

Structural violence by state: India's indirect endorsement towards the three decades-long sex-selective abortion (SSA)

Siti Hilya Nabila ^{1*}

¹ Columbia University, USA

* Correspondence: sn2912@columbia.edu

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Abstract

This research aims to contribute to the debate on structural violence by state, by explaining how pro-human rights policies ironically can be produced, implemented, and used by state as instruments to perpetrate human rights violations. By using the concept of structural violence, this research is offered that the Indian government has allowed the practice of female foeticide in India to continue to occur among India's poor women from 1994 to 2014 through the implementation of anti-sex-selective abortion (anti-SSA) policy: Pre-Course Pre-Natal Diagnostic Technique (PCPNDT) Act of 1994. This study attempts to investigate how the Indian government perpetuates structural violence by producing, implementing, and maintaining this provenly ineffective human rights policy by using qualitative method and secondary data. This paper finds that the neglect of intersectionality analysis in the design of the policy is a form of structural violence conducted by the Indian government. In this case Indian government has implemented segmentation and marginalization in order to allow the continuation of female foeticide among its poor women for the last three decades. Generally, the neglect of intersectionality analysis in the policy represents the government's support towards the high preference of boys and extremely low preference of girls, especially poor girls and girls from the outcast. Although the anti-SSA policy has been in place since 1994, data on sex ratios at birth from 1982 to 2014 show that the gap between the births of girls and boys is becoming more and more imbalanced. Various researchers found that the policy was not effective in resolving the problem of sex ratios due to its poor implementation management that caused difficulties in arresting the perpetrators of SSA and regulating the practice up to the grassroots level. However, this paper argues that poor management is not the main cause the policy is failing. This research finds that the Indian government deliberately excludes & does not recognize the identity of poor & outcast women in the policy design. In fact, the practice of SSA is mostly carried out by women in these segments.

Keywords: human rights policy; sex-selective abortion; structural violence; violence against women

1. Introduction

Direct violence has more often been the focus of many scientists and policy makers when compared to structural violence (Kaufman, 2014; McGill, 2017). Referring to Galtung (1990), direct violence or what is usually called physical violence is a form of violence that is "related to incapacitation, or deprivation of health, alone (with killing as the hands of an actor who intends this to be the consequence." Structural violence often become the neglected subject in the studies of violence, peace, and human rights. Studies of human rights violations focus more on issues of severe human rights violations such as, for example: genocide. In fact, the effects of structural violence that lasts for decades can have the same amount of victims as genocide.

An example of the fatal effect of structural violence can be observed by learning about the phenomenon of sex-selective abortion (SSA) which has been taking place in India

since 1994 where abortion technology was first distributed to India (Mohanty, 2015). The imbalance in the sex ratio at birth is a consequence of the ongoing practice of SSA, where the number of male births is increasing and the number of female births is decreasing. Apart from the fact that gender imbalance in a society can trigger other social welfare problems such as bride imports, women trafficking, and an increase in the crime rate against women, the omission of the SSA phenomenon is also a violation of human rights. SSA cannot be defined as the common abortion due to its gender-selective practice. SSA can be categorized as Violence Against Women (VAW) as the nature of the practice emphasizes on killing female fetus.

By definition, what is meant by cultural violence by Johan Galtung in the Journal of Peace Research is as follows:

By 'cultural violence' we mean those aspects of culture, the symbolic sphere of our existence—exemplified by religion and ideology, language and art, empirical science and formal science (logic, mathematics)—that can be used to justify or legitimize direct or structural violence (Galtung, 1990).

Cultural violence is divided into two, namely direct violence and structural violence. Direct violence according to Galtung is violence carried out with actions that can be easily identified as a form of violence. Examples are forcible arrest, imprisonment, expulsion or deportation. Meanwhile, structural violence is a form of indirect violence that uses exploitative methods that cannot be easily identified as a form of violence. Structural violence is violence perpetrated by those who have power (topdog) against marginalized groups (underdog) (Galtung, 1990).

As explained above, structural violence is carried out not by repressive means such as arrest, imprisonment, or deportation. However, the emphasis of structural violence is the exploitation of those in power against the weak. In contrast to direct violence, structural violence does not only affect the physical security of the marginalized, but can also greatly affect the mentality of the underdog (Galtung, 1990).

There are four propositions offered by the theory of structural violence, namely penetration, segmentation, marginalization and fragmentation. There must be at least one proposition that is implemented by the topdog so that the exploitation of the underdog can continue to occur. The following is Galtung's explanation of the four propositions:

A violent structure leaves marks not only on the human body but also on the mind and the spirit. The next four terms can be seen as parts of exploitation or as reinforcing components in the structure. They function by impeding consciousness formation and mobilization, two conditions for effective struggle against exploitation to the underdog (Galtung, 1990).

Based on the explanation above, there is a causal relationship between the four propositions and the persistence of structural violence: if none of the propositions are exercised by those who have power, then the marginalized groups (underdog) have the potential to be aware and to mobilize to be free from exploitation by topdog.

The first proposition is penetration. Galtung confirmed, "penetration, implanting the topdog inside the underdog so to speak," (Galtung, 1990). Penetration is an effort made by the topdog group to include an extension of the group's hand into the underdog group to speak in order to fulfill certain goals. What is meant by speaking in this case is an effort made by the topdog group to build a public opinion among the underdog that is aligned with the topdog's agenda. Penetration is carried out with the aim of inhibiting the emergence of awareness in the underdog group.

The second proposition is segmentation. Galtung explained, "(penetration) combined with segmentation, giving the underdog only a partial view of what goes on" (Galtung, 1990). The topdog and all of its "extensions" tend to cover up the problems that occur to the underdog group. Thus, the underdog group is unable to identify a high urgency even in very severe social issues. Similar to penetration, segmentation is used to repress awareness in the underdog group.

The third proposition is marginalization. According to Galtung, "marginalization, keeping the underdogs on the outside" (Galtung, 1990). Marginalization is practiced so that

the underdog group does not have access to power such as decision-making space, or is not involved in a structure that is established to deal with culture-based violence. Marginalization is used to inhibit the mobilization of the underdog group.

The fourth proposition is fragmentation. According to Galtung, "fragmentation, keeping the underdogs away from each other" (Galtung, 1990). Fragmentation is carried out to close the possibility of underdog group A communicating with underdog group B, C or D. This is implemented in order to avoid the risk of growing awareness and resistance unions from unified underdog groups which are certainly not in accordance with the topdog agenda. Fragmentation is also carried out to inhibit the mobilization of the underdog group.

The research, entitled "*Structural Violence on Women: An Impediment to Women Empowerment*," argues that the legitimacy of culture-based violence and the application of structural violence by the government have a very significant impact on the stagnation of women's empowerment in India (Shalini et al., 2011). In analyzing the case study, Shalini et al. also uses structural violence described by Johan Galtung. Structural violence has the main thesis that there is an exploitative effort made by the topdog group against the underdog in order to legitimize culture-based violence. In the research of Shalini et al., these exploitative efforts were carried out by the topdog group (government) and carried out using structures (pro-women's rights policies). Structural violence is often practiced through the operation of structures that are designed to eliminate a discriminatory and violent culture, but are actually used to maintain the violent culture itself (Shalini et al., 2011).

Based on the research of Shalini et al., there are several laws made to improve women's empowerment in India such as The Immoral Traffic (Prevention) Act 1956, The Dowry Prohibition Act 1961, The Protection of Women from Domestic Violence Act 2005. These policies created in order to empower women, provide women with equal access to health services, education, and employment. In general, the policies mentioned above are useful for eliminating all forms of violence and discrimination against women and children (Shalini et al., 2011).

However, all the targeted outputs that the government aims to achieve through pro-women policies have been unable to realize because there are various forms of fraud or corruption at the policy implementation stage. Act of corrupt done by the government at the implementation stage causes a patriarchal culture that legitimizes violence to continue. The existence of various forms of corruption in the implementation stage has led to poor management of the Indian government in implementing the policies (Shalini et al., 2011).

Weakness of the study of Shalini et al. is: unable to provide a detailed explanation of what forms of corruption and how they are carried out structurally through various legal mechanisms. As for the government's intentions, Shalini et al. stressed that structural violence continues to occur due to the strong dominance of a culture that subordinates women in India. In addition, another weakness in this literature is the lack of focus of their research as they are unable to present one specific policy as the unit of analysis. Instead, they combine the analysis on structural violence in several pro-women policies without providing a clear distinction. The argument of Shalini et al. (2011) is also supported by the results of Rebecca L. Reddish's research on how a government can support discrimination against the Indian-American groups through policies created to regulate their rights (Reddish, 2011). These literatures can help this paper to prove that the implementation of structural violence through pro-women policies has been carried out by the Indian government through other policies. In addition, the findings in these literatures have also succeeded in proving that the application of structural violence can effectively hinder the resolvment of discrimination against women.

The author has found many studies that explain how the implementation of PCPNDT 1994 was not optimally carried out by the government so that it fails to eliminate the problem of an unbalanced sex ratio in India. Many studies aim to describe how the government's inability to spread the Save the Girl Child campaign to the grassroots, the government's inability to arrest lperpetrators of SSA and similar policy implementation problems (Sadh & Kapoor, 2012). However, in contrast to these studies, this paper is offering a new argument to look at the issue. This study will analyze the case from beyond

the structural or managerial perspective, by observing how the government's efforts to realize its intention to legitimize the practice of SSA through anti-SSA policies are conducted.

This study aims to investigate and analyze how the government uses policies to perpetuate culture-based violence—in this case, selective abortion that is only performed on female fetuses is considered violence against women as a result of an entrenched patriarchal culture. The academic significance of this research is to contribute to the studies related to how structural violence is carried out by the government through a pro-human rights policy. This study is able to illustrate that the failure of the Indian government to solve complex problems is not only caused by the failure of policy management as revealed by the research of [Sadh & Kapoor \(2012\)](#) and [Sharma \(2016\)](#).

The empirical significance of this research is that it is able to provide more stringent policy recommendations not only to monitor the occurrence of SSA practices in the community, but also to oversee the implementation process carried out by the government. This policy should be made to ensure that there are no attempts at structural violence by the government through the implementation of anti-SSA policies. T

There are three reading materials that this paper uses in observing the debate about the urgency of abolishing the practice of SSA. Two of them, namely by [Tori Hauckland \(2013\)](#) and [Suchitra \(2008\)](#) stated that they agreed with the government's action in eliminating SSA practices. The statement was expressed on the grounds that the consequence of the widespread practice of SSA is a severe imbalance of sex ratios. This imbalance can bring significant problems for the welfare of society such as human trafficking, rape, increased discrimination against women, and cultural change towards a more masculine direction—many sectors will be more dominated by men. Meanwhile, an abortion rights organization in Canada called the Abortion Right Coalition of Canada (ARCC) ([Abortion Rights Coalition of Canada, 2020](#)) does not approve of government intervention on a woman's individual rights. ARCC revealed that women are masters of their own bodies so that personal decisions should not be influenced by external parties.

The ARCC statement is basically difficult to compare in its entirety with the arguments of [Tori](#) and [Suchitra](#), because both of them discuss the SSA problem with examples of cases in two different countries. This paper argues that it is possible that if the ARCC is an organization that originated from India or China, the ARCC will not have the same position on SSA. ARCC itself admits that the condition of the sex ratio in Canada is still safe based on global average, unlike India and China. This paper also argues that the abolition of the SSA practice is an action of protecting and fulfilling women's rights that must be pursued by the government, as the right to abortion is not equal to the right to kill fetus based on gender. Those two activities are very different.

2. Methods

This study employed a literature review methodology to develop the author's arguments. By using the concept of structural violence, this research is offered that the Indian government has allowed the practice of female foeticide in India to continue to occur among India's poor women from 1994 to 2014 through the implementation of anti-sex-selective abortion (anti-SSA) policy: Pre-Course Pre-Natal Diagnostic Technique (PCPNDT) Act of 1994. This research analysis uses four analysis prepositions based on [Galtung's \(1990\)](#). Penetration, segmentation, marginalization, and fragmentation are the four propositions.

This study demonstrates that the inability of the Indian government to solve complex problems is not solely due to a failure of policy management, as [Sadh and Kapoor \(2012\)](#) and [Sharma \(2016\)](#) have demonstrated. This paper utilizes three readings to examine the debate regarding the urgency of abolishing the practice of SSA. The arguments presented in this article are also supported by media information.

3. Results and Discussion

3.1. Pre-Natal Diagnostic Technique (PCPNDT) Act of 1994 and Proof of Failure

In responding to the problem of an unbalanced sex ratio, the Indian government has been trying to eliminate the practice of SSA and the preference for boys since 1994 with the creation of a policy called Pre-natal Diagnostic Techniques (PNDT) 1994. The PNDT policy has been amended twice, in 2003 and 2011, and since 2003 the name of the policy has changed to Pre-course pre-natal Diagnostic Technique/ PCPNDT).

The 1994 PNDT policy (before the amendment) attempted to solve the problem of imbalanced sex ratios by closing medical access for pregnant women in India when they wanted to do a fetal sex examination, choose the sex of the fetus and selective abortion (Sharma, 2016). Prenatal diagnostic procedures should only be performed in cases of medical urgency. Maternal and child clinics, hospitals, genetic laboratories and all medical professionals must be officially registered by the government under the 1994 PNDT law. This was stipulated with the aim that all prenatal diagnostic procedures can be controlled by the government. The 1994 PNDT Law also prohibits the circulation of any type of advertisement regarding the procedure for determining and selecting the sex of the fetus made by any party (Sharma, 2016).

The 1994 PNDT policy was then revised in 2003 due to its failure to eradicate SSA practices in India and improve the sex ratio inequality. The number of sex ratios in India around 1994 was 945 women per 1000 men, but after the policy was passed, namely around 2001, the number of sex ratios worsened to 927 women per 1000 men. After being revised in 2003, there were several changes to the 1994 PNDT policy. Apart from changing its name to the 1994 PCPNDT policy, the regulations in the policy became more detailed in the hope that the implementation to be carried out by the government could be more optimal. Then, after the 2003 amendment was passed, the similar pattern happened again. There was the worsening of the sex ratio inequality rate in 2011 when compared to previous years, namely 914 women per 1000 men (Mohanty, 2015). Of course, this again led to the revision of the 1994 PCPNDT policy in 2011 with the aim that the policy could produce significant positive outputs. However, the decline in the sex ratio inequality reoccurred in 2015 (National Institution for Transforming India, Government of India (NITI Aayog, n.d.)).

The 1994 PCPNDT policy has been enacted for 24 years and amended twice to get a more detailed legal mechanism, but since its enactment until recently the policy has not had a significant effect on improving the balance of sex ratios in India. In fact, in 2001, the sex ratio for boys under the age of six rose to 108 from 106 calculated in 2001 (Hesketh & Xing, 2006). The Save the Daughter, Educate the Daughter program initiated by the government in 2015 under the 1994 PCPNDT law also did not have a significant effect in eliminating the preference of boys in India (McKiridy, 2018). Initially, various parties tended to blame the legislative for the unclear legal details in the 1994 PCPNDT policy. However, after the 1994 PNDT policy was amended twice—after being amended this policy has a more detailed legal mechanism—the Indian government's repeated simple failures at the implementation stage continue to thwart the objectives of the policy (Sadh & Kapoor, 2012).

3.2. Factor of Failure: Intersectionality Analysis on the PCPNDT Act of 1994

Since the PCPNDT policy was passed in 1994, the policy has been unable to increase the number of female births. As explained above, the first draft of the policy passed in 1994 had many ambiguous rules that made it difficult for the government to monitor and arrest perpetrators. The first draft of this policy contains regulations that have many loopholes for patients and medical practitioners to cheat. However, after being revised twice in 2003 and 2011 into a more detailed legal mechanism, the sex ratio at birth in India from 2011 to 2014 remains increasingly unequal. Therefore, this paper attempts to analyze the reasons why the 1994 PCPNDT policy failed to increase the number of female births in the calculation of the sex ratio at birth in India.

Many studies discuss about the nonoptimal implementation as the cause of the failure of the 1994 PCPNDT policy. However, this paper uses the theory of intersectionality and structural violence to obtain different research answers. The theory of intersectionality discusses the intersection of social identities that are intertwining in a woman. This paper

will analyze the case particularly with structural intersectionality, which deals with how the intersection of identities can lead to the failure of anti-violence policies against women.

Economic factors are one of the causes of the low preference for female births in India. Some of the poor consider having sons as a way to improve the family's economy. Poor families are at risk of bankruptcy if they have daughters. Parents of poor women have to pay a very high dowry, give up their only property (e.g. farm, land), and accept the fact that their daughters will only receive low wages in comparison to male in the future. In fact, their financial ability cannot meet the cultural norms imposed on these women.

The practice of SSA is very common among the poor. However, poverty is not the only factor in the low preference of girls in India. There are cultural factors that also reduce the social status of women in poor communities. Various social identities that are intertwined in poor women cause poor women to experience greater oppression than rich women. Poor women generally come from low castes, namely SCs and STs. Culture in India is very discriminatory against lower castes. Poor women whose caste SCs and STs have limited access to education. Thus, the low level of education causes poor women to have limited skills and can only work as manual laborers. That way, poor women are included in many subordinate groups, namely women's subordinate groups, the poor, low caste people, people with low education and unskilled workers.

The weak position of poor women in Indian society makes them more vulnerable to sexual crimes. Poor women in general, SCs and STs caste are also discriminated against in legal services, because the authorities who are Varnas often side with the perpetrators who are often also from the Varna caste. With the low level of literacy, poor women do not have access to legal information that protects their rights. Thus, the suffering experienced by poor women triggers the strong view of girls as a burden on the family among the poor.

Every human being has a layered identity. However, what distinguishes the intersectionality of poor and rich women is that the identities that intertwine in poor women can make the individual fall into two or more subordinate groups. For example: a woman is discriminated against in patriarchal Indian society. Then, the woman also identified as a poor person. Her identity as a poor person cannot alleviate the discrimination she experiences as a woman. Instead, her identity as poor makes her even more discriminated against. Poor women are the most disadvantaged by norms that exist in Indian society such as the dowry system, property rights and wage gaps.

The multi-layered social identity of poor women is different from that of rich women in India. Rich women in India also have multiple identities, but these identities do not make rich women experience double discrimination. On the other hand, her identity as a wealthy person alleviates the discrimination she experiences as a woman. Her identity as a wealthy person makes her not pressured by cultural norms that are detrimental to Indian women such as the dowry system, wage gaps and weak property rights of women. Women with rich families are able to pay the dowry and property and avoid the wage gap (through higher level of educational attainment and skills). Thus, intersectionality does not harm wealthy women. Wealthy women do not need to commit violence against women (SSA practice).

If wealthy women become victims of rape, they who have identities as women, wealthy, educated and are from the Varna caste can easily access legal services. This is because the higher level of educational attainment makes wealthy women aware of the legal protections that they have. Hence, cases of rape of wealthy women can be resolved more efficiently & quickly. However, this is not necessarily the case for poor women who come from low castes and are uneducated. Her inability to access legal channels makes the anti-rape policy unable to protect her rights. Thus, although wealthy and poor women are equally discriminated against because they have a female identity, poor women who experience intersectionality are subject to double discrimination.

The 1994 PCPNDT policy only focused on limiting women's access to obstetrical examination services without solving the main problem that triggered the widespread practice of SSA, namely the high preference for male babies. The practice of SSA will continue if the preference for male babies is still high. The preference for male babies among the poor will always be high if discriminatory cultural norms against women and low castes

still exist. In addition, the preference of male babies will persist if their financial condition is still not sufficient to meet the economic demands of having a daughter. Because the oppression experienced by poor women is greater than that of wealthy women, the poor will tend to look for various ways to access fetal examination services and practice SSA.

The 1994 PCPNDT policy will only succeed if the preference for boys is eradicated. The 1994 PCPNDT policy will not be effective in eradicating SSA practices if norms such as the dowry system, weak property rights of women, wage gaps, patronymic and caste systems that discriminate against women are still applied. Thus, this policy will be effective only if these cultural norms are made less common. That way, women's socio-economic status can improve in society. Thus, the preference of girls can also increase.

3.3. Structural State Violence on the Case of PCPNDT Act of 1994

In analyzing how structural state violence is carried out by the Indian government in the field of gender inequality, especially in the phenomenon of sex-selective abortion, this paper will use the first proposition of structural violence theory: segmentation and marginalization. As explained in the theoretical framework section, segmentation can be interpreted as a topdog action where the topdog only provides a partial view about what is currently happening to the underdog group. Segmentation can result in the absence of awareness among underdog groups about the dangerous social phenomena that are happening or they are experiencing. Whereas marginalization can be defined as excluding the underdog from an established structure which directly deals with the culture-based violence. This paper argues that the phenomenon of omission of sex-selective abortion can only be analyzed using the segmentation & marginalization proposition, the details of which will be explained in the next few paragraphs.

The main argument that this paper aims to provide is: the absence of intersectionality analysis on poor Indian women in the design of the PCPNDT Act of 1994 is a form of neglect by the Indian government on the phenomenon of female foeticide. With this omission, the Indian government indirectly legitimizes the Indian culture which places poor women as unwanted citizens. By ignoring the intersectionality in policy design, the Indian government has implemented segmentation and marginalization in which poor Indian women are only given a partial view on SSA and limited access to the system involved in eradicating SSA. The partial view given by the Indian government can be seen from: 1) the PCPNDT policy which only recognizes one woman's identity and assumes that poor Indian women have sufficient receptive abilities to access the policy; 2) pushing poor Indian women know that SSA is prohibited, but leaving them unaware of other cultural circumstances (e.g., dowry, property rights) that make girls a burden in poor families.

India has 80.5% Hindu citizens, i.e. 1,031,958,408 people out of a total population of 1,310,339,702 in 2001 ([Census of India, 2001](#)). India's Ministry of Home Affairs is still using this data to explain the demographics of religion in 2019. This means that until recently, India is still a country where the majority of the people are Hindus. Every Hindu religion has its own caste which is passed down through an individual's biological family. Every citizen who is Hindu is obliged to follow the norms that have been determined by their caste. Thus, India is a country whose social relations and interactions are strongly influenced by caste norms.

The caste system causes discrimination from the four Varna castes against lower castes (castes outside the Varna list) namely Scheduled Castes (SCs) and Scheduled Tribes (STs). Women who come from lower castes such as SCs and STs can have a lower social status than women of the Varna caste. People from the Varna caste often discriminate against the SCs and STs castes. Discrimination against SCs and STs can occur in various aspects such as education, employment, law and marriage. The discrimination carried out in many aspects causes the majority of SCs and STs to have a low socio-economic status.

The limited access of SCs and STs to education causes them to have limited skills to acquire competitive advantage in the labor market. Therefore, many members of SCs and STs have jobs as a menial worker such as labors at a factory, household assistants, and carpenters. The low literacy of SCs and STs also causes them not to have awareness that

their rights are protected by the 1989 SCs and STs Policy (Nath, 2015). Thus, discrimination against SCs and STs caused by the caste system has succeeded in making SCs and STs have a low socio-economic status.

Poverty causes many people from SCs and STs to not be able to access higher education. As many as 80% of SCs and 70% of STs are classified as poor people with an income of less than 3,000 Rupees per month. The Central Statistics Organization of the Government of India estimates 3,000 Rupees per month as the average national income. Meanwhile, as much as 70% of the total population of SCs and STs only have an income of 350-500 Rupees per month. The Central Statistics Organization of India noted that 65% of SCs and 56% of STs did not graduate from primary school, while only 33% of the entire Varna caste did not graduate from primary school in 2008 (Bros, 2014). This means that the majority of SCs and STs live with very alarming financial conditions so that many members of SCs and STs are unable to continue their education.

According to the survey of the Ministry of Human Resources Development of India in 2010-11, 90% of college students in India are from the Varna caste. Meanwhile, only 10% of college students in India come from SCs and STs. In this 2010-11 survey, only 10% of the total population of SCs, and 4.4% of the total population of STs were able to continue their education to tertiary education. The tuition fees and accommodation costs to pursue tertiary education are expensive, causing many SCs and STs members unable to continue their education. In addition, from Elementary School to Senior High School, the discriminatory treatment given by school teachers who usually come from the Varna caste is one of the factors supporting many SCs and STs students not continuing their higher education (Nath, 2015). This means that, apart from being poor, the access of the SCs and STs castes to higher education is also limited because the society considers this segment inappropriate to do things that are considered only suitable for the Varna caste.

The low education of SCs and STs causes the majority of SCs and STs to work as manual laborers where the jobs mainly rely on physical labor. Meanwhile, only 6% of all members of the Varna caste are recorded working as manual laborers. Based on Bros (2014), having a bachelor's degree or profession with a high income can be a solution so that SCs and STs members can have jobs with higher wages. However, not many SCs and STs members can improve their social status through education as they are faced with poverty. Thus, the majority of SCs and STs work as manual laborers whose masters are from the Varna caste. In the end, people who are SCs and STs have dependence on the Varna caste.

Members of SCs and STs also have difficulty accessing a fair legal process. Complaints of crimes committed by members of SCs & STs when receiving abuse, humiliation or harassment from the Varna caste are often not resolved by the police. Police, who generally come from the Varna caste, often side with criminals who are also from the Varna caste (Gettleman & Raj, 2018). Because the literacy and education levels of SCs and STs members are low, many of them are not aware that their rights are protected by the 1989 SCs and STs policies. This is because many SCs and STs work as manual laborers whose masters are members of the Varna caste. The dependence of SCs and STs members on members of the Varna caste causes crimes committed against SCs and STs members to be constantly justified. The weak access of women SCs and STs to legal protection causes them to often become the main targets of sexual violence.

The discrimination experienced by poor women in the legal aspect causes the number of sexual crimes that occur to poor women is higher than wealthy and Varna women. According to a 2014 survey by India's National Crime Records Bureau, more than four female SCs and STs experience rape every day. More than 50% of the perpetrators of rape against SCs and STs are from the Varna caste (CNN, 2016). Having a social identity as a poor woman causes these women to have a lower status in society compared to wealthy women.

Poor people have a high preference for boys. This is because the discrimination experienced by poor women is greater than that of wealthy women. Poor Indian women in general also carry an identity as members of the lower caste, unskilled workers and uneducated citizens. Thus, the socio-economic status of poor women becomes very low. The

occurrence of greater oppression of poor women causes the perception of women as a burden on the family among the poor.

The widespread practice of SSA among the poor indicates that there has been an intersectionality among these groups. Various social identities that deviate from poor women have caused poor women to be marginalized from the anti-violence against women policy, namely the 1994 PCPNDT policy. The low socio-economic status of women among the poor causes many poor women to practice SSA. Thus, based on the theory of structural intersectionality (Crenshaw, 1993), the 1994 PCPNDT policy will not succeed in eradicating SSA practices as long as there are norms that cause the socio-economic status of poor women to be low.

The 1994 PCPNDT policy failed to increase the number of female births from 1994 to 2014 because this policy only recognized one female identity. Poor women who in general also carry an identity as members of a low caste and have no higher education are marginalized from anti-violence policies against women (PCPNDT policy, 1994). Thus, the practice of SSA is still prevalent among poor women. The 1994 PCPNDT policy only focused on being a detailed legal mechanism in order to close pregnant women's access to antenatal care services.

The 1994 PCPNDT policy-making process does not consider structural intersectionality. In accordance with the thesis of Crenshaw's intersectionality theory (1991), as long as cultural norms in Indian society still poor women's social status low, then the 1994 PCPNDT policy will continue to fail. As long as the dowry system, weak women's property rights, wage gaps, and discrimination against low castes persist, the practice of SSA among poor women will persist for the next few decades. Even for some poor families, the practice of SSA is a solution in order to avoid fulfilling the norms that can trigger the family's economic downturn as a result from having a daughter.

4. Conclusions

In conclusion, this paper argues that the neglect of intersectionality in the PCPNDT 1994 design is a form of structural state violence carried out by the Indian government. The forms of structural violence carried out are segmentation and marginalization. In implementing these two propositions, the actions taken by the Indian government are as follows:

- 1) Unable to recognize the identity of poor Indian women in policy design even though in the last three decades it has been proven that the community who practices SSA is very specific and segmented. Supposedly, India's poor women should be the main target of this policy;
- 2) Giving partial view to poor Indian women as the main perpetrators of SSA where the policy only emphasizes the prohibition of SSA without taking into account other harmful cultures for poor women (e.g., very expensive wedding dowries for the groom, extremely limited property rights for women);
- 3) Limiting access and fulfillment of the rights of poor women in legal, education, and employment.

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Not applicable.

Data Availability Statement

The data is available upon request.

Conflicts of Interest

The authors declare no conflict of interest.

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