. Davis* [32], where a divorced wife and husband disputed on claiming the right on the Frozen Pre-embryos for implantation to have a child, the Judge concluded that as a matter of law, human life begins at conception and the legal provisions governing a human being existing as embryo in vitro to be those of child custody law, dominated by the obligation to seek, protect and advance the best interest of the child.

Since time immemorial the Indian law too treated the termination of pregnancy as an offence. According to Hinduism abortion or killing of fetus was considered a sin. According to Islam after a fetus is completely formed and given soul, abortion is considered to be 'haram' (forbidden).

The same was expressed in terms of law in Section 312 of the Indian Penal Code.

The American Supreme Court for the first time in *Roe v. Wade* [33], recognized the woman's right to terminate pregnancy. The Court found this right to be rooted in the constitutional right to privacy. In brief, the Supreme Court of America held that a woman's right to terminate her pregnancy is such that the State may not prohibit abortion until the fetus reaches viability. But in a later case in *William L. Webster et al v. Reproductive Health Services et al* [34], the Supreme Court of America reversed its earlier judgment and upheld a Missouri Statute which declared that 'the life of each human being begins at conception', and that 'unborn children have protectable interest in life, health and well-being.' The Court maintained that the State can pass any regulation of abortion on the grounds – one is to preserve and protect the health of pregnant woman, and the other is to protect the potential life embodied in the fetus.

Prior to *Webster* the fetus had no 'protectable interest' until it had reached viability. Thus the American Supreme Court recognized the right of the fetus 'to grow and to be born'. A critical question is 'does the abortion of a fetus amount to taking life of a human being'? There is no satisfactory answer to the question 'when does life come into being'. The recent judgments in the West which deals with legal protection of human life before birth disclosed that abortion of fetus is illegal and criminal because it amounts to taking life of an unborn child. Thus it restrains the woman's right to an abortion [35].

The Madras High Court considered some important views on the subject quoting an article 'Legal Protection for the Unborn Child' in the following words: "The fact that the unborn child is physically dependent on its mother prior to birth need not lead to the assumption that it has no relevant separate existence or to the assumption that it has no moral or legal significance [36]." A child in the womb of the mother is for most purposes under English law regarded as already born but in Hindu law a child in his mother's womb is equal in many respects to a child actually in existence.

The American Supreme Court has introduced the test of "viability" according to the period of pregnancy, during the first three months of pregnancy, the potentiality of life in the embryo is not viable and abortion at this stage is less risky or fatal to the mother. Hence, the state may refrain from exercising its right of regulation of the mother's right to abortion, leaving it to be the decision of the mother and her physician. After expiry of three months, however, the fetus then presumably has the capability of meaningful life starts recognizable movement in the uterus. At this stage, therefore, the state acquires compelling interest to protect potential.

In *Roe V. Wade* [37], the constitutional validity of state criminal abortion legislation was considered which prohibited abortion except by medical advice for the purpose of saving the mother, it was contended that woman's right to terminate the pregnancy is absolute and that she is entitled to terminate the pregnancy for whatever reason she chooses. The court upheld the right to privacy, but at the same time held that the same is not absolute and the state can interfere and regulate the freedom for "compelling state interests". It was held that the child birth endangers the lives of some women, voluntary abortion "at any time and place" regardless of medical standards would impinge on a rightful concern of society. The woman's health is part of that concern as is the life of the foetus after quickening. These concerns justify the state in treating the procedure as medical

one. In *Webster V Reproductive Health Services et al* the Court was asked to decide the constitutionality of Missouri Statute regulating the performance of abortion. In the preamble of the Statute it was provided “that life of each human being begins at conception” and that “Unborn children have protectable interests in life, health, and wellbeing” and required that all state laws be interpreted to provide unborn children with the same rights enjoyed by the persons subject to the federal constitution. The court decided that the preamble simply expressed a value judgment without going into its constitutionality. The provision in Act prohibited any public employee within the scope of his employment to perform or assist an abortion not necessary to save the life of the mother was held valid.

In the case *Moore V Wingfield* [38], it is stated that in contemplation of law life begins as soon as an infant is able to stir in the mother’s womb. For if a woman is quick with child or otherwise kills it in her womb or if any one beat with child whereby the child death in her body and is she is delivered of a dead child, though not murder was by the ancient law homicide or manslaughter. According to Buckley in this case stated that there was a rule that a child during the period of gestation was to be treated as life in being that was a rule of law applicable in some cases only. In my opinion that the rule is applicable when you have to deal with the rule against perpetuities. For that purpose, it is plain that as soon as the child is born that satisfies the limitation and retrospectively treat the life of the child as life in being at the death of the testator.

In the case of *Aswini Kumar pan V Primal Debi* [39], stated that a child in the mother’s womb is deemed to be in existence for the purpose of inheritance and thus has a right to challenge any transaction and has a right of action and entitled to institute a suit as a child.

The Legal Personality of Unborn Child

Before advocating for right to life of fetus, it is important to prove that fetus has legal personality. To be a legal person is to be the subject of rights and duties. It is generally considered that only human beings can have rights and are necessarily the natural persons. The confusion with regard to legal personality of unborn child persists because of the doubt that whether unborn child can be considered as an alive human being or only a piece of property of mother who have the right to abort it according to her own wish.

According to the traditional religious perspectives the moral status is acquired at conception. With the advancement of science, it is now proved that life begins at the conception. In present, the legal status of the unborn appears to vary from jurisdiction to jurisdiction, from context to context. The need to provide legal personality to fetus is that as it is a form of human life and have potential personhood, its right to life should not be violated so easily only on the basis of mere choice to abort.

The legal understanding of the concept of ‘person’ or ‘personality’ revolves around possession of rights and capacity to discharge legal duties. Hence, natural persons, that is, human beings are the prime claimants of legal personality. The concept of legal personality of unborn child has been puzzling and uncertain since inception; hence, the case-law regarding the same has also been inconsistent.

The concept of legal personality of the unborn is discussed in Salmond Jurisprudence [40], “Though the dead possess no legal

personality, it is otherwise with the unborn. There is nothing in law to prevent a man from owning property before is born. His ownership is necessarily contingent, indeed for he may never be born at all, but it is none the less a real and present ownership...”. In otherwise a child in its mother’s womb is for many purposes regarded by a legal fiction as already born, in accordance with the maxim, *Nasciturus pro jam nato habetur*. In the words of Coke. “The law in many cases hath consideration of him in respect of the apparent expectation of his birth” Thus in the law of property, there is a fiction that a child *en ventre sa mere* is a person in being for the purposes of (1) the acquisition of property by the child itself or (2) being a life chosen to form part of the period in the rule against perpetuities

There is a need to confer limited legal personality to fetus to protect its right to life and accordingly laws should be made which promote healthy birth and allow abortion only in exceptional circumstances.

Conclusion and Suggestions

In India, though the laws recognize the existence of an unborn as a legal person, they don’t grant rights until the birth of the child and the state can interfere only after the unborn attains viability but the problem that remains is that the law refrains from being clear on the idea of how the law will protect the unborn and what is the duty owed to him/her. There are crimes committed against unborn child that are not recognized as such and hence make punishment impossible. For example, threatening to kill and even grievous hurt to a fetus are not an offence.

The constitution of India has recognized the Right to life vide Article 21 has also recognized in several cases from *Menaka Gandhi to Francis Corelli*. There is no express fundamental right to be born though we can interpret it under Article 21. But this is hardly available to the unwanted girl child. Though the right of the girl child as may be interpreted from Article 21 of the constitution may be interpreted in broader terms and should be inferred as (1). Right to be born and not to be aborted only because she is a girl. (2). Right to remain alive after birth and to be killed at any moment after birth and (3). Right of the girl child to her mind, her body, right to childhood and right to healthy family environment, which she is not in a position to withstand.

In addition to the right to birth, again it is reiterated that simultaneously the unborn child has the right to healthy growth in unpolluted environment. Regarding the unborn child’s rights in the realm of torts, the *Congenital Disabilities (Civil Liability) Act, 1976*, was passed by the British Parliament providing for action that may lie against a person or authority. Moreover, we now have time at our disposal. Instead of blaming each other, we should take quick initiatives without loss of time. The change should start within each one of us. Let bygones be bygones. Mistakes committed by our forefathers should not be repeated by the present generation. Most of us and we are the future parents, and with us lies the responsibility of maintaining the balance in our society. At last, this research would like to be concluded with a saying which was aptly remarked by Manusmriti, the great sacred, the very first Smriti writer of Hindus [41] *Yatra Naryaste Pujante, Ramante Tatra Devta*, which denotes that where ever women are worshipped and woman hood is honoured, respected there the God resides, settles perpetually; and where the women are insulted,

dishonoured, degraded, battered and beaten cruelly, or harassed God does not come, and saintly moves away.

Men cannot do without women. They need a mother to feed them, a sister to play with, in their youth seek a ladylove for romance, a wife to have a family with.... But they don't want a daughter born to them. These double standards and ingrained hypocrisy have made the girl child more vulnerable demographically and culturally as well.

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The son has an important place in Indian laws pertaining to inheritance and succession. Indian laws do not entitle an after born son to reopen the position if his has got his share. If the father gets his share, the son becomes a coparcener with the father. He can claim his father's share as well as separate property of his father. A child, who is born after the partition of the joint family, is not to be counted as the member of joint family.

1. The moment when you meet that one person that steals your heart. The first kiss, the first intimate moment when two bodies coming together in the procreation of another human being. Sound like the perfect love story and a happy ending. Partners want to be granted a gift from God, where they can spend both their time and their life providing care and love. On the other hand, in another part of the world, there is someone being raped, either by someone she never met, or a family member; the moment of two bodies coming together, yet procreation of another human being has taken place. The time comes in every woman's life when she wonders what it would be like to have a child. In scenario number one, both parents wanted the baby; however, and for health reasons, the doctor recommended an abortion. In scenario number two, the raped woman does not want the pregnancy, so she asked for an abortion. Child is a priceless gift from God. For my own opinion, they dream of the things they hear, taste and feel in their mother's womb. Not as we hear, taste and feel of course but as they do. I know babies can hear music and things around them. They also get to know the sound of their parents' voices while in the womb. Obviously they don't know who or what mom and dad is but they do remember the sounds of their voices at birth. They have the right to live in the earth. However, I have heard some issues here and everywhere that fetus in mother's womb is not a human so they are not bounded to have a human rights. That's ridiculous and I don't believe to that. Some people confuse the adjective "human" and the noun "human being," giving them the same meaning. I am struck by the question: "But isn't it human?", as if we secretly think a fetus is really a creature from outer space. If you point out that a fetus consists of human tissue and DNA so does it mean that he or she has a right to live. Moreover, the truth that life does indeed begin at the moment of conception. All life is precious and should be encourage and preserved. We have the duty to protect the life of an unborn child because we all know that babies are such a nice way to start people. As Pope Francis said, "The right to life is the first among human rights".

2. Republic of the Philippines Laguna State Polytechnic University Main Campus Sta.Cruz, Laguna My Philosophy about Unborn Child Activity no.2 Rozelle Mae Birador Bachelor of Science in Nursing I-A Batch 2016-2017 Sir. Rhoniel Vibora Instructor

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12. Sections 2(e) of the Indian Succession Act, 1925.
13. Sections 7 of the Indian Succession Act, 1925.
14. Sections 112of the Indian Succession Act, 1925.
15. Section 13 and 20 of the Transfer of Property Act, 1882.
16. Sections 312 to 316 of the Indian Penal Code, 1860.
17. The code of Criminal Procedure 1973 under section 416.
18. Section 3(2) (b-ii) of MTP Act, 1971: "there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped."
19. Explanation I to Section 3(2) of MTP Act, 1971: "Where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by such pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman." In *D. Rajeswari vs. State Of Tamil Nadu and Others* (an unmarried girl of 18 years requested the court to allow her to terminate her unwanted pregnancy of a child of 3 months which has caused her great anguish and mental illness, since the pregnancy was the result of a rape. The Court granted the permission to terminate her pregnancy).
20. Section 3(2) (b-i) of MTP Act, 1971: "the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health".
21. Explanation II to section 3(2) of MTP Act, 1971: "Where any pregnancy occurs as a result of failure of any device or method used by any married woman or her husband for the purpose of limiting the number of children, the anguish caused by such unwanted pregnancy may be presumed to constitute a grave injury to the mental health of the pregnant woman".
22. Section 3(4)(a) of MTP Act,1971: "No pregnancy of a woman, who has not attained the age of eighteen years, or, who, having attained the age of eighteen years, is a mentally ill person, shall be terminated except with the consent in writing of her guardian.

23. 2000 Cri.L. J 671.
24. 2001 (4) MPHT 20 CG.
25. *Supra Note 19*.
26. Non-viable means not capable of living, growing and developing on one's own.
27. Article 21 of the Indian Constitution.
28. *Ibid*
29. AIR 1963 SC 1295.
30. AIR 1978 SC 1675.
31. 1997) 10 SCC 549.
32. 1989) 15 FLR 2097.
33. 1973) 410 US 113:51 Ed 2d 147.
34. 1989)492 US 490.
35. AIR 1996 Journal Section 136(138).
36. Vide Jane ES. Fortin, Lecturer in Law at Kings College London published in the Modern Law Review, January 1988, Vol 51, p. 547 referred in G. Krishnan v. G. Rajan alias Madipu Rajan, (1994) 1 LW (Cri) 16 Mad (DB).
37. *Supra Note 34*.
38. 1903 2 Ch. 411.
39. AIR 1964 Cal. 354.
40. 11th Edition, at pages 354 and 355, the relevant portion of which reads as follows.
41. Manusmriti, VII 4-7.