

Mitu Khurana: A Mother's Decade-Long Battle to Protect and Seek Justice for Her Daughters Against Female Foeticide

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ABSTRACT

In 2008, Dr. Mitu Khurana filed a case against her husband, Dr. Kamal Khurana and her in-laws alleging that they, in collusion with Jaipur Golden Hospital, conducted a sex-determination test on her twin foetuses without her consent, following which she was coerced to undergo abortions when it was discovered that she was carrying twin girls. After refusing to get the abortion, she was subjected to intense physical, emotional, and verbal abuse by her husband and in-laws, as well as societal backlash for not protecting her family honor. The sex-determination test was a direct violation of the 1994 Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, which makes it illegal to conduct any sex-determination tests in efforts to prevent sex-selective abortions in India. After an eight-year long battle in court, both the Delhi High Court and the Supreme Court ruled that the case was time-barred, having exceeded the three-year limitation period under criminal law. The verdict received significant backlash from activists and lawyers who called it a huge setback for women's rights and a failure of judicial sensitivity. Though she didn't receive justice in her lifetime, as the first woman to take legal action under the PCPNDT Act, her case remains a landmark in the struggle for reproductive rights and rightful enforcement of the PCPNDT Act, inspiring future legal actions to empower women against gender-based discrimination in India.

Keywords: gender-based violence; India; judicial insensitivity; PCPNDT Act; reproductive coercion; reproductive justice; sex-determination test