

INFANTICIDE-AN OVERVIEW

Dr. Pooja Deshmukh¹, Dr. Mamata Adhao²

1. PG Scholar, Department of Agadtantra Avum Vidhi Vaidyak, Bhausaheb Mulak Ayurved Mahavidyalay ,Nandanvan, Nagpur
2. Guide & Associate professor, Department of Agadtantra Avum Vidhi Vaidyak, Bhausaheb Mulak Ayurved Mahavidyalay ,Nandanvan, Nagpur

ABSTRACT:

Infanticide means unlawful destruction of newly born child (Therefore it refers to killing a child after delivery to till 1 year after birth.) It is punishable under section 302 IPC .Infanticide is not new in India,Earlier it was common and widely spread in society.

Nowadays we can see infanticide ,particularly against girls (female nfanticide) Its been unethical crime however it is still performed in many regions.

Causes can be unwanted pregnancies , Poverty , dowry system , deformed infants , lack of support services , maternal illness such as postpartum depression, child marriage, illiteracy, patriarchy .It is a practice that have proven difficult to root out. There is need for holistic services for women's , including counselling , support for families and impact on child welfare as well as empowering women who find themselves dealing with an unwanted pregnancy.

Key words: Infanticide , medicolegal aspect , laws of infanticide

Corresponding Details:

Dr. Pooja Deshmukh

C/O Mr. Vinod Bdage

House ,Gali no 3,

Vishwakarma nagar,

Nagpur

Mobile No.8007355376

E-Mail: poojadeshmukh767@gmail.com



How to cite article:

Pooja Deshmukh, Mamata Adhao, Infanticide-An Overview Sanjeevani Darshan- National Journal of Ayurveda & Yoga 2023;1(2): 121-129:
<http://doi.org/10.55552/SDNJAY.2023.1213>

INTRODUCTION

Infanticide means unlawful demolition of new born child (hence it refers to killing a child after delivery to till 1 year after birth.) It is punishable under section 302 Indian Penal Code. Infanticide is not new in India , Earlier it was ordinary and broadly spread in society. Nowadays we can see infanticide ,particularly against girls (female infanticide) Its been unethical crime however it is still performed in many regions. It can be due to unwanted pregnancies , Poverty , dowry system , deformed infants , lack of support services , maternal illness such as postpartum depression , child marriage, illiteracy, patriarchy .It is a practice that have proven difficult to root out. There is need for holistic services for women's ,including counselling , support for families and impact on child welfare as well as accreditation to women who find themselves dealing with an unwanted pregnancy.

Aim :- To study infanticide.

Objective :-

- To study in detail causes of infanticide.
- To study medicolegal aspect of infanticide.
- To study laws related to Infanticide.
- To aware society to stand against infanticide as everyone has the right to live.

MATERIAL AND METHOD

Data have been collected from various literature, contemporary text, medical journals and articles related to Infanticide.

•**Causes of death in infants:** The death of the infant may be –

- A. Natural
- B. Accidental
- C. Criminal

A. Natural causes:

- 1.Immaturity: Premature babies which are immature generally do not survive after birth.
- 2.Frailty : Though the baby born full term ,improper development and frailty of newly born child may land up into early death.
- 3.Diseases : Congenital diseases affecting lungs ,alimentary canal , heart or brain, blood vessels etc and general communal diseases of mother for example syphilis , plague ,small pox , thyrotoxicosis ,tuberculosis ,diabetes mellitus, hypertension, pre-eclamptic toxemia etc may cause early natural death of the child after birth.
- 4.Haemorrhage : From rectum , genitals , stomach ,umbilical cord if not properly hitched.
- 5.Erythroblastosis fetalis .
- 6.Placental diseases : Diseases of placenta such as small placenta ,placenta praevia, retroplacental haemorrhage ,etc or Premature detachment.

7.Laryngeal spasm : Due to aspiration of mucus or meconium into larynx and upper respiratory tract.

8.Congenital malformations : Imperforated anus , obliteration of part of alimentary canal, patent ductus arteriosus ; extroversion of heart ,acephalous ,an cephalous etc.

A. Accidental causes :

1.During birth:-

- 1.Prolonged labour.
- 2.Pressure on the prolapsed cord.
- 3.Knotting or twisting of the cord.
- 4.Placenta abruptio i.e. premature placental separation .
- 5.Injuries to mother or baby in uterus.
- 6.Death of mother during delivery.

2.After birth –

i. Suffocation –

-If baby is born under a caul (the amniotic membrane enclosing a foetus).

-If face gets covered accidentally by any clothing's or pressed by pillow just after birth.

-Face may get covered overlying by mother or nurse.

ii.Drowning - When face of baby gets submerged in mothers discharges such as blood, liquor amni, meconium etc.

iii.Strangulation – When caused by tight umbilical cord encircling around the neck of baby.

iv.Coma – Due to head injury.

v.Syncope – Fatal haemorrhage may occur from cut end of the umbilical cord .

vi.Precipitate labour.

C. Criminal causes (Infanticide) :

A. By acts of commission: -

These are the wilful acts done to cause death of infant.

(i) By violent asphyxia:-

This is the common method adopted to kill the newly born infant by causing –

1.Suffocation - By means of

(a)smothering –It is commonly procured by-

- Covering face of baby when mouth and nostrils are covered or closed with some soft materials like pillow ,towel, bed sheet, etc

- By burring the child face into mud, sand, dust, etc

- By intentional overlying by the mother herself.

(b) Gagging : It is often procured by stuffing the mouth and throat by mud, cotton wool, rags, wood dust ,towel, pieces of newspaper, paste ,mass of dough , etc.

(c) By applying pressure on the chest wall

2.Strangulation :

a. Manual strangulation or throttling.

b. Strangulation by ligature.

3. Drowning: Though not very commonly noticed

(ii) By mechanical violence –

a . Blunt face injury over the head .

b. Wounds or injuries:- Newly born child may be killed by penetrating stab injuries into nape of neck , fontanallae ,brain and other internal organs in the form of concealed punctured wounds by means of pins , needles, knife , scissors etc

c. Fracture :- dislocation of cervical vertebrae: This is produced by application of direct violence or twisting of the neck.

(iii).Burning

(iv) Administration of poison: Though not so common, yet poisons which are generally used for procuring infanticide are Opium, Arsenic ,Madar, Datura, Tobacco, insecticides, rodenticides, Barbiturates, tranquillisers, analgesics, etc.

(v) Burial alive : Most uncommon method.

B .Acts of omission – It refers to failure to take care of child or negligent towards during or after birth.

It includes:

- Failure to provide assistance during labor.
- Failure to clear the air passage after birth.
- Failure to cut and ligate the umbilical cord.
- Failure to feed the child.
- Failure to protect the child from heat or cold.

Female Infanticide:- Female infanticide is the intentionally killing of girl infant. In addition to the active methods used to eliminate baby girls soon after birth, neglect and discrimination leading to death and sex-selective abortion are also method by which many female children die every year. These phenomena are most frequent in patriarchal societies in which women with low status and a son is preferred to built into the cultural creed. Thus, the practice involves a wide range of location-specific and culturally-motivated causes.

The way out :

1. Educate the women in the society.
2. Stop gender discrimination.
3. Stop sex determination before birth.
4. Change the mindset of the people.
5. Hindu Adoption and Maintenance Act – 1956
6. Dowry Prohibition Act – 1961
7. Equal Remuneration Act – 1976
8. Immoral Traffic Prevention Act - 1986
9. Legal Initiatives : Hindu Marriage Act – 1955
10. Prohibition of sex selection (PNDT) Act 1994
11. Balika Samridhi Yojana – 1997

Causes and reasons:-

- ✓ Dowry
- ✓ Poverty
- ✓ Illiteracy
- ✓ Property
- ✓ Ancestry, etc

Medicolegal aspect And Laws related to Infanticide:-

Infanticide is charged under Sec. 302 IPC which is punishable by death or imprisonment for life and fine. The causing of the death of living child in the mother's womb may amount to blameable homicide, if any part of that child has been brought forth, though the child may not have breathed or completely born (Sec. 299 IPC). Any person who does an act with intent to prevent the child being born alive or to cause it to die after birth (except done in good faith for the purpose of saving the life of mother) is punished with imprisonment up to 10 years with/without fine (Sec. 315 IPC).

Any person who does an act causing death of quick unborn child would be guilty of culpable homicide, and punished with imprisonment up to 10 years and fine (Sec. 316 IPC). For example, a person knowingly injures a pregnant woman that causes the death of an unborn quick child; he is guilty of the explicate in this section. Infanticide does not include the death of foetus during labor, when it is destroyed by craniotomy or decapitation.

Female Infanticide Prevention Act, 1870 . also Act VIII of 1870 was legislative act passed by British India ,to prevent murder of female.

•**Still born:-** A stillborn baby means a baby alive in the uterus, but it will die during the process of delivery after twenty-eight weeks of the gestation period and did not show any sign of life after birth.

•**Dead born:-** Dead born means the baby died in the uterus before the birth and after completely born it shows three signs, one is rigor mortis second is maceration which means the baby is dead in the uterus and surrounded with liquor amine with the exclusion of air.

•**Born Alive:-** Born alive which means a child born completely from the mother alive or shows sign of life like respiration without the attachment to mother.

1. Abandoning of a child :-

Whoever leaves a child who is below 12 years, Somewhere with the intention of abandoning him he is guilty under section 317 IPC, if the child does not die (imprisonment up to 7 years or fine or both). However if the child dies he is guilty of murder under section 302 IPC.

2. Concealment of birth-

Whoever secretly disposes off the dead body of a child with the intention of concealing his birth is guilty of section 318 IPC (imprisonment up to 2 years or fine or both). However if the child is left at open or public place its no offence.

3. Sudden infant death syndrome or SIDS OR COT death / CRIB death :-Is define as the sudden natural death of an apparently healthy child ,before 2 years, usually at 2 to 4 months and the cause of death cannot be explained even after a careful post-mortem examination. Because death usually occurs during sleep ,it is also known as cot or crib death as per WHO, SIDS is a natural cause of death .

Characteristics:-

1. Incidence about 0.3% of deliveries.

2. Male : female ratio is 3:2

3 .More in twins

4. Incidence more in low socio- economic group

5. Incidence more in rainy or winter season.

6. Incidence more in mothers who smoke or abuse drugs.

7. Deaths more during late night

Causes -causes of death maybe

1. Some suggest that these infants have prolonged sleep apnea leading to hypoxia and death.

2. Prematurity

3. Frailty

4. Respiratory infections

5. Laryngeal spasm.

6. Hyperparathyroidism.

7. Cortisone deficiency.

Medicolegal aspect - Cot death may be confused with infanticide and vice versa.

4. Non accidental injury of childhood or battered child syndrome or child abuse syndrome or Mal treatment syndrome or Caffey's syndrome:-

It refers to child who is a victim of repeated beating or torture usually by his parents child being in 2 to 5 years age group.

Causes- Loss of temper, excessive anger, drugs or drinks, poverty, illegitimate children, unwanted children and mental imbalance of parents

Characteristics-

1. Child 2 to 5 years age group.
2. Ordinarily seems in male child.
3. Sometimes a particular child (eldest or youngest is battered).
4. Parents usually in 20 to 30 years age group uneducated low socio-economic class.
5. History of family disharmony emotional or financial problems.
6. Father usually has criminal record, usually out of job usually, battered in his childhood.

Findings-

1. Child may be physically or sexually assaulted or tortured mentally.
2. There may be multiple injuries, bites, burns, or fractures.
3. Common injury circular bruises, 1-2 centimetres in size called, 6 penny bruises due to poking of adult fingers.
4. Injuries are of different ages indicating different timings of their causation.
5. There may be multiple scars of all healed injuries.
6. Child may be maimed for begging.
7. There may be deprivation of food, care or affection.

Diagnosis-

Crucial aspects are-

1. Multiple injuries or factors of different ages.
2. Delay in getting medical treatment.
3. A gross disparity in explanation by parents and nature of injuries.

Causes of death :- at times death may result from-

1. Fractures of skull.
2. Intracranial haemorrhages.

3. Injury to internal viscera.

4. Burns or Scalds.

To create awareness:-

Proper education can help prevent this activity. More importantly, the women of both rural and urban areas need to have a proper access to education. Education gives women freedom, self empowerment and authority. They can take their own decisions and thus deny such illegal practices. An educated mother can protect her child by fighting against infanticide and taking strict actions against the people who force her to do so. When a girl goes to school, she gets aware about her rudimentary rights and about lawful practices.

Complete prohibition of the Dowry system: It is a vicious cycle which takes place in our society. Many people abort their girl child due to the dowry system practiced in their native areas. Dowry is given by a girl's family to the boy's during her marriage. This puts a lot of pressure on the girl's family including debts and loans. Therefore, people avoid having a girl child and hence terminate pregnancy by illegally asking doctors about the sex of the child. If the awareness is created regarding the illegal dowry system and is completely prohibited then female infanticide can be stopped.

Suggestions:- The Government should make strong laws against infanticide or crimes relating to children.

The existing laws need more teeth to curb the menace against a child.

The enforcing authorities under the Acts need to be stringent while investigating.

The trial of cases should be made practicable expedient to endower speedy justice.

Term of punishment should be enhanced for the offenders falling under the Acts.

The evidence of the expert witness needs to be given more weightage while deciding the case of infanticide.

DISCUSSION AND CONCLUSION

In India, more stress factors exist for a larger proportion of the population, and hence, the prevalence is likely to be highest. There is also lack of facility of psychiatric assessment in antenatal period. In the event of an infanticide, we should have awareness about it and its magnitude to prevent punishment for an act which on the contrary requires rehabilitation and treatment. Ideally, we should be able to provide antenatal psychiatric screening to all women, identify those likely to have PND and offer counselling as to how to handle the postnatal period.

The motive usually is to get rid of any illegitimate child or to get rid of a child when the parents are too poor to support or due to certain customs prevalence in different committees when the female child is destroyed.

In earlier days in India, female infanticide is more because of poverty, the dowry system and illegal pregnancy, lack of medical services, maternal illness, and lack of education. There is no support for girl children; they are treated as a loss to the family. So they get killed intentionally and used different methods to kill the girl child, for such offences there is no stringent punishment under the Law and also it is difficult to prove.

Government schemes came after to save the girl child, to educate the girl child, for their marriage and also during pregnancy. The government also provided funds to the upliftment of the women's children in society. Determination of the sex of the child and unwanted abortions was prohibited and

punishable under the law. Illegal termination of the child was termed to be an offense under MTP Act if it is necessary to be terminated prior permission from the Registered Medical Practitioner need to be obtained.

Even after so many schemes and acts enacted by the Government, Infanticide couldn't be stopped, but after tremendous efforts by the officials it is lessened in some places, and in other regions, people tend to hide the crime.

REFERENCES

1. Text Book of Vyavahar Ayurved Evam Vidhi Vaidyak (Forensic medicine & Medical Jurisprudence), Dr.Mamta P.Adhao(Ganorkar) ,Pg 302-315.
2. Textbook of Medical Jurisprudence Forensic medicine And Toxicology ,Dr.C.K Parikh,6th Ed Delhi:CBS Publication and Distributors:2008 ,Pg.5.71.
3. Forensic medicine And Toxicology,J.B.Mukherjee,edited by R.N.Karmakar.3rd edition,Academic Publishers Kolkata.Pg 778.
4. Forensic medicine & Jurisprudence,S.K.Singhal.5th edition,the national book depot,Pg 271.
5. <https://www.humanium.org/en/infanticide/>
6. https://en.m.wikipedia.org/wiki/Female_Infanticide_Prevention_Act,_1870
7. <https://theconversation.com/safe-haven-preventing-women-from-harming-their-babies-5120>
8. http://www.gendercide.org/case_infanticide.html
9. <https://www.legalbites.in/medicolegal-aspects-of-infanticide/>
10. <https://europepmc.org/article/med/16683470>
11. <https://medicopublication.com/index.php/ijfmt/article/view/59>
12. <https://pubmed.ncbi.nlm.nih.gov/15868392/>
13. https://www.researchgate.net/publication/288142020_Effectiveness_of_Public_Awareness_Programme_on_Prevention_of_Female_Foeticide_and_Female_Infanticide_in_Terms_of_knowledge_and_Attitude_of_Adults
14. <https://www.karger.com/Article/Pdf/283179>
15. <https://journals.sagepub.com/doi/pdf>
16. <https://www.manilatimes.net/2022/10/02/legal-advice/elements-of-the-crime-of-infanticide/1860588>
17. <https://en.m.wikipedia.org/wiki/Infanticide>

Source of Support : None Declared

Conflict of Interest : Nil