

# Mothers That Take Lives: A Comparative Overview of Infanticide in India and the Uk

Jyothi R

LLM, Christ University

## ABSTRACT

'*Maternal infanticide*' - the tragic act of a mother taking her own child's life within its first year is a topic as gripping as it is unsettling. Fortunately, the instances of mother-killing murders are unusual; Still, recent occurrences have raised concerns about the legal structure around this crime and whether infanticide laws are enforced in such a way that protects vulnerable women as well as vulnerable infants. Infanticide, the act of intentionally killing a newborn child by a mother, is deeply intertwined with historical and cultural contexts and remains a distressing and poignant issue in contemporary society. This study explores the issue of infanticide in India and the United Kingdom, focusing on the sociocultural, legal, and psychological factors that influence its occurrence and societal responses. Also, this study presents a comprehensive analysis of infanticide committed by mothers, and its aftereffects by examining the complexities surrounding society. Although women's rights and gender equality have made great strides, the offense of infanticide has been a deeply ingrained problem that reflects enduring gender prejudices and a preference for male children in some parts of India. Maternal infanticide causes have rarely been discussed. There are many reasons to assume that the infanticidal mother is lousy or insane in the absence of a detailed and thorough analysis<sup>1</sup>. Maternal infanticide is an inescapable aspect of human existence. Examining a mother's possible reasons for killing her child from psychiatric, sociological, and other perspectives might lessen suffering and perhaps shed light on why it is an inevitable part of human life.

**Keywords:** Infanticide, vulnerable infants, contemporary society, societal responses, gender equality.

## INTRODUCTION

In pursuit of analysing the concept of Infanticide in India and the UK, this research paper begins with an overview of infanticide. Infanticide has been a prominent issue around the world for many years, characterized as the intentional killing of infants aged 0 to 1 year. Gender-selective killing, generally termed "**gendercide**," is the word used to describe the intentional killing of female foetus or infants. According to the first-ever worldwide survey on female infanticide conducted by the Asian Centre for Human Rights, a Delhi-based non-governmental organization working for the protection of human rights revealed that the preference for sons over daughters is a primary cause of female infanticide in many nations worldwide. In South Asia, the dower system contributes to female infanticide by making daughters

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<sup>1</sup> *Tandfonline*. Available at: <https://www.tandfonline.com/doi/abs/10.1080/13439006.2024.2398375> (Accessed: 31 October 2024).

**an unaffordable economic burden**<sup>2</sup>. What are the consequences of infanticide in Indian society as a whole? What measures are being implemented to confront this issue?

The nation is experiencing a substantial rise in the number of men, to the point that the market for marriages is saturated. The growing incidence of sexual violence and financial exploitation heavily impacts women. Indian Government has been launching various awareness-building programs to address this; however, the scope seems overwhelming to them. Powerful individuals and NGOs are working towards increasing the understanding of issues concerning women within the country. This study reiterates how these societal norms could be made relevant to the prevalence of infanticide, despite existing legal protections for vulnerable populations. Conversely, while the UK has lower rates of infanticide, it deals with mental health concerns among new parents and societal stigma that complicates the understanding and prevention of such cases.

### **Historical Backdrop: Tracing the Threads Between India and the UK**

Understanding the historical backdrop is crucial for interpreting any law and let us delve into the history that begins from the 17<sup>th</sup> century. The study of infanticide in the Early Modern Period for the most part revolves around an interesting legal statute passed in the year 1624<sup>3</sup>. In England, concealment of childbirth by an unwed mother was a capital punishment and it was an offence under the *Infanticide Act of 1624*. The Act predominantly centered on the status of an unwed mother giving birth to a child, influenced by the church's role in the legislative process. Between 1660 and 1800, two versions of the infanticide statute existed in England. Under common law, killing a newborn by a married couple was considered murder unless it could be proven that the child was born healthy and intentionally killed. In this instance, the mother was presumed innocent until proven guilty. Conversely, unless they could produce at least one witness to prove that the child was stillborn, unmarried women found in possession of dead newborns were assumed to be guilty. If proven true, the charge would be reduced to concealment of birth, which is still punishable by death. This suggests that the law aimed to deter immoral behaviour in furtherance to punishing the killing of infants.

During the 1720s, a transformative shift took place in how the justice system viewed unmarried women accused of infanticide. Courts began to adopt a more empathetic stance, leading to a rise in acquittals. As a result, the archaic 1624 Act lost its relevance and was repealed in 1803. This era saw a dramatic reimagining of women's role in society; instead of being branded as moral culprits, they were recognized as victims of their situations. The transition of unmarried mothers as innocent victims reflected a profound change in public consciousness. The infanticide defense is undermined in cases where the evidence relating to psychiatric conditions connected to childbirth is insufficient. This difficulty is reflected in the recommendations made by the Criminal Law Revision Committee in 1980 to change the Infanticide Act to expand the scope of a mother's mental health issues to include the effect of giving birth or other events following that birth reflect this challenge<sup>4</sup>.

<sup>2</sup> D. T. E. Staff, *India Witnesses One of the Highest Female Infanticide Incidents in the World: Study*, Down To Earth (2016), <https://www.downtoearth.org.in/health/india-witnesses-one-of-the-highest-female-infanticide-incidents-in-the-world-54803> (last visited Oct 28, 2024).

<sup>3</sup> New Histories - Infanticide in the Early Modern Period: The 1624 Statute, <https://newhistories.sites.sheffield.ac.uk/volumes/2011-12/volume-3/issue-5-crime-punishment/infanticide-in-the-early-modern-period-the-1624-statute> (last visited Oct 29, 2024).

<sup>4</sup> Karlia Lykourgou, *Mothers Who Kill: A Look at Infanticide (via Passle)*, Passle (2023), <https://insights.doughtystreet.co.uk/post/102ipk5/mothers-who-kill-a-look-at-infanticide> (last visited Oct 29, 2024).

The colonial state's failure to prevent infanticide shows the persistence of institutionalized norms linked to female infanticide norms that remain resilient and about which much is still unknown<sup>5</sup> Provisions relating to infanticide existed in the colonial penal code. However, those provisions relating to Infanticide in the Indian penal code of 1860 remain unchanged even after the enactment of Bharatiya Nyaya Sanhitha. In 1962, the Law Commission of India addressed this issue in its 35th report, but ultimately, despite reviewing reforms in Canada and the UK, it didn't make any recommendations to the statute. Besides, the bill stipulated a penalty of up to six months imprisonment for those who failed to report the birth of a girl child. It also suggests that the investigation of female infanticide cases must be completed within a span of three months of the child's death and categorized the offence as non-bailable<sup>6</sup>. Alongside, the bill asserted that its provisions would take precedence over the Indian Penal Code of 1860 and other existing laws. The Commission concluded it lay in the discretion of the courts, though, to lessen or to mitigate the sentence as required. *The Prevention of Female Infanticide Bill* that appeared in the year 2019 was a proposed Indian legislation that dealt with an imposition of penalty on a person for female infanticide. The draft contains severe punishment which may reach up to imprisonment for ten years with a fine up to one lakh rupees.

### *India's regulatory structure surrounding Infanticide*

Presently, *Section 91 of Bharatiya Nyaya Sanhita*, 2023 pertains to the offense of infanticide which is earlier mentioned under Section 315 of the Indian Penal Code of 1960 as 'Acts done with intent to prevent a child being born alive or otherwise to cause die after birth<sup>7</sup>'. It says that anyone who does such things without acting in good faith to save the mother's life could be imprisoned for up to ten years, fined, or both. *Section 95 of Bharatiya Nyaya Sanhita* deals with the Concealment of birth by secret disposal of the dead body which earlier defined under Section 318 of the Colonial Penal Code of 1860 and it states that a person who wilfully conceals the birth of a child by secretly burying or otherwise disposing of the child's dead body after it has been born faces a maximum sentence of two years imprisonment, fine, or both.

In 1971, India enacted the first abortion-related legislation, known as the *Medical Termination of Pregnancy (MTP Act)*, which legalized abortion in practically every state in the country<sup>8</sup>. However, it was specifically formulated to confront the circumstances where rape poses a medical risk to the mother and unborn child. In the aforementioned scenarios, The law has empowered certain designated doctors to carry out abortions. Yet, it failed to consider the implications of female foeticide due to technological advancements. This law turned out to be incredibly ineffective for this reason.

In India, sex screening technology was widely available to the public in the 1980s. This prompted numerous reports regarding the misuse of sex screening technologies to start coming in. In 1994, the government passed *the Pre-Natal Diagnostics Techniques Act (PNDT)* in response to this issue. For

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<sup>5</sup> L. S. Vishwanath, *Female Infanticide: The Colonial Experience*, 39 *Economic and Political Weekly* 2313 (2004), <https://www.jstor.org/stable/4415098> (last visited Nov 2, 2024).

<sup>7</sup> Bharatiya Nyaya Sanhita, 2023, An Act to consolidate and amend the provisions relating to offences and for matters connected therewith or incidental thereto. (2023), <http://indiacode.nic.in/handle/123456789/20062> (last visited Oct 28, 2024).

<sup>8</sup> Satvik N. Pai & Krithi S. Chandra, *Medical Termination of Pregnancy Act of India: Treading the Path between Practical and Ethical Reproductive Justice*, 48 *Indian Journal of Community Medicine: Official Publication of Indian Association of Preventive & Social Medicine* 510 (2023), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10470576/> (last visited Nov 2, 2024).

multiple reasons, this law was revised once more before becoming an Act in 2004. Its primary objective was to prevent and penalize female foeticide and prenatal sex screening.

### ***Constitutional Provisions***

The Indian Constitution lays a solid foundation for protecting the rights of women and children through indirect confrontation of issues such as female infanticide. **Article 14** ensures the right to equality, and **Article 15** ensures that the state shall not discriminate based on sex. Besides that, **Article 21** of the Constitution guarantees that a person has the right to life and personal liberty, which is interpreted by the judiciary as the right to live with dignity. **Article 39(f)** of the Directive Principles of State Policy further urges the state to make sure children grow up in a sound, healthy, and respectable environment free from exploitation or abuse. **Article 42** calls upon the state to enact measures for the protection of just and humane conditions of work and maternity relief. That would ensure the well-being of both mother and children. Together, the constitutional provisions outlined above establish a framework for attempts at preventing female infanticide. They underscore the imperative of the state to protect vulnerable groups and ensure equal rights for women.

### ***Cultural and Social Aspects that impacts Female Infanticide in India***

The cultural and social implications of female infanticide in India are deeply reflected in the evidenced by the sex ratio, which has constantly been in male domination. Abortion was legalized in the year 1971. Since 1981, India has been recording alarming statistics, with only 927 girls for every 1,000 boys which contributes to India's high rate of female infanticide globally<sup>9</sup>. This issue can be closely linked to poverty; families facing severe financial burdens often resort to infanticide, believing they cannot afford to raise daughters. It would thus perpetuate a cycle of gender-based violence.

The dowry system again complicates this situation. Because, as the financial pressure of providing a dowry drives many low-income families in rural areas toward female infanticide or sex-selective abortions out of the fear of social exclusion if they cannot meet dowry expectations. Other relevant factors include the birth of children from rape, those born with disabilities, and children born to unmarried mothers without access to safe birth control. The combined effects of poverty, inefficient support systems, relationship difficulties, and mental health issues such as postpartum depression create an environment where female infanticide becomes a common response for many families in India.

### ***Legislative structure governing Infanticide in the UK***

In UK, For the sake of putting an end to the "*black-cap farce*," **the Infanticide Act of 1938** was passed, which allowed women who had been sentenced to mandatory execution for infanticide to have their sentences commuted to lesser sentences<sup>10</sup>. Parliament modified a previous piece of 1922 legislation with the phrase "*balance of her mind was disturbed*"<sup>11</sup> to implement the Bill's architects' objective that the legal system should acknowledge the emotional and physical strains of childbirth. This legislation is distinctive because, although some people find the pathologizing of childbirth and motherhood problematic, it also

<sup>9</sup> Yunping Tong, *India's Sex Ratio at Birth Begins To Normalize*, Pew Research Center (Aug. 23, 2022), <https://www.pewresearch.org/religion/2022/08/23/indias-sex-ratio-at-birth-begins-to-normalize/> (last visited Nov 2, 2024).

<sup>10</sup> Expert Participation, *Infanticide Act 1938*, <https://www.legislation.gov.uk/ukpga/Geo6/1-2/36/section/1> (last visited Oct 29, 2024).

<sup>11</sup> Erika Rackley, *Infanticide Act 1938, Women's Legal Landmarks* (2024), <https://womenslegallandmarks.com/2024/08/21/infanticide-act-1938/> (last visited Oct 29, 2024).

provides protection and acknowledges a particular set of circumstances that distress female offenders. Since its implementation, this clause has undergone little to no change. Some aspects of the offense have been controversial, such as the inclusion of nursing as a reason for a woman's mental equilibrium to be upset and the allegedly arbitrary 12-month cut-off for the child's age. The onus or burden of proof is on the prosecution to establish beyond a reasonable doubt that infanticide did not happen if it is considered a defense in law. The difficulty thus lies in presenting enough medical proof to show that the woman's mental equilibrium is disrupted (a non-medical phrase) and that this was brought on by the child's delivery or nursing, not by anything else.

### ***Relevant Indian Verdicts on Infanticide***

In recent years, Indian courts have issued several judgments interpreting the interface between the Medical Termination of Pregnancy (MTP) Act and constitutional rights like privacy, dignity, autonomy, and bodily integrity. Among these, *Suchita Shrivastava Vs Chandigarh Administration*<sup>12</sup> stands out as the most cited case. Here, the Supreme Court acknowledged that the right of a woman to decide on reproductive choice is an essential part of personal liberty under Article 21 of the Constitution. The Court upheld the MTP Act as a reasonable restriction on women's reproductive rights while holding that the state has a compelling interest in the protection of potential life. MTP Act was amended in the year 2021, bringing in some progressive amendments to the law. The MTP amendment has been a welcome change, extending the time limit for legal abortions from 20 weeks to 24 weeks for specific categories of women and lifting the limit altogether in cases of foetal abnormalities. The final decision rests with the medical practitioner and thereby a pregnant woman cannot, as a matter of right, request an abortion. Despite these advancements, abortion in India remains closely regulated by the state.

In the case of *X v. Principal Secretary Health and Family Welfare Department & Another*<sup>13</sup>, a three-judge bench of the Supreme Court decided the case of an anonymous petitioner who, upon discovering her 22-week pregnancy, sought permission from the Delhi High Court to terminate it within the statutory period of 24 weeks. She moved a plea to abort her pregnancy in an appeal to enlarge the ambit of Section 3(2)(b) of the MTP Act to cover unmarried women. However, the High Court dismissed her plea holding that her pregnancy which resulted from a consensual relationship fell outside Rule 3B of the MTP Rules. After hearing the appeal, the Supreme Court delivered a landmark judgment emphasizing the need for legal interpretation that reflects current social realities and gender equality.

Justice D.Y.Chandrachud clearly pointed out that *laws should not remain static and it must evolve with changing social contexts to promote social justice*. This judgment, along with the recent MTP Act amendment broadened abortion rights in India.

### ***Criminalisation of Abortion***

Justice D.Y.Chandrachud recognizes that the criminalization of abortion acts as a barrier to access<sup>14</sup>.

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<sup>12</sup> Suchita Srivastava vs. Chandigarh Administration, <https://privacylibrary.ccgmlud.org/case/suchita-srivastava-vs-chandigarh-administration#:~:text=Case%20Brief&text=The%20Supreme%20Court%20stayed%20the,of%20her%20right%20to%20privacy>. (last visited Nov 28, 2024).

<sup>13</sup> X vs. Principal Secretary, Health and Family Welfare Department, Govt. of NCT of Delhi and Another, <https://privacylibrary.ccgmlud.org/case/x-vs-principal-secretary-health-and-family-welfare-department-govt-of-nct-of-delhi-and-another> (last visited Nov 28, 2024).

<sup>14</sup> Dipika Jain, *Supreme Court of India Judgement on Abortion as a Fundamental Right: Breaking New Ground*, 31 Sexual and Reproductive Health Matters 2225264 (2023), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10321178/> (last visited Oct 29, 2024).



Moving forward, decriminalizing abortion will help eliminate the *chilling effect* on registered medical practitioners (RMPs), making it more likely that they will conduct abortions without the involvement of courts. Most importantly, the choice to terminate an unwanted pregnancy now rests solely with the pregnant women in India, establishing a rights-based legal framework. As a result, the MTP Act ought to be interpreted and enforced in this manner. Alternatively, for the implications of this ruling to be implemented in practice, the legislative framework must be revised to eliminate the ambiguities and other constraints recognised by the Court.

### **Beyond the Headlines; Examining Infanticide Cases in UK**

The offence of infanticide and its defence are still relevant in the UK as per the recently reported cases. In the case of *R V. Tunstill*<sup>15</sup>, Rachel Tunstill was sentenced to life imprisonment for a period of 20 years for murdering her newborn child<sup>16</sup>. Tunstill claimed to have no memory of the killing of her newborn baby, which took place in secret. Medical reports indicated that she was suffering from an acute stress reaction and had a past of mental health conditions, such as Asperger's syndrome and severe depression. Since most mothers who kill their newborns are either found guilty or successfully use infanticide as a defence, which rarely results in imprisonment, this case was unusual.

In July 2018, the Court of Appeal quashed the conviction of Tunstill, citing that the jury was not given a chance to consider infanticide and the Court ordered a retrial due to conflicting medical evidence. This verdict presents a striking comparison to the case of *R V. Balogh*<sup>17</sup>, where *Orsolya Anamaria Balogh*, who, in July 2016, secretly gave birth to her baby by cutting the umbilical cord and leaving her newborn with tissues in his mouth in a bin. Fortunately, the baby survived. In this case, Balogh pleaded guilty to the committed infanticide and was given a 12-month community order. But the order was later lifted in May 2017 to allow her to leave the country and to reconcile with her son. It is challenging to ascertain whether the varying original verdicts in these cases were justified or to predict the possible outcome of Tunstill's retrial in the absence of trial transcripts or information on the jury's deliberations.

At the same time, in light of these decisions, some important questions arise regarding whether the offence or defence of infanticide may result in extremely lenient treatment for vulnerable women who take or attempt to take a life. What's more, it is worth considering whether a woman who has given birth alone and in secret should face a severe charge such as murder for the death of her own child.

It is proposed that women who took the lives of their children while experiencing the '*after-effects*' of childbirth can be viewed in two ways, depending on the severity of their mental disorder: either as fully competent and thus criminally liable (though possibly deserving of a lesser sentence due to a reduction in culpability), or as fully incompetent that would result in no criminal responsibility at all. The Law Commission's proposed substitute for the insanity defence of *being not criminally responsible because of a recognized medical condition or the current defence of lesser responsibility* has the capacity to encompass both a reduced degree of culpability and an entire lack of responsibility.

### ***Merciful treatment to vulnerable women***

The English Act of 1938 particularly excused infanticide on the ground that the women had a *disruption*

<sup>15</sup> R v Tunstill [2018] EWCA Crim 1696, (2018), [https://www.mentalhealthlaw.co.uk/R\\_v\\_Tunstill\\_\(2018\)\\_EWCA\\_Crim\\_1696](https://www.mentalhealthlaw.co.uk/R_v_Tunstill_(2018)_EWCA_Crim_1696) (last visited Oct 29, 2024).

<sup>16</sup> Helen Howard, *The Offence/Defence of Infanticide: A View from Two Perspectives*, 82 *The Journal of Criminal Law* 470 (2018), <https://journals.sagepub.com/doi/10.1177/0022018318801679> (last visited Oct 29, 2024).

<sup>17</sup> *Balogh v St. Albans Crown Court*, vLex, <https://vlex.co.uk/vid/balogh-v-st-albans-793164313> (last visited Oct 29, 2024).

in the balance of mind caused by the effect of childbirth, and lactation<sup>18</sup>. It explains infanticide as a state of mental disturbances caused by biological functions disguising the role of wider social causes. These laws reflect an empathetic approach to the offenders of infanticide and they serve as a protection to unmarried pregnant women from the harshness of social, cultural, and legal norms and to perpetuate as well as to uphold the patriarchal values that led to these norms and this crime.

It was widely believed that women who killed their illegitimate children during or shortly after a concealed birth should receive a humane criminal punishment that included a conviction for a less serious crime and a non-custodial or suspended custodial sentence, which might have also included a period of institutionalization for their religion. The approach of the criminal court system to women accused of killing their infants during the 1920s and 1940s was influenced by this concept of infanticide<sup>19</sup>. So, to achieve the desired merciful outcome, the law was disregarded and it finally led to the passage of a particular infanticide legislation.

A high proportion of cases that involve maternal infanticide occur in the context of postpartum mental disorders. England's law that provides for probation and mandates psychic treatment for mothers who commit infanticide due to mental illness should be considered and followed by other countries too. The notion that a woman with postpartum depression who kills a baby should receive treatment rather than punishment as it will deter her from committing the same offence again is supported by recent neuroscientific research<sup>20</sup>. Psychiatrists have a critical role in early diagnosis and intervention with mothers who are at risk, as well as in identifying the symptoms of peripartum psychiatric illnesses that include postpartum depression.

### ***Punishment Versus Prevention***

The Criminal Justice system is dutybound to determine the responsibility of the mother in the death of her child and to deliver the judgment and impose punishment that is proportional to the offence. The laws concerning maternal infanticide should focus on rehabilitation and prevention. A woman suffering from postpartum depression need not be inflicted with punishment. Treatment is sufficient to prevent her from doing the offence again and today many countries adopt this practice along with parenting education.

Unlike other forms of murder, infanticide has specific and identifiable causes that include primarily pregnancy and childbirth. Research indicates that approximately 10%–13.5% of women experience depression during pregnancy<sup>21</sup>. For nearly half of these women, this depression extends into the postpartum period. These statistics show the critical need for early identification and intervention to focus on maternal mental health. Societal expectations that new mothers should be happy would worsen the stigma surrounding mental illness during this time. It would even lead the women to hide feelings of guilt and distress.

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<sup>18</sup> Emma Milne & Karen Brennan, *The Law of Infanticide Is Supposed to Provide Merciful Treatment for Vulnerable Mothers*, *The Conversation* (2018), <http://theconversation.com/the-law-of-infanticide-is-supposed-to-provide-merciful-treatment-for-vulnerable-mothers-100539> (last visited Nov 2, 2024).

<sup>19</sup> Karen Brennan, *Social Norms and the Law in Responding to Infanticide*, 38 *Legal Studies* 480 (2018), <https://www.cambridge.org/core/journals/legal-studies/article/abs/social-norms-and-the-law-in-responding-to-infanticide/0003E50D338BB18E4937CF393F97259C> (last visited Oct 31, 2024).

<sup>20</sup> Margaret G. Spinelli, *Maternal Infanticide Associated With Mental Illness: Prevention and the Promise of Saved Lives*, 161 *AJP* 1548 (2004), <https://psychiatryonline.org/doi/10.1176/appi.ajp.161.9.1548> (last visited Oct 31, 2024).

<sup>21</sup> Margaret G. Spinelli, *Maternal Infanticide Associated With Mental Illness: Prevention and the Promise of Saved Lives*, 161 *AJP* 1548 (2004), <https://psychiatryonline.org/doi/full/10.1176/appi.ajp.161.9.1548> (last visited Nov 2, 2024).

### *Looking forward*

The future of infanticide laws remains a subject for debate and contemplation as society and the legal system evolve. One of the core issues in contemporary law is whether it is justifiable to extend mercy to the biological mother of a victim while excluding the other parents. There is a prevailing view that the defense of limited responsibility may be a more suitable means of demonstrating leniency in cases involving mothers who kill their infants.

In certain jurisdictions, legislatures have revised their infanticide laws to align with modern medical understandings of postpartum mental illness, as seen in Victoria, Australia, and the Republic of Ireland. Recently, Western Australia has repealed its legislation on infanticide as per the recommendations of the Law Commission Report of 2007. In the United States, there is no specific infanticide legislation. Many scholars have examined the challenges arising from this absence of specialized infanticide laws. They deal with these unique cases and the complexities involved in justifying differentiated treatment for such offenders.

### **CONCLUSION AND SUGGESTIONS**

It is indispensable to shift the narrow mindsets of people within society. Increasing awareness and education can empower women and lead to a noticeable change in society. The Indian Government is implementing different initiatives to reduce discrimination against females and challenge the preconceived notions people have about them. One such initiative was, "Beti Bachao, Beti Padhao," which means Save the Girl Child, Educate the Girl Child. This initiative aims to ensure the survival, safety, and education of girl children. The scheme seeks to increase the effectiveness of welfare services for girls and educate the public against gender bias<sup>22</sup>.

However, the initiatives which are undertaken by the Government will only have a limited impact without accompanying social change. Social transformation can be achieved through education, open discussions, and other means along with the same. This change is inevitable not only for empowering women and eliminating discrimination but also for the overall development of the nation. By analysing both nations root causes, societal perceptions, and legal frameworks, it is important to improve protection for infants and offer support to families at risk. The mental health concerns and the social stigma of an unwed mother raising a child also must be considered and these issues must be addressed by both the lawmakers and the society at large. In every case of homicide that's happening in our society, the social mechanism of death must be considered by the courts as well as the public at large. Many common law nations view infanticide as a separate crime that is often regarded as a lesser sentence than murder. So it is better to follow those practices and update our present laws to bring to a close the issue of infanticide in India.

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<sup>22</sup> Beti Bachao Beti Padhao, myScheme - One-stop search and discovery platform of the Government schemes, <https://myscheme.gov.in> (last visited Nov 2, 2024).